

## Legal Update

August 6, 2010

### Comprehensive regulation of explosives

On July 15, 2010, the Governor signed into law *An Act Relative to the Regulation of Explosives*, which became effective upon passage. A copy of the law is attached. The comprehensive new law closes a loophole in the law by allowing for the prosecution of individuals found in possession of bomb-making materials who intend to construct devices from these component parts. Previously, the law required these parts to be assembled.

The law requires the Fire Marshall's Office to deny or suspend the certificate of competency (blaster's license) of anyone who is the subject of a current 209A restraining order. The Fire Marshall's Office must be notified when police seize bomb making materials and upon the release from custody of a person convicted of such crimes. Finally, the new law consolidates prior statutory language found in various statutes into one comprehensive statutory scheme, and creates enhanced penalties for:

1. Unlawful possession of ingredients or components which alone or in combination could be used to make an incendiary device or biological weapon and intent to make such device or weapon punishable by up to 2 ½ years HOC, 10 years SP, and/or \$25,000 fine.
2. Unlawful possession or placement of a hoax explosive with intent to cause anxiety, fear, or personal discomfort to any person or group punishable by up to 2 ½ years HOC, 5 years SP, and/or \$10,000 fine.
3. Unlawful possession of a destructive or incendiary device punishable by up to 2 ½ years HOC, 20 years SP, and/or \$25,000 fine.
4. Unlawful placement or throwing of incendiary device or substance with intent to (1) cause fear; or (2) ignite or explode device; or (3) discharge chemical weapon punishable by up to 2 ½ years HOC, 25 years SP and/or \$25,000 fine.
5. Unlawful discharge or explosion of incendiary device or substance punishable by up to 25 years SP and/or \$50,000 fine.
6. Unlawful development or possession of a biological, chemical or nuclear weapon with intent to cause death, bodily injury or property damage punishable by up to 2 ½ years HOC, 25 years SP and/or \$50,000 fine.

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