



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3647

by Rep. Adam Brown

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2.3 new

Amends the Criminal Code of 2012. Creates the criminal offense of the manufacture, possession, use of fire bombs, explosive materials, devices, or hoax explosive devices. Makes it a Class 3 felony to knowingly possess materials with which a fire bomb, explosive material, or device can be made with the intent to manufacture a fire bomb, explosive material, or device, and to manufacture, transport, distribute, possess, or use a fire bomb, explosive material, or device. Makes it a Class 4 felony to construct, use, place, send, or cause to be sent any hoax explosive device so as to intentionally cause another person to believe that the device is a bomb or explosive. Provides exemptions. Effective immediately.

LRB098 12674 MRW 47112 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by adding  
5 Section 24-2.3 as follows:

6 (720 ILCS 5/24-2.3 new)

7 Sec. 24-2.3. Manufacture, possession, use of fire bombs,  
8 explosive materials, devices, or hoax explosive devices.

9 (a) For the purpose of this Section:

10 "Device" means any instrument, apparatus or contrivance,  
11 including its component parts, that is capable of producing or  
12 intended to produce an explosion but does not include fireworks  
13 as defined in Section 2 of the Fireworks Regulation Act of  
14 Illinois.

15 "Explosive material" means any chemical compound,  
16 mechanical mixture or device that is commonly used or can be  
17 used for the purpose of producing an explosion and which  
18 contains any oxidizing and combustive agents or other  
19 ingredients in the proportions, quantities or packaging that an  
20 ignition by fire, friction, concussion, percussion, detonation  
21 or by any part of the compound or mixture may cause a sudden  
22 generation of highly heated gases. These materials include, but  
23 are not limited to, gunpowder, powders for blasting, high

1 explosives, blasting materials, fuses (other than electric  
2 circuit breakers), detonators, and other detonating agents and  
3 smokeless powder.

4 "Fire bomb" means any container of a flammable material  
5 such as gasoline, kerosene, fuel oil, or other chemical  
6 compound, having a wick composed of any material or a device or  
7 other substance which, if set or ignited, is capable of  
8 igniting the flammable material or chemical compound but does  
9 not include a similar device commercially manufactured and used  
10 solely for the purpose of illumination or cooking.

11 "Hoax explosive device" means any device which by its  
12 design, construction, content, or characteristics appears to  
13 be or to contain a bomb or other destructive device or  
14 explosive but which is an imitation of any device or explosive.

15 (b) A person commits manufacture, possession, use of fire  
16 bombs, explosive materials, devices, or hoax explosive devices  
17 when he or she knowingly:

18 (1) possesses materials with which a fire bomb,  
19 explosive material, or device can be made with the intent  
20 to manufacture a fire bomb, explosive material, or device;

21 (2) manufactures, transports, distributes, possesses,  
22 or uses a fire bomb, explosive material, or device; or

23 (3) constructs, uses, places, sends, or causes to be  
24 sent any hoax explosive device so as to intentionally cause  
25 another person to believe that the device is a bomb or  
26 explosive.

1 (c) Nothing in this Section shall prohibit:

2 (1) the authorized manufacture, transportation,  
3 distribution, use or possession of any material,  
4 substance, or device by a member of the armed forces of the  
5 United States, fire fighters, or law-enforcement officers;

6 (2) the manufacture, transportation, distribution, use  
7 or possession of any material, substance, or device to be  
8 used solely for scientific research, educational purposes,  
9 or for any lawful purpose, subject to the provisions of  
10 Chapter 425 of the Illinois Compiled Statutes; or

11 (3) the lawful manufacture of ammunition by a person  
12 for his or her own lawful use.

13 (d) Sentence. A violation of paragraph (1) or (2) of  
14 subsection (b) is a Class 3 felony which, if imprisonment is  
15 imposed, shall not exceed 10 years. A violation of paragraph  
16 (3) of subsection (b) is a Class 4 felony which, if  
17 imprisonment is imposed, shall not exceed 5 years.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.