
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 292 Session of
2017

INTRODUCED BY D. COSTA, SCHWEYER, JOZWIAK, NEILSON, SCHLOSSBERG,
KINSEY, CALTAGIRONE AND STURLA, FEBRUARY 2, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 2, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for the offense of possession or sale of
4 binary explosives.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 6163. Possession or sale of binary explosives.

10 (a) Offense defined.--A person commits an offense under this
11 section if the person:

12 (1) possesses a binary explosive; or

13 (2) sells a binary explosive.

14 (b) Grading.--The following shall apply:

15 (1) Except as otherwise provided under paragraph (2), a
16 first offense under subsection (a)(1) is a misdemeanor of the
17 third degree and a second or subsequent offense under
18 subsection (a)(1) is a misdemeanor of the first degree.

19 (2) If a person possesses more than 20 pounds of binary

1 explosives, an offense under subsection (a)(1) is a felony of
2 the third degree.

3 (3) Except as otherwise provided under paragraph (4), an
4 offense under subsection (a)(2) is a felony of the third
5 degree.

6 (4) If a person sells more than 20 pounds of binary
7 explosives, an offense under subsection (a)(2) is a felony of
8 the first degree.

9 (c) Surrender.--The following shall apply:

10 (1) Any person that possesses a binary explosive shall
11 surrender the binary explosive to the Pennsylvania State
12 Police.

13 (2) The Pennsylvania State Police shall accept and
14 dispose of all binary explosives. The Pennsylvania State
15 Police shall not arrest or bring charges under this section
16 against a person that is willingly surrendering a binary
17 explosive.

18 (d) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

21 "Binary explosive." Two or more components that are
22 advertised and sold together with instructions on how to combine
23 the components to create an explosive.

24 "Pounds." The total weight of the components of a binary
25 explosive, regardless of whether the components have been
26 combined to create an explosive.

27 Section 2. This act shall take effect in 120 days.