

1 ENGROSSED HOUSE  
2 BILL NO. 2955

By: Cockroft of the House

3 and

4 Holt of the Senate

5  
6  
7 An Act relating to explosives; amending 21 O.S. 2011,  
8 Section 849, which relates to wiring vehicles or  
9 structures with explosives; modifying scope of  
10 certain prohibited act; updating language; amending  
11 21 O.S. 2011, Section 1320.10, which relates to  
12 training persons to use explosives or incendiary  
13 devices; modifying scope of certain prohibited acts;  
14 amending 21 O.S. 2011, Section 1368, which relates to  
15 possession of explosives by felons; deleting intent  
16 provision; expanding scope of certain prohibited act;  
17 updating language; amending 21 O.S. 2011, Section  
18 1441, which relates to burglary with explosives;  
19 modifying scope of certain prohibited act; amending  
20 21 O.S. 2011, Sections 1767.1, 1767.2 and 1767.3,  
21 which relate to the use of explosives and bombs;  
22 modifying scope of certain prohibited acts; deleting  
23 intent provisions; increasing certain penalty;  
24 modifying definition; amending 63 O.S. 2011, Section  
121.1, which relates to explosives; clarifying  
definition; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 849, is  
amended to read as follows:

Section 849. Every person who shall attach to, or place in or  
upon any motor vehicle or any vehicle designed or customarily used  
to transport a person or persons or any structure designed or

1 customarily used for the occupancy of a person or persons, any  
2 explosive, explosive device or incendiary material, thing or device  
3 with the intent of causing bodily injury or death to any person  
4 shall, upon conviction, be guilty of a felony, ~~and, upon conviction~~  
5 ~~therefor, shall suffer punishment~~ punishable by imprisonment in the  
6 custody of the Department of Corrections for ~~a period of time of not~~  
7 less than five (5) years, or ~~imprisonment in the State Penitentiary~~  
8 for life, at the discretion of the court or the jury trying the  
9 same.

10 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1320.10, is  
11 amended to read as follows:

12 Section 1320.10 No person, except those specifically authorized  
13 by the state or federal government, shall:

14 1. Teach or demonstrate to any group of persons the use,  
15 application or making of any firearm, explosive, explosive device,  
16 incendiary or incendiary device or application of physical force  
17 capable of causing injury or death to a person knowing or intending  
18 that such firearm, explosive, explosive device, incendiary or  
19 incendiary device or application of physical force will be employed  
20 for use in, or in furtherance of, a riot or civil disorder; or

21 2. Assemble with one or more persons for the purpose of  
22 training with, practicing with or being instructed in the use of any  
23 firearm, explosive, explosive device, incendiary or incendiary  
24 device or application of physical force capable of causing injury or

1 death to a person, intending to employ such firearm, explosive,  
2 explosive device, incendiary or incendiary device or application of  
3 physical force for use in, or in furtherance of, a riot or civil  
4 disorder. Any violation of this section shall be a felony.

5 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1368, is  
6 amended to read as follows:

7 Section 1368. A. Any person who has been convicted of a felony  
8 under the laws of this or any other state or the laws of the United  
9 States who, ~~with an unlawful intent,~~ is in possession of any  
10 explosives, explosive devices, incendiaries or incendiary devices or  
11 the components thereof in various stages of construction or  
12 manufacture, upon conviction, shall be guilty of a felony and shall  
13 be punished by a fine of not to exceed Five Thousand Dollars  
14 (\$5,000.00), or by imprisonment in the ~~State Penitentiary~~ custody of  
15 the Department of Corrections for a term not to exceed ten (10)  
16 years, or by both such fine and imprisonment.

17 B. For purposes of this section, the term "explosive" shall  
18 have the same definition as the term "explosive" as defined by  
19 Chapter 8 of Title 63 of the Oklahoma Statutes.

20 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1441, is  
21 amended to read as follows:

22 Section 1441. Any person who enters any building, railway car,  
23 vehicle, or structure and there opens or attempts to open any vault,  
24 safe, or receptacle used or kept for the secure keeping of money,

1 securities, books of accounts, or other valuable property, papers or  
2 documents, without the consent of the owner, by the use of or aid of  
3 dynamite, nitroglycerine, gunpowder, or other ~~explosives~~ explosive,  
4 explosive device or incendiary, or who enters any such building,  
5 railway car, vehicle, or structure in which is kept any vault, safe  
6 or other receptacle for the safe keeping of money or other valuable  
7 property, papers, books or documents, with intent and without the  
8 consent of the owner, to open or crack such vault, safe or  
9 receptacle by the aid or use of any explosive, upon conviction,  
10 shall be deemed guilty of a felony, ~~and upon conviction shall be~~  
11 ~~punished~~ punishable by imprisonment in the ~~State Penitentiary~~  
12 custody of the Department of Corrections for a term of not less than  
13 twenty (20) years nor more than fifty (50) years.

14 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1767.1, is  
15 amended to read as follows:

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

19 1. Place or conspire to place in, upon, under, against or near  
20 to any building, car, truck, aircraft, motor or other vehicle,  
21 vessel, railroad, railway car, or locomotive or structure, any  
22 explosive, explosive device, incendiary or incendiary device ~~with~~  
23 ~~unlawful intent to destroy, throw down, or injure, in whole or in~~  
24 ~~part, such property, or conspire, aid, counsel or procure the~~

1 ~~capable of causing destruction of any building, public or private,~~  
2 ~~or any car, truck, aircraft, motor or other vehicle, vessel,~~  
3 ~~railroad, railway car, or locomotive or structure~~ said property; or

4 2. Place or conspire to place in, upon, under, against or near  
5 to any building, car, truck, aircraft, motor or other vehicle,  
6 vessel, railroad, railway car, or locomotive or structure, any  
7 explosive, explosive device, incendiary or incendiary device ~~with~~  
8 ~~intent to destroy, throw down, or injure in whole or in part,~~  
9 capable of causing destruction or injury under circumstances that,  
10 if ~~such intent were accomplished~~ functioned, human life or safety  
11 would be endangered thereby; or

12 3. By the ~~explosion~~ functioning of any explosive ~~or the~~  
13 ~~igniting of any,~~ explosive device, incendiary or incendiary device  
14 ~~destroy, throw down, or injure any property of another person, or~~  
15 ~~cause injury to another person; or~~

16 4. Manufacture, sell, transport, or possess any explosive or  
17 explosive device, the component parts or ingredients of ~~an~~ any  
18 homemade explosive material or explosive device, an incendiary or  
19 incendiary device, or simulated bomb ~~with knowledge or intent~~ that  
20 ~~it or they will be~~ could be used to unlawfully kill, injure or  
21 intimidate any person, or unlawfully damage any real or personal  
22 property; or

23 5. Place or conspire to place in, upon, under, against or near  
24 to any building, car, truck, aircraft, motor or other vehicle,

1 vessel, railroad, railway car, or locomotive or structure, any foul,  
2 poisonous, offensive or injurious substance or compound, explosive,  
3 explosive device, incendiary, incendiary device, or simulated bomb  
4 with intent to wrongfully injure, molest or coerce another person or  
5 to injure or damage the property of another person; or

6 6. Injure, damage or attempt to damage by an explosive,  
7 explosive device, incendiary or incendiary device any person,  
8 persons, or property, whether real or personal; or

9 7. Make any threat or convey information known to be false,  
10 concerning an attempt or alleged attempt to kill, injure or  
11 intimidate any person or unlawfully damage any real or personal  
12 property by means of an explosive, explosive device, incendiary,  
13 incendiary device, or simulated bomb; or

14 8. Manufacture, sell, deliver, mail or send an explosive,  
15 explosive device, incendiary, incendiary device, or simulated bomb  
16 to another person; or

17 9. While committing or attempting to commit any felony,  
18 possess, display, or threaten to use any explosive, explosive  
19 device, incendiary, incendiary device, or simulated bomb.

20 B. Nothing contained herein shall be construed to apply to, or  
21 repeal any laws pertaining to, the acts of mischief of juveniles  
22 involving no injurious commercial firecrackers or devices commonly  
23 called "stink bombs".

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1 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1767.2, is  
2 amended to read as follows:

3 Section 1767.2 Any person violating any of the provisions of  
4 Section 1767.1 of this title shall be deemed guilty of a felony, and  
5 upon conviction shall be punished by imprisonment in the ~~State~~  
6 Penitentiary custody of the Department of Corrections for not less  
7 than three (3) years nor more than ~~ten (10)~~ twenty (20) years, or by  
8 a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both  
9 such fine and imprisonment. If personal injury results, such person  
10 shall be punished by imprisonment in the State Penitentiary for not  
11 less than seven (7) years or life imprisonment.

12 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1767.3, is  
13 amended to read as follows:

14 Section 1767.3 As used in Section 1767.1 of this title:

15 1. "Explosive" or "explosives" means any chemical compound,  
16 mixture, incendiary or other device, the primary or common purpose  
17 of which is to function by explosion or which, although not its  
18 primary or common purpose, has been modified, manipulated, altered,  
19 enhanced, or otherwise caused to function by explosion (that is,  
20 with substantial instantaneous release of gas, heat, debris, or  
21 concussive pressure or force, or any combination of such actions),  
22 unless such compound, mixture, incendiary or other device is  
23 otherwise specifically classified by the United States Department of  
24 Transportation. The term "explosive" or "explosives" shall include

1 but not be limited to gunpowder, dynamite, any bomb, all materials  
2 as defined in paragraphs 1 and 2 of Section 121.1 of Title 63 of the  
3 Oklahoma Statutes, and all material which is classified as  
4 explosives by the United States Department of Transportation;

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

9 3. "Incendiary device" means any chemical compound, mixture or  
10 device, the primary purpose of which is to ignite on impact or as a  
11 result of chemical reaction such as a "Molotov cocktail" or  
12 "firebomb" which is ignited on impact, causing a mechanical reaction  
13 of the container's breaking and permitting the inflammable matter to  
14 spread or splatter and is ignited from the burning wick or  
15 hypergolic reaction of chemicals;

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

20 5. "Simulated bomb" means any device or object that by its  
21 design, construction, content, or characteristics appears to be, or  
22 to contain, an incendiary device, explosive, or explosives, as  
23 defined in this section, but is, in fact, an inoperative facsimile  
24 or imitation of such a device or explosive.

1 SECTION 8. AMENDATORY 63 O.S. 2011, Section 121.1, is  
2 amended to read as follows:

3 Section 121.1 A. For purposes of this chapter:

4 1. "Explosive" or "explosive device" means any chemical  
5 compound or mechanical mixture that is commonly used or which is  
6 intended for the purpose of producing an explosion and which  
7 contains any oxidizing and combustive units or other ingredients in  
8 such proportions, quantities, or packing that an ignition by fire,  
9 by friction, by concussion, by percussion, by chemical reaction, or  
10 by detonation of any part of the compound or mixture may cause  
11 gaseous pressures capable of producing destructive effects on  
12 contiguous objects or of destroying life or limb. Provided, that  
13 dynamite, nitroglycerin, gunpowder, blasting powder and  
14 trinitrotoluene shall be deemed explosives without further proof of  
15 their explosive nature. The term "explosive" shall also include all  
16 material which is classified as explosive by the United States  
17 Department of Transportation. The term "explosive" shall not  
18 include explosives in the forms prescribed in the official UNITED  
19 STATES PHARMACOPOEIA; fireworks as defined by Section 1622 of Title  
20 68 of the Oklahoma Statutes; or small arms ammunition and components  
21 therefor, which are subject to the Gun Control Act of 1968 (Title  
22 18, Chapter 44, U.S. Code) and regulations promulgated thereunder;

23 2. "Blasting agent" means any material or mixture consisting of  
24 a fuel and oxidizer, intended for blasting, not otherwise classified

1 as an explosive, provided that the finished product, as mixed and  
2 packaged for use or shipment, cannot be detonated when unconfined by  
3 means of a test blasting cap containing two (2) grams of a mixture  
4 eighty percent (80%) mercury fulminate and twenty percent (20%)  
5 potassium chlorate, or a cap of equivalent strength. The term  
6 "blasting agent" shall not include explosives in the forms  
7 prescribed in the official UNITED STATES PHARMACOPOEIA; fireworks as  
8 defined by Section 1622 of Title 68 of the Oklahoma Statutes; or  
9 small arms ammunition and components therefor, which are subject to  
10 the Gun Control Act of 1968 (Title 18, Chapter 44, U.S. Code) and  
11 regulations promulgated thereunder; and

12 3. "Person" means any individual, firm, copartnership,  
13 corporation, company, association, joint stock association, and  
14 includes any trustee, receiver, assignee or personal representative  
15 thereof.

16 SECTION 9. This act shall become effective November 1, 2014.  
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1 Passed the House of Representatives the 4th day of March, 2014.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2014.

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9 Presiding Officer of the Senate