



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5406

by Rep. Adam Brown

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2.3 new

Amends the Criminal Code of 2012. Creates the 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 19117 MRW 54268 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
20 an ignition by fire, friction, concussion, percussion,
21 detonation, or by any part of the compound or mixture may cause
22 a sudden generation of highly heated gases. These materials
23 include, but are not limited to, gunpowder, powders for

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