

(2) OFFICERS OR EMPLOYEES OF THE UNITED STATES, THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE WHO ARE AUTHORIZED TO HANDLE A DESTRUCTIVE DEVICE WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES AND WHO ARE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES;

(3) A PERSON AUTHORIZED OR LICENSED UNDER LAW TO POSSESS THE EXPLOSIVE, INCENDIARY, OR TOXIC MATERIAL WHILE THE PERSON IS ACTING WITHIN THE SCOPE OF THE AUTHORIZATION OR LICENSE IF POSSESSION OF A PARTICULAR EXPLOSIVE, INCENDIARY, OR TOXIC MATERIAL IS SPECIFICALLY REGULATED OR LICENSED UNDER LAW; OR

(4) A PERSON WHO:

(I) POSSESSES SMOKELESS OR BLACK GUNPOWDER UNDER THE PROVISIONS OF ARTICLE 38A OF THE CODE; AND

(II) USES SMOKELESS OR BLACK GUNPOWDER SOLELY FOR LOADING OR RELOADING SMALL ARMS AMMUNITION, ANTIQUE FIREARMS, OR REPLICAS OF ANTIQUE FIREARMS.

139C. PROHIBITIONS.

A PERSON MAY NOT KNOWINGLY:

(1) MANUFACTURE, TRANSPORT, POSSESS, CONTROL, STORE, SELL, DISTRIBUTE, OR USE A DESTRUCTIVE DEVICE; OR

(2) POSSESS ANY EXPLOSIVE, INCENDIARY, OR TOXIC MATERIAL WITH INTENT TO CREATE A DESTRUCTIVE DEVICE.

139D. PENALTIES.

(A) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBHEADING IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$250,000 OR BY IMPRISONMENT FOR NOT MORE THAN 25 YEARS OR BOTH.

(B) THE SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR AN OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION OF THIS SUBHEADING.

(C) (1) IN ADDITION TO THE PENALTY PROVIDED IN THIS SECTION, A PERSON CONVICTED UNDER THIS SUBHEADING MAY BE ORDERED BY THE COURT TO PAY RESTITUTION TO:

(1) THE STATE, COUNTY, MUNICIPAL CORPORATION, BICOUNTY AGENCY, OR SPECIAL TAXING DISTRICT FOR ACTUAL COSTS REASONABLY INCURRED DUE TO THE PLACEMENT, DELIVERY, OR DETONATION OF A DESTRUCTIVE DEVICE, INCLUDING THE SEARCH FOR, REMOVAL OF, AND DAMAGES CAUSED BY A DESTRUCTIVE DEVICE; AND