

(2) AN OFFICER OR EMPLOYEE OF THE UNITED STATES, THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE WHO IS AUTHORIZED TO HANDLE A DESTRUCTIVE DEVICE WITHIN THE SCOPE OF OFFICIAL DUTIES AND WHO IS ACTING WITHIN THE SCOPE OF THOSE DUTIES;

(3) A PERSON AUTHORIZED BY LAW TO POSSESS EXPLOSIVE MATERIAL, INCENDIARY MATERIAL, OR TOXIC MATERIAL WHO IS ACTING WITHIN THE SCOPE OF AUTHORITY IF THE POSSESSION OF THE MATERIAL IS SPECIFICALLY REGULATED OR LICENSED BY LAW; OR

(4) A PERSON WHO POSSESSES SMOKELESS OR BLACK GUNPOWDER UNDER ARTICLE 38A OF THE CODE AND USES THE GUNPOWDER FOR LOADING OR RELOADING SMALL ARMS AMMUNITION, ANTIQUE FIREARMS, OR REPLICAS OF ANTIQUE FIREARMS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 139B.

In items (2) and (3) of this section, the former references to being licensed are deleted as included in the references to being "authorized" by law or acting under "authority".

Defined terms: "Destructive device" § 4-501

"Explosive material" § 4-501

"Incendiary material" § 4-501

"Person" § 1-101

"Toxic material" § 4-501

4-503. MANUFACTURE OR POSSESSION OF DESTRUCTIVE DEVICE.

(A) PROHIBITED.

A PERSON MAY NOT KNOWINGLY:

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

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

(B) PENALTY.

(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS OR A FINE NOT EXCEEDING \$250,000 OR BOTH.

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

(3) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER THIS SECTION IS A MINOR, THE COURT MAY ORDER THE MOTOR VEHICLE