

# HOUSE BILL No. 1239

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-41-1; IC 35-47-5.

**Synopsis:** Definition of bomb. Defines "bomb" for purposes of criminal law and procedure statutes.

**Effective:** July 1, 2000.

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January 10, 2000, read first time and referred to Committee on Courts and Criminal Code.

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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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

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# 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, or other predetermined means.**  
9 **(b) The term does not include the following:**  
10 **(1) A firearm (as defined in IC 35-47-1-5) or the ammunition**  
11 **for a firearm.**  
12 **(2) Fireworks regulated under IC 22-11-14.**  
13 **(3) Boating, railroad, and other safety flares.**  
14 **(4) Propellants used in model rockets or similar hobby**  
15 **activities.**  
16 SECTION 2. IC 35-41-1-6.6 IS ADDED TO THE INDIANA CODE  
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 2000]: **Sec. 6.6. "Dangerous gas", for purposes of IC 35-41-1-4.3,**  
2 **means a toxic chemical or its precursors that through chemical**  
3 **action or properties on life processes cause death or permanent**  
4 **injury to human beings. The term does not include the following:**

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

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

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

15 (1) a machine gun; or

16 (2) a bomb; ~~loaded with either explosives or dangerous gases;~~

17 commits a Class C felony.

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

20 (1) operates a loaded machine gun; or

21 (2) hurls or drops a bomb; ~~loaded with either explosives or~~  
22 ~~dangerous gases;~~

23 commits a Class B felony.

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