

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1306

BY: JOHNSON (Rob)

AS INTRODUCED

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING  
21 O.S. 1981, SECTIONS 1767.1 AND 1767.3, WHICH  
RELATE TO BOMBS AND EXPLOSIVES; PROVIDING FOR  
CRIMINAL PROSECUTIONS FOR HOAX BOMBS; PROVIDING  
DEFINITION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1981, Section 1767.1, is  
amended to read as follows:

Section 1767.1 A. Any person who shall willfully and  
maliciously commit any of the following acts shall be deemed guilty  
of a felony:

1. Any person who places in, upon, under, against or near to  
any building, car, aircraft, motor or other vehicle, vessel or  
structure, any gunpowder, dynamite, bomb, any explosive substance,  
or incendiary device, with unlawful intent to destroy, throw down,  
or injure, in whole or in part, such property of another, or  
conspires, aids, counsels or procures the destruction of any  
building or structure, public or private, or any car, aircraft,  
motor or other vehicle, vessel or structure, shall be guilty of a  
felony; or

2. Any person who places in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure, any gunpowder, dynamite, bomb, or any explosive substance, with intent to destroy, throw down or injure the whole or any part thereof, under circumstances that, if such intent were accomplished, human life or safety would be endangered thereby, shall be guilty of a felony; or

3. Every person who maliciously, by the explosion of gunpowder, dynamite or any explosive substance, destroys, throws down, or injures any property of another, or by which explosion an injury is caused to the person of another, shall be guilty of a felony; or

4. Any person or group of persons who shall willfully manufacture, sell, transport, or possess a bomb or any explosive including an incendiary device or the component parts of an explosive or incendiary device with knowledge or intent that it will be used to unlawfully kill, injure or intimidate any person, or unlawfully damage any real or personal property, is guilty of a felony; or

5. Any person who shall place in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure, any foul, poisonous, offensive or injurious substance or compound, with intent to wrongfully injure, molest or coerce another or to injure or damage the property of another, shall be guilty of a felony; or

6. Any person or group of persons who maliciously injures, damages or attempts to damage by an explosive, including an incendiary device, any person, persons, or property, whether real or personal, is guilty of a felony; or

7. Any person who uses the telephone or other instrument to willfully make any threat or maliciously convey information known to be false, concerning an attempt or alleged attempt to kill, injure or intimidate any person or unlawfully damage any real or personal

property by means of an explosive, including an incendiary device, shall be guilty of a felony; or

8. Any person who manufactures, possesses, sells or delivers a hoax bomb or mails or sends a hoax bomb to another person shall be guilty of a felony; or

9. Any person who, while committing or attempting to commit any felony, possesses, displays or threatens to use any hoax bomb shall be guilty of a felony.

B. Nothing contained herein shall be construed to apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving noninjurious firecrackers or devices commonly called "stink bombs."

SECTION 2. AMENDATORY 21 O.S. 1981, Section 1767.3, is amended to read as follows:

Section 1767.3 As used in Section 1767.1 of Title 21 of the Oklahoma Statutes:

1. "Explosive" or "explosives" mean any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion; i.e., with substantial instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the United States Department of Transportation. The term "explosives" shall include all material which is classified as explosives by the United States Department of Transportation.

2. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee or personal representative thereof.

3. "Incendiary device" means any chemical compound, mixture or device, the primary purpose of which is to ignite on impact or as a result of chemical reaction such as a "molotov cocktail" or "firebomb" which is ignited on impact, causing a mechanical reaction

of the container's breaking and permitting the inflammable matter to spread or splatter and is ignited from the burning wick or hypergolic reaction of chemicals.

4. "Component parts" means separate parts which if assembled would form an explosive device. Component parts of an "incendiary device" shall consist of an inflammable material, a breakable container and a source of ignition.

5. "Hoax bomb" means any device or object that by its design, construction, content, or characteristics appears to be, or to contain, a destructive device or explosive as defined in this section, but is, in fact, an inoperative facsimile or imitation of such a destructive device or explosive.

SECTION 3. This act shall become effective September 1, 1991.

43-1-5315

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