

## SENATE BILL No. 110

By Senators Schodorf and Petersen

1-17

9 AN ACT concerning crimes and punishment; relating to criminal use of  
10 explosives; amending K.S.A. 2006 Supp. 21-3731 and repealing the  
11 existing section.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 21-3731 is hereby amended to read as  
15 follows: 21-3731. (a) Criminal use of explosives is the:

16 (1) Possession, manufacture or transportation of commercial explo-  
17 sives; chemical compounds that form explosives; *a combination of chem-*  
18 *icals, compounds or materials, including, but not limited to, the presence*  
19 *of an acid, a base, dry ice or aluminum foil, that are placed in a container*  
20 *for the purpose of generating a gas or gases to cause a mechanical failure,*  
21 *rupture or bursting of the container; incendiary or explosive material,*  
22 *liquid or solid; detonators; blasting caps; military explosive fuse assem-*  
23 *blies; squibs; electric match or functional improvised fuse assemblies; or*  
24 *any completed explosive devices commonly known as pipe bombs or mol-*  
25 *otov cocktails. For purposes of this section, explosives shall not include*  
26 ~~class "c" fireworks~~, *legally obtained and transferred commercial explo-*  
27 *sives by licensed individuals and ammunition and commercially available*  
28 *loading powders and products used as ammunition; and consumer*  
29 *fireworks, unless such consumer fireworks are modified or assembled as*  
30 *a device that deflagrates or explodes when used for a purpose not intended*  
31 *by the manufacturer; or*

32 (2) *possession, creation or construction of a simulated explosive, de-*  
33 *structive device, incendiary, radiological, biological or poison gas, bomb,*  
34 *rocket, missile, mine, grenade, dispersal device or similar simulated de-*  
35 *vice, with intent to intimidate or cause alarm to another person.*

36 (b) (1) Criminal use of explosives as defined in subsection (a)(1) is a  
37 severity level § 6, person felony.

38 (2) Criminal use of explosives as defined in subsection (a)(1) if: (A)  
39 The possession, manufacture or transportation is intended to be used to  
40 commit a crime or is delivered to another with knowledge that such other  
41 intends to use such substance to commit a crime; (B) a public safety  
42 officer is placed at risk to defuse such explosive; or (C) the explosive is  
43 introduced into a building in which there is another human being, is a

1 severity level ~~6~~ 5, person felony.

2 (3) *Criminal use of explosives as defined in subsection (a)(2) is a se-*  
3 *verity level 8, person felony.*

4 (c) *The provisions of subsection (a)(1) shall not prohibit law enforce-*  
5 *ment officials, the United States military, public safety officials, accredited*  
6 *educational institutions or licensed or registered businesses, and associ-*  
7 *ated personnel, engaging in legitimate public safety training, demonstra-*  
8 *tions or exhibitions requiring the authorized construction or use of such*  
9 *simulated devices or materials.*

10 Sec. 2. K.S.A. 2006 Supp. 21-3731 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its  
12 publication in the statute book.