

## **Part 3 Explosives**

### **76-10-302 Marking of containers of explosives before transportation or storage.**

Every person who knowingly leaves with or delivers to another, or to any express or railway company or other common carrier, or to any warehouse or storehouse, any package containing nitroglycerin, dynamite, guncotton, gunpowder, or other highly explosive compound, or any benzine, gasoline, phosphorus, or other highly inflammable substance, or any vitriol, sulphuric, nitric, carbolic, muriatic, or other dangerous acid, chemical or compound, to be handled, stored, shipped, or transported, without plainly marking and indicating on such package the name and nature of the contents thereof, is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

### **76-10-303 Powder houses.**

Every person who builds, constructs, or uses within 300 feet of any residence or traveled county road any powder house, magazine, or building in which powder, dynamite, or other explosive is kept in quantities exceeding 500 pounds is guilty of a class B misdemeanor; provided that this section shall not apply to any magazine maintained at any mine or stone quarry.

Enacted by Chapter 196, 1973 General Session

### **76-10-304 Marking of containers of explosives held for sale or use.**

It shall be a class A misdemeanor to sell or offer for sale or take or solicit orders of sale, or purchase or use, or have on hand or in store for the purpose of sale or use, any giant, hercules, atlas, venture or any other high explosive containing nitroglycerin, unless on each box or package and wrapper containing any such high explosive there shall be plainly stamped or printed the name and place of business of the person, partnership, or corporation by whom or by which it was manufactured, and the exact and true date of its manufacture, and the percentage of nitroglycerin or other high explosive contained therein.

Enacted by Chapter 196, 1973 General Session

### **76-10-305 Different dates on containers of explosives prohibited -- Reuse of containers prohibited.**

It shall be unlawful for any person or persons, partnership, or corporation to have two or more different dates on any box or package containing giant, hercules, atlas, or venture, or any other high explosive containing nitroglycerin. It shall further be unlawful to use any box, package, or wrapper formerly used by any other person or persons, partnership, or corporation in the packing of such giant, hercules, atlas, venture, or other high explosive containing nitroglycerin, and the name and date on the box or package shall be the same as on the wrapper containing the giant, hercules, atlas, venture, or other explosive containing nitroglycerin.

Enacted by Chapter 196, 1973 General Session

### **76-10-306 Explosive, chemical, or incendiary device and parts -- Definitions -- Persons exempted -- Penalties.**

- (1) As used in this section:
  - (a) "Explosive, chemical, or incendiary device" means:
    - (i) dynamite and all other forms of high explosives, including water gel, slurry, military C-4 (plastic explosives), blasting agents to include nitro-carbon-nitrate, ammonium nitrate, fuel oil mixtures, cast primers and boosters, R.D.X., P.E.T.N., electric and nonelectric blasting caps, exploding cords commonly called detonating cord, detcord, or primacord, picric acid explosives, T.N.T. and T.N.T. mixtures, nitroglycerin and nitroglycerin mixtures, or any other chemical mixture intended to explode with fire or force;
    - (ii) any explosive bomb, grenade, missile, or similar device; and
    - (iii) any incendiary bomb, grenade, fire bomb, chemical bomb, or similar device, including any device, except kerosene lamps, if criminal intent has not been established, which consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting the flammable liquid or compound or any breakable container which consists of, or includes a chemical mixture that explodes with fire or force and can be carried, thrown, or placed.
  - (b) "Explosive, chemical, or incendiary device" does not include rifle, pistol, or shotgun ammunition, reloading components, or muzzleloading equipment.
  - (c) "Explosive, chemical, or incendiary parts" means any substances or materials or combinations which have been prepared or altered for use in the creation of an explosive, chemical, or incendiary device. These substances or materials include:
    - (i) timing device, clock, or watch which has been altered in such a manner as to be used as the arming device in an explosive;
    - (ii) pipe, end caps, or metal tubing which has been prepared for a pipe bomb; and
    - (iii) mechanical timers, mechanical triggers, chemical time delays, electronic time delays, or commercially made or improvised items which, when used singly or in combination, may be used in the construction of a timing delay mechanism, booby trap, or activating mechanism for any explosive, chemical, or incendiary device.
  - (d) "Explosive, chemical, or incendiary parts" does not include rifle, pistol, or shotgun ammunition, or any signaling device customarily used in operation of railroad equipment.
- (2) The provisions in Subsections (3) and (6) do not apply to:
  - (a) any public safety officer while acting in an official capacity transporting or otherwise handling explosives, chemical, or incendiary devices;
  - (b) any member of the armed forces of the United States or Utah National Guard while acting in an official capacity;
  - (c) any person possessing a valid permit issued under the provisions of the International Fire Code, Section 105 and Chapter 56, or any employee of the permittee acting within the scope of employment;
  - (d) any person possessing a valid license as an importer, wholesaler, display operator, special effects operator, or flame effects operator under the provisions of Sections 11-3-3.5 and 53-7-223; and
  - (e) any person or entity possessing or controlling an explosive, chemical, or incendiary device as part of its lawful business operations.
- (3) Any person is guilty of a second degree felony who, under circumstances not amounting to a violation of Part 4, Weapons of Mass Destruction, knowingly, intentionally, or recklessly possesses or controls an explosive, chemical, or incendiary device.
- (4) Any person is guilty of a first degree felony who, under circumstances not amounting to a violation of Part 4, Weapons of Mass Destruction, knowingly or intentionally:

- (a) uses or causes to be used an explosive, chemical, or incendiary device in the commission of or an attempt to commit a felony;
  - (b) injures another or attempts to injure another person or another person's property through the use of an explosive, chemical, or incendiary device; or
  - (c) transports, possesses, distributes, or sells any explosive, chemical, or incendiary device in a secure area established pursuant to Section 76-8-311.1, 76-8-311.3, 76-10-529, or 78A-2-203.
- (5) Any person who, under circumstances not amounting to a violation of Part 4, Weapons of Mass Destruction, knowingly, intentionally, or recklessly removes or causes to be removed or carries away any explosive, chemical, or incendiary device from the premises where the explosive, chemical, or incendiary device is kept by the lawful user, vendor, transporter, or manufacturer without the consent or direction of the lawful possessor is guilty of a second degree felony.
- (6) Any person who, under circumstances not amounting to a violation of Part 4, Weapons of Mass Destruction, knowingly, intentionally, or recklessly possesses any explosive, chemical, or incendiary parts is guilty of a third degree felony.

Amended by Chapter 343, 2024 General Session

**76-10-307 Explosive, chemical, or incendiary device -- Delivery to common carrier or mailing.**

Any person is guilty of a felony of the second degree who delivers or causes to be delivered to any express or railway company or other common carrier, or to any person, any explosive, chemical, or incendiary device, knowing it to be the device, without informing the common carrier or person of its nature or sends it through the mail.

Amended by Chapter 97, 1999 General Session

**76-10-308 Explosive, chemical, or incendiary device -- Venue of prosecution for shipping.**

Any person who knowingly, intentionally, or recklessly delivers any explosive, chemical, or incendiary device to any person for transmission without the consent or direction of the lawful possessor may be prosecuted in the county in which he delivers it or in the county to which it is transmitted.

Repealed and Re-enacted by Chapter 75, 1993 General Session