

**Senate Study Bill 1082 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

**A BILL FOR**

1 An Act relating to explosive materials including blasting  
2 agents, detonators, and destructive devices, and providing  
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 101A.1, subsections 1 and 4, Code 2023,  
2 are amended to read as follows:

3 1. "*Blasting agent*" means any material or mixture consisting  
4 of a fuel and oxidizer, intended for blasting but not otherwise  
5 classified as an explosive, in which none of the finished  
6 products as mixed and packaged for use or shipment can be  
7 detonated by means of a number eight test blasting cap when  
8 unconfined. "Blasting agent" includes any material or mixture  
9 intended for blasting that meets the requirements of 49 C.F.R.  
10 pt. 173, subpt. C.

11 4. "*Explosive materials*" means explosives, ~~or~~ blasting  
12 agents, and detonators.

13 Sec. 2. Section 101A.1, Code 2023, is amended by adding the  
14 following new subsections:

15 NEW SUBSECTION. 2A. "*Destructive device*" means any of the  
16 following:

17 a. Any explosive, incendiary, chemical or biological poison,  
18 or poison gas which is any of the following:

19 (1) A bomb.

20 (2) A grenade.

21 (3) A rocket having a propellant charge of more than four  
22 ounces.

23 (4) A missile having an explosive or incendiary charge of  
24 more than one-quarter ounce.

25 (5) A mine.

26 (6) A booby trap.

27 (7) A Molotov cocktail.

28 (8) A bottle bomb.

29 (9) A vessel or container intentionally caused to rupture or  
30 mechanically explode by expanding pressure from any gas, acid,  
31 dry ice, or other chemical mixture.

32 (10) Any similar device, the primary or common purpose of  
33 which is to explode and to be used as a weapon against any  
34 person or property.

35 b. Any combination of parts designed or intended to be

1 converted into a destructive device as defined in paragraph "a".

2 c. The term "destructive device" does not include any of the  
3 following:

4 (1) A device that is neither designed nor redesigned for use  
5 as a weapon to be used against person or property.

6 (2) A device, originally designed for use as a weapon,  
7 that is redesigned for use as a signaling, pyrotechnic,  
8 line-throwing, safety, or similar device.

9 (3) A surplus ordnance sold, loaned, or given by the  
10 secretary of the army pursuant to 10 U.S.C. §4684(2), 4685, or  
11 4686.

12 (4) Any device the state fire marshal determines is not  
13 likely to be used as a weapon or that is an antique.

14 (5) Any device possessed under circumstances negating an  
15 intent that the device be used as a weapon against any person  
16 or property.

17 NEW SUBSECTION. 2B. "Detonator" means any device containing  
18 an initiating or primary explosive that is used for initiating  
19 detonation. Excluding ignition or delay charges, a detonator  
20 shall not contain more than ten grams of explosive material  
21 per unit. "Detonator" includes an electric detonator of  
22 instantaneous or delay type, a detonator for use with safety  
23 fuses, a detonating cord delay connector, and a nonelectric  
24 detonator or instantaneous or delay type which consists of  
25 a detonating cord, shock tube, or any other replacement for  
26 electric leg wires.

27 Sec. 3. Section 712.5, Code 2023, is amended by striking the  
28 section and inserting in lieu thereof the following:

29 **712.5 Reckless use of fire, explosives, or destructive**  
30 **devices.**

31 Any person who uses fire, explosives, or destructive  
32 devices, as defined in section 101A.1, to recklessly endanger  
33 the property or safety of another shall be guilty of a serious  
34 misdemeanor.

35 Sec. 4. Section 712.6, Code 2023, is amended to read as

1 follows:

2 **712.6 Explosive materials or ~~incendiary materials~~ or**  
3 **destructive devices.**

4 1. A person who possesses any ~~incendiary or~~ explosive device  
5 ~~or material or destructive device~~ as defined in section 101A.1  
6 with the intent to use such device or material to commit a  
7 public offense shall be guilty of a class "C" felony.

8 2. a. A person who possesses any ~~incendiary or~~ explosive  
9 ~~device or material or destructive device~~ shall be guilty of an  
10 aggravated misdemeanor.

11 b. **This subsection** does not apply to a person holding a  
12 valid commercial license or user's permit issued pursuant to  
13 chapter 101A, provided that the person is acting within the  
14 scope of authority granted by the license or permit.

15 3. A person who, with the intent to intimidate, annoy, or  
16 alarm another person, places a simulated explosive or simulated  
17 ~~incendiary destructive~~ device in ~~or near an occupied structure~~  
18 ~~as defined in section 702.12~~ a place that the person knows,  
19 intends, or reasonably believes is likely to cause public alarm  
20 or inconvenience, is guilty of a serious misdemeanor.

21 4. A person who uses any explosive material or destructive  
22 device to commit any public offense or who possesses any  
23 explosive material or destructive device during the commission  
24 of a felony shall be guilty of a class "C" felony.

25 Sec. 5. Section 724.1, subsection 1, paragraph c, Code 2023,  
26 is amended to read as follows:

27 ~~c. A bomb, grenade, or mine, whether explosive, incendiary,~~  
28 ~~or poison gas; any rocket having a propellant charge of more~~  
29 ~~than four ounces; any missile having an explosive charge of~~  
30 ~~more than one-quarter ounce; or any device similar to any of~~  
31 ~~these~~ A destructive device as defined in section 101A.1.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 This bill relates to explosive materials including blasting

1 agents, detonators, and destructive devices.

2 For purposes of Code chapter 101A (explosive materials),  
3 the bill makes changes to definitions. The bill amends the  
4 definition of "blasting agent" to include any material or  
5 mixture intended for blasting that meet the requirements of  
6 49 C.F.R. pt. 173, subpt. C (federal regulations relating to  
7 the transportation of hazardous materials). The definition of  
8 "explosive materials" is amended to include detonators.

9 The bill defines "detonator" as any device containing an  
10 initiating or primary explosive that is used for initiating  
11 detonation, and includes an electric detonator of instantaneous  
12 or delay type, a detonator for use with safety fuses, a  
13 detonating cord delay connector, and a nonelectric detonator  
14 or instantaneous or delay type which consists of a detonating  
15 cord, shock tube, or any other replacement for electric leg  
16 wires.

17 The bill defines a "destructive device" as any explosive,  
18 incendiary, chemical or biological poison, or poison gas which  
19 is any of the following: a bomb, a grenade, a rocket having a  
20 propellant charge of more than four ounces, a missile having  
21 an explosive or incendiary charge of more than one-quarter  
22 ounce, a mine, a booby trap, a Molotov cocktail, a bottle  
23 bomb, a vessel or container intentionally caused to rupture  
24 or mechanically explode, and any similar device, the primary  
25 or common purpose of which is to explode and to be used as a  
26 weapon against any person or property. The bill provides that  
27 a "destructive device" does not include: a device that is  
28 neither designed nor redesigned for use as a weapon to be used  
29 against person or property; a device, originally designed for  
30 use as a weapon, that is redesigned for use as a signaling,  
31 pyrotechnic, line-throwing, safety, or similar device; a  
32 surplus ordnance sold, loaned, or given by the secretary of  
33 the army; any device that the state fire marshal finds is not  
34 likely to be used as a weapon or that is an antique; or any  
35 device possessed under circumstances negating an intent that

1 the device be used as a weapon against any person or property.

2 The bill provides that any person who uses fire, explosives,  
3 or destructive devices as defined in the bill to recklessly  
4 endanger the property or safety of another is guilty of a  
5 serious misdemeanor. A serious misdemeanor is punishable by  
6 confinement for no more than one year and a fine of at least  
7 \$430 but not more than \$2,560.

8 The bill provides that a person who uses an explosive  
9 material or destructive device as defined in the bill to commit  
10 any public offense or who possesses an explosive material or  
11 destructive device during the commission of a felony is guilty  
12 of a class "C" felony. A class "C" felony is punishable by  
13 confinement for no more than 10 years and a fine of at least  
14 \$1,370 but not more than \$13,660.

15 The bill amends the definition of "offensive weapon" to  
16 include the definition of a destructive device as defined in  
17 Code section 101A.1. Any unauthorized person who knowingly  
18 possesses an offensive weapon commits a class "D" felony. A  
19 class "D" felony is punishable by confinement for no more than  
20 five years and a fine of at least \$1,025 but not more than  
21 \$10,245.