

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 770

Introduced by Wallman, 30.

Read first time January 09, 2014

Committee:

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-1213,
2 Revised Statutes Cumulative Supplement, 2012; to change
3 provisions relating to explosives and destructive
4 devices; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1213, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 28-1213 For purposes of sections 28-1213 to 28-1239,
4 unless the context otherwise requires:

5 (1) Person means any individual, corporation, company,
6 association, firm, partnership, limited liability company, society,
7 or joint-stock company;

8 (2) Business enterprise means any corporation,
9 partnership, limited liability company, company, or joint-stock
10 company;

11 (3) Explosive materials means explosives, blasting
12 agents, and detonators;

13 (4) Explosives means any chemical compound, mixture, or
14 device, the primary or common purpose of which is to function by
15 explosion, including, but not limited to, dynamite and other high
16 explosives, black powder, pellet powder, initiating explosives,
17 detonators, safety fuses, squibs, detonating cord, ignited cord,
18 igniters, display fireworks as defined in section 28-1241, and
19 firecrackers or devices containing more than one hundred thirty
20 milligrams of explosive composition, but does not include consumer
21 fireworks as defined in such section, gasoline, kerosene, naphtha,
22 turpentine, benzine, acetone, ethyl ether, benzol, fixed ammunition
23 and primers for small arms, safety fuses, or matches;

24 (5) Blasting agent means any material or mixture intended
25 for blasting which meets the requirements of 49 C.F.R. part 173,

1 subpart C, Definitions, Classification and Packaging for Class I, as
2 such subpart existed on January 1, ~~2010~~ 2014;

3 (6) Detonator means any device containing an initiating
4 or primary explosive that is used for initiating detonation.
5 Excluding ignition or delay charges, a detonator shall not contain
6 more than ten grams of explosive material per unit. Detonator
7 includes an electric detonator of instantaneous or delay type, a
8 detonator for use with safety fuses, a detonating cord delay
9 connector, and a nonelectric detonator of instantaneous or delay type
10 which consists of detonating cord, shock tube, or any other
11 replacement for electric leg wires;

12 (7)(a) Destructive devices means:

13 (i) Any explosive, incendiary, chemical or biological
14 poison, or poison gas (A) bomb, (B) grenade, (C) rocket having a
15 propellant charge of more than four ounces, (D) missile having an
16 explosive or incendiary charge of more than one-quarter ounce, (E)
17 mine, (F) booby trap, (G) Molotov cocktail, (H) bottle bomb, (I)
18 vessel or container intentionally caused to rupture or mechanically
19 explode by expanding pressure from any gas, acid, dry ice, or other
20 chemical mixture, (J) cannon, mortar tube, or other device, that is
21 homemade and noncommercial and utilizes black powder, black powder
22 substitutes, pyrotechnic compositions, smokeless powder, or any
23 flammable or liquid petroleum gas, or (J)-(K) any similar device, the
24 primary or common purpose of which is to explode; or and to be used
25 as a weapon against any person or property; or

1 (ii) Any combination of parts either designed or intended
2 for use in converting any device into a destructive device as defined
3 in subdivision (7)(a)(i) of this section from which a destructive
4 device may be readily assembled.

5 (b) The term destructive device does not include (i) ~~any~~
6 ~~device which is neither designed nor redesigned for use as a weapon~~
7 ~~to be used against person or property,~~ (ii) any device, although
8 originally designed for use as a weapon, which is redesigned for use
9 as a signaling, pyrotechnic, line-throwing, safety, or similar
10 device, ~~(iii)~~ (ii) surplus ordnance sold, loaned, or given by the
11 Secretary of the Army pursuant to 10 U.S.C. 4684(2), 4685, or 4686,
12 as such sections existed on ~~March 7, 2006,~~ (iv) January 1, 2014, or
13 (iii) any other device which the Nebraska State Patrol finds is not
14 likely to be used as a weapon or is an antique; ~~,~~ or ~~(v) any other~~
15 ~~device possessed under circumstances negating an intent that the~~
16 ~~device be used as a weapon against any person or property;~~

17 (8) Federal permittee means any lawful user of explosive
18 materials who has obtained a federal user permit under 18 U.S.C.
19 ~~chapter 40, 841 to 848,~~ as such chapter sections existed on January
20 1, 2010; 2014;

21 (9) Federal licensee means any importer, manufacturer, or
22 dealer in explosive materials who has obtained a federal importers',
23 manufacturers', or dealers' license under 18 U.S.C. ~~chapter 40, 841~~
24 to 848, as such chapter sections existed on January 1, 2010; 2014;
25 and

1 (10) Smokeless propellants means solid propellants
2 commonly called smokeless powders in the trade and used in small arms
3 ammunition.

4 Sec. 2. Original section 28-1213, Revised Statutes
5 Cumulative Supplement, 2012, is repealed.