

SENATE BILL REPORT

ESSB 6153

AS PASSED SENATE, FEBRUARY 18, 1992

**Brief Description:** Classifying the criminal use of explosives.

**SPONSORS:** Senate Committee on Law & Justice (originally sponsored by Senators Amondson, Rasmussen, A. Smith, Thorsness, Hayner, Nelson, Gaspard, Erwin, M. Kreidler and Jesernig)

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 6153 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

**Staff:** Jon Carlson (786-7459)

**Hearing Dates:** January 27, 1992; February 6, 1992

**BACKGROUND:**

Explosives experts find that the unauthorized possession and use of explosives is becoming an increasingly dangerous problem throughout the state. Bomb squads contend that they are dealing with more illegal explosives than ever before as explosives become the new weapon of choice among gangs. Law enforcement officers find that the current explosives provisions limit what action they can take against people who possess or use unauthorized explosives. For example, possessing a pipe bomb is not specifically defined as a crime. It is recommended that the explosives statute be revised to address the concerns that have been raised by the law enforcement community.

**SUMMARY:**

The Washington State Explosives Act is revised to create and define new offenses for those who possess or use unauthorized explosives.

Unless otherwise allowed under the Explosives Act, a person may not knowingly possess, give away, loan, sell, offer for sale or transport: a) explosives or improvised devices, or b) components that are intended to be rapidly assembled into an explosive or improvised device. A violation of this provision is a class C felony.

A person who uses an explosive or improvised device to injure, intimidate, or harass a person, or to damage or destroy another's property, is guilty of a class B felony. A person

who uses an explosive or improvised device for any other purpose is guilty of a class C felony.

A person who uses a device which has the appearance of an explosive or improvised device, and who intends to frighten, intimidate, or harass a person is guilty of a class C felony.

A law enforcement officer who observes an unauthorized explosive or improvised device, or components that may be rapidly assembled into an explosive or improvised device may take immediate custody of the explosive, improvised device or components, and any container or vehicle in which they are observed.

Law enforcement agencies must destroy explosives when it is necessary to protect the public safety and welfare. Procedures for the destruction are included. A person who knows of a theft or loss of explosives for which that person is responsible must report the theft or loss to local law enforcement within 24 hours of discovery of the theft or loss.

The local law enforcement agency is required to immediately report the theft or loss to the State Patrol and the Department of Labor and Industries.

Minor and technical changes are made to existing criminal provisions within the Explosives Act.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 23, 1992

**TESTIMONY FOR:**

This measure is a useful tool against criminal activity because it allows law enforcement to arrest for unauthorized possession of explosives, improvised devices, or components that can be rapidly assembled into an explosive or improvised device.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Tim Schellberg, Washington Association of Sheriffs and Police Chiefs (pro); James J. Hill, Spokane County Sheriff's Department (pro); Steve Heard, Seattle Police Department (pro); John Hosford, Citizens Committee for the Right to Keep and Bear Arms (pro); Ted Cowan, King County Outdoor Sports Council (pro); Howard Risdon, Washington Arms Collectors (pro); Al Woodbridge, Washington State Rifle and Pistol Association