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Chapter 15 Explosives and Weapons of Mass Destruction

Part 1 General Provisions

76-15-101 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2 Explosives

76-15-201 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

76-15-202 Venue of prosecution for delivering for transmission an explosive, chemical, or incendiary device.

An actor who knowingly, intentionally, or recklessly delivers an explosive, chemical, or incendiary device to any person for transmission without the consent or direction of the lawful possessor may be prosecuted:

- (1) in the county in which the actor delivers the explosive, chemical, or incendiary device; or
- (2) in the county to which the explosive, chemical, or incendiary device is transmitted.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-203 Unlawful failure to mark a container of explosives before transportation or storage.

- (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
- (2) An actor commits unlawful failure to mark a container of explosives before transportation or storage if the actor knowingly leaves with or delivers to another, or to an express or railway company or other common carrier, or to a warehouse or storehouse, a 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 the package the name and nature of the contents inside the package.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-204 Unlawful construction or use of a powder house.

- (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
- (2) An actor commits unlawful construction or use of a powder house if the actor builds, constructs, or uses within 300 feet of a residence or traveled county road a powder house, magazine, or building in which powder, dynamite, or other explosive is kept in quantities exceeding 500 pounds.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) This section does not apply to a magazine maintained at a mine or stone quarry.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-205 Unlawful failure to mark a container of a high explosive held for sale or use.

- (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
- (2) An actor commits unlawful failure to mark a container of a high explosive for sale or use if the actor:
 - (a) sells or offers for sale, or takes or solicits orders of sale, or purchases or uses, or has on hand or in store for the purpose of sale or use, a giant, hercules, atlas, venture or any other high explosive containing nitroglycerin; and
 - (b) fails to plainly stamp or print on each box or package and wrapper containing the high explosive:
 - (i) the name and place of business of the person, partnership, or corporation by whom or by which the high explosive was manufactured;
 - (ii) the exact and true date of the high explosive's manufacture; and
 - (iii) the percentage of nitroglycerin or other high explosive contained within the box or package.
- (3) A violation of Subsection (2) is a class A misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-206 Unlawful combination of dates in a box or package of high explosives.

- (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
- (2) An actor commits unlawful combination of dates in a box or package of high explosives if the actor puts two or more different dates on a box or package containing a giant, hercules, atlas, or venture, or any other high explosive containing nitroglycerin.
- (3) A violation of Subsection (2) is a class A misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-207 Unlawful reuse of a high explosive box, package, or wrapper.

- (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
- (2) An actor commits unlawful reuse of a high explosive box, package, or wrapper if the actor uses a box, package, or wrapper that was formerly used by another person in the packing of a giant, hercules, atlas, venture, or other high explosive containing nitroglycerin.
- (3) A violation of Subsection (2) is a class A misdemeanor.

Enacted by Chapter 173, 2025 General Session

76-15-208 Unlawful failure to have a high explosive box or package match an enclosed high explosive wrapper.

- (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

- (2) An actor commits unlawful failure to have a high explosive box or package match an enclosed high explosive wrapper if:
 - (a) the actor puts a giant, hercules, atlas, venture, or other explosive containing nitroglycerin inside a box or package; and
 - (b) the name and date on the box or package do not match the name and date on the wrapper containing the high explosive.
- (3) A violation of Subsection (2) is a class A misdemeanor.

Enacted by Chapter 173, 2025 General Session

76-15-209 Unlawful delivery or mailing of an explosive, chemical, or incendiary device.

- (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
- (2) An actor commits unlawful delivery or mailing of an explosive, chemical, or incendiary device if the actor:
 - (a) delivers or causes to be delivered to an express or railway company or other common carrier, or to any person, an explosive, chemical, or incendiary device;
 - (b) knows the explosive, chemical, or incendiary device to be an explosive, chemical, or incendiary device; and
 - (c)
 - (i) fails to inform the common carrier or person that the item is an explosive, chemical, or incendiary device; or
 - (ii) sends the explosive, chemical, or incendiary device through the mail.
- (3) A violation of Subsection (2) is a second degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-210 Unlawful conduct involving an explosive, chemical, or incendiary device.

- (1)
 - (a) As used in this section:
 - (i)
 - (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; or
 - (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.
 - (ii) "Explosive, chemical, or incendiary device" does not include rifle, pistol, or shotgun ammunition, reloading components, or muzzleloading equipment.
 - (b) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

- (2) An actor commits unlawful conduct involving an explosive, chemical, or incendiary device if, under circumstances not amounting to a violation of Part 2, Weapons of Mass Destruction, the actor:
- (a) intentionally, knowingly, or recklessly:
 - (i) possesses or controls an explosive, chemical, or incendiary device; or
 - (ii) removes or causes to be removed or carries away an 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; or
 - (b) intentionally or knowingly:
 - (i) uses or causes to be used an explosive, chemical, or incendiary device in the commission of or an attempt to commit a felony;
 - (ii) injures another or attempts to injure another person or another person's property through the use of an explosive, chemical, or incendiary device; or
 - (iii) 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, 76-11-218, or 78A-2-203.
- (3)
- (a) A violation of Subsection (2)(a) is a second degree felony.
 - (b) A violation of Subsection (2)(b) is a first degree felony.
- (4) The provisions in Subsection (2)(a)(i) do not apply to:
- (a) a public safety officer while acting in an official capacity transporting or otherwise handling an explosive, chemical, or incendiary device;
 - (b) a member of the armed forces of the United States or Utah National Guard while acting in an official capacity;
 - (c) a person possessing a valid permit issued under the provisions of the International Fire Code, Section 105 and Chapter 56, or an employee of the permittee acting within the scope of employment;
 - (d) a 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; or
 - (e) a person or entity possessing or controlling an explosive, chemical, or incendiary device as part of the person's or entity's lawful business operations.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-211 Unlawful conduct involving an explosive, chemical, or incendiary part.

- (1)
- (a) As used in this section:
 - (i) "Explosive, chemical, or incendiary device" means the same as that term is defined in Section 76-15-210.
 - (ii)
 - (A) "Explosive, chemical, or incendiary part" means an explosive, chemical, or incendiary part substance or material, or combination of explosive, chemical, or incendiary part substances or materials, that has been prepared or altered for use in the creation of an explosive, chemical, or incendiary device.
 - (B) "Explosive, chemical, or incendiary part" does not include rifle, pistol, or shotgun ammunition, or any signaling device customarily used in operation of railroad equipment.

- (iii) "Explosive, chemical, or incendiary part substance or material" includes:
 - (A) a timing device, clock, or watch that has been altered in such a manner as to be used as the arming device in an explosive;
 - (B) a pipe, end cap, or metal tubing that has been prepared for a pipe bomb; and
 - (C) a mechanical timer, mechanical trigger, chemical time delay, electronic time delay, or commercially made or improvised items that, when used singly or in combination, may be used in the construction of a timing delay mechanism, booby trap, or activating mechanism for an explosive, chemical, or incendiary device.
- (b) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
- (2) An actor commits unlawful conduct involving an explosive, chemical, or incendiary part if, under circumstances not amounting to a violation of Part 3, Weapons of Mass Destruction, the actor intentionally, knowingly, or recklessly possesses an explosive, chemical, or incendiary part.
- (3) A violation of Subsection (2) is a third degree felony.
- (4) The provisions in Subsection (2) do not apply to:
 - (a) a public safety officer while acting in an official capacity transporting or otherwise handling an explosive, chemical, or incendiary device;
 - (b) a member of the armed forces of the United States or Utah National Guard while acting in an official capacity;
 - (c) a person possessing a valid permit issued under the provisions of the International Fire Code, Section 105 and Chapter 56, or an employee of the permittee acting within the scope of employment;
 - (d) a 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; or
 - (e) a person or entity possessing or controlling an explosive, chemical, or incendiary device as part of the person's or entity's lawful business operations.

Enacted by Chapter 173, 2025 General Session

Part 3

Weapons of Mass Destruction

76-15-301 Definitions.

As used in this part:

- (1) "Biological agent" means a microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or a naturally occurring or bioengineered component of a microorganism, virus, infectious substance, or biological product, that is capable of causing:
 - (a) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;
 - (b) deterioration of food, water, equipment, supplies, or material of any kind; or
 - (c) deleterious alteration of the environment.
- (2) "Delivery system" means:
 - (a) an apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or
 - (b) a vector.

- (3) "Hoax weapon of mass destruction" means a device or object that by the device's or object's design, construction, content, or characteristics appears to be or to contain, or is represented to be, constitute, or contain, a weapon of mass destruction as defined in this section, but which is, in fact, an inoperative facsimile, imitation, counterfeit, or representation of a weapon of mass destruction that does not:
 - (a) meet the definition of a weapon of mass destruction; or
 - (b) actually contain or constitute a weapon, biological agent, toxin, vector, or delivery system prohibited by this section.
- (4) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including:
 - (a) a poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or
 - (b) a poisonous isomer or biological product, homolog, or derivative of the substance under Subsection (4)(a).
- (5) "Vector" means a living organism, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host.
- (6)
 - (a) "Weapon of mass destruction" means:
 - (i) an item or instrumentality that is designed or intended to cause widespread death or serious bodily injury to multiple victims;
 - (ii) an item or instrumentality that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or the precursors of toxic or poisonous chemicals;
 - (iii) a disease organism, including a biological agent, toxin, or vector that is used or intended to be used as a weapon;
 - (iv) an item or instrumentality that is designed to release radiation or radioactivity at a level dangerous to human life and that is used or intended to be used as a weapon; or
 - (v) a substance or material or combination that has been prepared or altered for use in the creation of a weapon described in Subsections (6)(a)(i) through (iv).
 - (b) "Weapon of mass destruction" does not include a firearm or rifle, pistol, or shotgun ammunition, reloading components, or muzzleloading equipment.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-302 Unlawful manufacture, possession, sale, use, or attempted use of a weapon of mass destruction.

- (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-301 apply to this section.
- (2) An actor commits unlawful manufacture, possession, sale, use, or attempted use of a weapon of mass destruction if the actor, without lawful authority, intentionally or knowingly manufactures, possesses, sells, delivers, displays, uses, attempts to use, solicits the use of, or conspires to use a weapon of mass destruction or a delivery system for a weapon of mass destruction, including any biological agent, toxin, vector, or delivery system.
- (3) A violation of Subsection (2) is a first degree felony.
- (4) In addition to any other penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity, for all expenses and losses incurred

in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

- (5) This section does not apply to a member or employee of the armed forces of the United States, allied armed forces personnel, a federal or state governmental agency, or a private entity, who is engaged in lawful activity within the scope of the actor's employment, if the actor is authorized or licensed to manufacture, possess, sell, deliver, display, or otherwise engage in activity relative to this section, and if the actor is in compliance with applicable federal and state law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-303 Unlawful manufacture, possession, sale, use, or attempted use of a hoax weapon of mass destruction.

- (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-301 apply to this section.
- (2) An actor commits unlawful manufacture, possession, sale, use, or attempted use of a hoax weapon of mass destruction if the actor, without lawful authority, intentionally or knowingly manufactures, possesses, sells, delivers, displays, uses, attempts to use, solicits the use of, or conspires to use a hoax weapon of mass destruction with the intent to deceive or otherwise mislead another person into believing that the hoax weapon of mass destruction is a weapon of mass destruction.
- (3) A violation of Subsection (2) is a second degree felony.
- (4) In addition to any other penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity, for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.
- (5) This section does not apply to a member or employee of the armed forces of the United States, allied armed forces personnel, a federal or state governmental agency, or a private entity, who is engaged in lawful activity within the scope of the actor's employment, if the actor is authorized or licensed to manufacture, possess, sell, deliver, display, or otherwise engage in activity relative to this section, and if the actor is in compliance with applicable federal and state law.

Renumbered and Amended by Chapter 173, 2025 General Session