



Reprinted
February 2, 2000

HOUSE BILL No. 1239

DIGEST OF HB 1239 (Updated February 1, 2000 10:00 PM - DI 75)

Citations Affected: IC 35-41; IC 35-47.

Synopsis: Definition of bomb. Defines "bomb" for purposes of criminal law and procedure statutes. Provides that certain criminal statutes relating to machine guns and bombs do not apply to lawful manufacture, transportation, distribution, use, or possession of a material, substance, or device, for the sole purpose of industrial, agricultural, mining, construction, educational, or any other lawful use.

Effective: July 1, 2000.

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January 10, 2000, read first time and referred to Committee on Courts and Criminal Code.
January 27, 2000, reported — Do Pass.
February 1, 2000, read second time, amended, ordered engrossed.

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HB 1239—LS 7260/DI 69+



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Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE BILL No. 1239

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-41-1-4.3 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2000]: **Sec. 4.3. (a) "Bomb" means an explosive or incendiary
4 weapon designed to release:**
5 (1) destructive materials or force; or
6 (2) dangerous gases;
7 **that is detonated by impact, proximity to an object, a timing
8 mechanism, a chemical reaction, ignition, or other predetermined
9 means.**
10 (b) **The term does not include the following:**
11 (1) A firearm (as defined in IC 35-47-1-5) or the ammunition
12 or components for handloading ammunition for a firearm.
13 (2) Fireworks regulated under IC 22-11-14.
14 (3) Boating, railroad, and other safety flares.
15 (4) Propellants used in model rockets or similar hobby
16 activities.
17 (5) Commercially manufactured black powder in quantities

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1 **not to exceed fifty (50) pounds, percussion caps, safety and**
 2 **pyrotechnic fuses, quills, quick and slow matches, and friction**
 3 **primers intended to be used solely for sporting, recreational,**
 4 **or cultural purposes in antique firearms or antique devices.**

5 SECTION 2. IC 35-41-1-6.6 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2000]: **Sec. 6.6. "Dangerous gas", for purposes of IC 35-41-1-4.3,**
 8 **means a toxic chemical or its precursors that through chemical**
 9 **action or properties on life processes cause death or permanent**
 10 **injury to human beings. The term does not include the following:**

11 **(1) Riot control agents, smoke, and obscuration materials or**
 12 **medical products that are manufactured, possessed,**
 13 **transported, or used in accordance with the laws of the United**
 14 **States and of this state.**

15 **(2) Tear gas devices designed to be carried on or about the**
 16 **person that contain not more than one-half (1/2) ounce of the**
 17 **chemical.**

18 SECTION 3. IC 35-47-5-8 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. A person who owns
 20 or possesses:

21 (1) a machine gun; or

22 (2) a bomb; ~~loaded with either explosives or dangerous gases;~~
 23 commits a Class C felony.

24 SECTION 4. IC 35-47-5-9 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. A person who:

26 (1) operates a loaded machine gun; or

27 (2) hurls, ~~or drops, or detonates~~ a bomb; ~~loaded with either~~
 28 ~~explosives or dangerous gases;~~

29 commits a Class B felony.

30 SECTION 5. IC 35-47-5-10 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. The provisions of
 32 sections 8 or 9 of this chapter shall not be construed to apply to any of
 33 the following:

34 (1) Members of the military or naval forces of the United States,
 35 National Guard of Indiana, or Indiana State Guard, when on duty
 36 or practicing.

37 (2) Machine guns or bombs kept for display as relics and which
 38 are rendered harmless and not usable.

39 (3) Any of the law enforcement officers of this state or the United
 40 States while acting in the furtherance of their duties.

41 (4) Persons lawfully engaged in the display, testing, or use of
 42 fireworks.



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- 1 (5) Agencies of state government.
- 2 (6) Persons permitted by law to engage in the business of
- 3 manufacturing, assembling, conducting research on, or testing
- 4 machine guns, bombs, airplanes, tanks, armored vehicles, or
- 5 ordnance equipment or supplies while acting within the scope of
- 6 such business.
- 7 (7) Persons possessing, or having applied to possess, machine
- 8 guns under applicable United States statutes. Such machine guns
- 9 must be transferred as provided in this article.
- 10 **(8) Persons lawfully engaged in the manufacture,**
- 11 **transportation, distribution, use, or possession of any**
- 12 **material, substance, or device for the sole purpose of**
- 13 **industrial, agricultural, mining, construction, educational, or**
- 14 **any other lawful use.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1239, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MELLINGER, Chair

Committee Vote: yeas 13, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1239 be amended to read as follows:

Page 1, line 8, after "reaction," insert "**ignition**,".

Page 1, line 10, after "ammunition" insert "**or components for handloading ammunition**".

Page 2, line 21, after "hurls" insert ",".

Page 2, line 21, strike "or".

Page 2, line 21, after "drops" insert ", **or detonates**".

Page 2, after line 23, begin a new paragraph and insert:

"SECTION 5. IC 35-47-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. The provisions of sections 8 or 9 of this chapter shall not be construed to apply to any of the following:

- (1) Members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing.
- (2) Machine guns or bombs kept for display as relics and which are rendered harmless and not usable.
- (3) Any of the law enforcement officers of this state or the United States while acting in the furtherance of their duties.
- (4) Persons lawfully engaged in the display, testing, or use of fireworks.
- (5) Agencies of state government.
- (6) Persons permitted by law to engage in the business of manufacturing, assembling, conducting research on, or testing machine guns, bombs, airplanes, tanks, armored vehicles, or ordnance equipment or supplies while acting within the scope of such business.
- (7) Persons possessing, or having applied to possess, machine guns under applicable United States statutes. Such machine guns must be transferred as provided in this article.
- (8) **Persons lawfully engaged in the manufacture, transportation, distribution, use, or possession of any material, substance, or device for the sole purpose of industrial, agricultural, mining, construction, educational, or any other lawful use.**"

(Reference is to HB 1239 as printed January 28, 2000.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1239 be amended to read as follows:

Page 1, between lines 15 and 16, begin a new line block indented and insert:

"(5) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices."

(Reference is to HB 1239 as printed January 28, 2000.)

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