

SENATE BILL NO. 125

BY SENATOR OWEN AND REPRESENTATIVE KNOX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To amend and reenact R.S. 14:54.3 and R.S. 40:1472.3(E)(3)(c), relative to explosives; to provide relative to the crime of manufacture and possession of a bomb; to provide for penalties; to provide for licensure of dealer-distributors, users, blasters, or handlers of explosives; to provide for background investigations and criminal history record checks; to provide for costs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:54.3 is hereby amended and reenacted to read as follows:

§54.3. Manufacture and possession of a bomb

A. It shall be unlawful for any person without a proper license as required by R.S. 40:1472.1 et seq., to knowingly and intentionally ~~to~~ manufacture, possess, or have under his control any bomb.

B. For purposes of this Section, the following terms shall have the following meanings:

(1) A "bomb", for the purposes of this Section, is defined as "Bomb" means an explosive compound or mixture with a detonator or initiator, or both, but does not include small arms ammunition. The term "bomb", ~~as used herein,~~ shall also include any of the materials listed in ~~Subsection C~~ Paragraph (3) of this Subsection that are present in an unassembled state but which could, when assembled, be ignited in the same manner as described in ~~Subsection C~~ Paragraph (3) of this Subsection, when possessed with intent to manufacture or assemble a bomb.

(2) "Enhanced security zone" means the public spaces within an area that traditionally hosts more than fifteen million people annually, contains a venue for sports and entertainment with a capacity for more than seventy-five thousand people, a convention center with more than one million square feet of

1 exhibition space, and has one land-based casino. This shall include the area of
 2 the city of New Orleans containing the boundaries of the French Quarter
 3 Management District as provided in R.S. 25:799(B), the Downtown
 4 Development District as provided in R.S. 33:2740.3(A), and the New Orleans
 5 Exhibition Hall Authority Economic Growth and Development District as
 6 provided in R.S. 33:130.862(A).

7 ~~C. As used herein the term "explosive"~~ **(3) "Explosive"** means gunpowders,
 8 powders used for blasting, all forms of high explosives, blasting materials, fuses
 9 (other than electric circuit breakers), detonators, and other detonating agents,
 10 smokeless powders, and any chemical compounds, mechanical mixture, or device
 11 that contains any oxidizing and combustible units, or other ingredients, in such
 12 proportions, quantities, or packing that ignition by fire, by friction, by concussion,
 13 by percussion, or by detonation of the compound, mixture, or device or any part
 14 thereof may cause an explosion.

15 ~~D. C.~~ This Section shall not apply to fireworks possessed within the meaning
 16 and contemplation of R.S. 51:650 et seq.

17 ~~E. D.(1) Whoever~~ **Except as provided in Paragraph (2) of this Subsection,**
 18 **whoever** violates **the provisions of** this Section shall be fined not more than ten
 19 thousand dollars, ~~or be~~ imprisoned at hard labor for not more than twenty years, or
 20 both.

21 **(2) Any person who violates the provisions of this Section within an**
 22 **enhanced security zone within one hundred feet of any parade, demonstration,**
 23 **or gathering for which a permit is issued by a governmental entity shall be fined**
 24 **not more than twenty thousand dollars, imprisoned at hard labor for not more**
 25 **than twenty years, or both.**

26 Section 2. R.S. 40:1472.3(E)(3)(c) is hereby amended and reenacted to read as
 27 follows:

28 §1472.3. License; manufacturer, dealer-distributor, user, blaster, or handler of
 29 explosives

30 * * *

1 E. * * *

2 (3) * * *

3 (c) Cost incurred by the department for ~~processing Louisiana State Police and~~
4 ~~Federal Bureau of Investigation fingerprint cards~~ **conducting a background**
5 **investigation and criminal history records check** shall be borne by the applicant.

6 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____