

FINAL BILL REPORT

SSB 5264

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Synopsis as Enacted

Brief Description: Concerning the transportation and storage of certain explosive devices.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Benton, Mullet, Baumgartner and Sheldon).

Senate Committee on Transportation
House Committee on Judiciary

Background: The U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regulates the storage of explosives. The Washington State Explosives Act, administered by the Department of Labor and Industries (L&I), governs the transportation, storage, and use of explosive devices in Washington. State and local governmental agencies must store and transport explosives in conformity with both federal and state law.

Federal and state law require that explosive devices be stored in an appropriate type of magazine, depending on the quantity and type of explosive involved. A magazine is any building or structure, other than an explosives manufacturing building, used for storage of explosive materials. Magazines are rated for different types of explosives and their construction and security mechanisms are set out in federal and state law. In Washington, L&I licenses the storage of explosive devices and conducts an annual inspection of the storage magazine.

Explosive actuated tactical devices (EATDs) may or may not contain flash powder. EATDs that contain flash powder include noise and flash diversionary devices (NFDD) also known as flash bangs, and powder blast grenades also known as stingers. Non-flash powder EATDs generally contain a low explosive fuse or other low explosive pyrotechnic material. These devices typically expel smoke or an irritant such as tear gas and are commonly known as pyrotechnic smoke and gas grenades, aerosol grenades, and blast grenade irritants. EATDs are typically used by law enforcement officers in hostage situations, for executing search warrants, and in controlling crowds that threaten public safety. Under current published state and federal law, local law enforcement officers are not authorized to store certain tactical explosive devices in a standard department-issue police vehicle.

Summary: The transportation and storage of EATDs, including NFDDs, by local law enforcement tactical response teams and officers in department-issued vehicles are exempt

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from the Washington State Explosives Act and the regulation of L&I, so long as the devices are stored and secured in compliance with the regulations and rulings adopted by ATF.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: July 28, 2013.