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DELAWARE STATE SENATE

142nd GENERAL ASSEMBLY

SENATE BILL NO. 295

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 11, Delaware Code by adding a new Section 622 to read as follows:

“§622. Hoax Device; Class F felony

(a) Whoever possesses, transports, uses or places or causes another to knowingly or unknowingly possess, transport, use or place any hoax device with the intent to cause anxiety, unrest, fear or personal discomfort to any person or group of persons shall be guilty of a class F felony.

(b) For the purposes of this section the following definitions shall apply:

(1) ‘hoax device’ shall mean any object or item that would cause a person to reasonably believe that such object or item is or contains a destructive device, Molotov cocktail, incendiary device, or over-pressure device which could cause injury or death.

(2) ‘destructive device’ means any explosive, incendiary, or chemical material or over-pressure device which will rapidly expand in a manner to project material outward at such a rate to cause injury to persons or damage to property.

(3) ‘explosive’ means any chemical compound, or other substance or containing oxidizing and combustible units or other ingredients in such proportions or quantities that ignition, fire, friction, concussion, percussion, or detonator may produce an explosion capable of causing injury to persons or damage to property.

16 (4) ‘Molotov cocktail’ means a makeshift incendiary bomb made of a breakable container filled with  
17 flammable liquid and provided with a wick composed of any substance capable of bringing flame into contact with a  
18 wick composed of any substance capable of bringing flame into contact with a liquid.

19 (5) ‘incendiary device’ means any item designed to ignite by hand, chemical reaction, timer or by  
20 spontaneous combustion and is not designed for lawful purposes or use whatsoever, or any lawful use or purpose has  
21 been terminated.

22 (6) ‘over-pressure device’ means a frangible container filled with an explosive gas, chemical or combination  
23 of materials(s), which is designed or constructed so as to cause the container to break or fracture in a manner which is  
24 capable of causing death, bodily harm, or property damage.”

#### SYNOPSIS

This Bill will make it illegal to possess, transport, use or place an item which appears to be or to contain an explosive device or other similar device with the intent to cause anxiety, unrest, fear or personal discomfort.

Author: Senator Vaughn