

ASSEMBLY, No. 2976

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1997

By Assemblymen ROCCO, DORIA and Felice

1 AN ACT concerning the tagging of explosive materials and
2 supplementing P.L.1960, c.55 (21:1A-128 et seq.).

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. As used in this act, "explosive material" means powders used for
8 blasting; dynamite and all other forms of high explosives; blasting
9 material; fuses (other than electric circuit breakers); detonators and
10 other detonating agents; and any explosive bomb, grenade, missile or
11 similar device that contains any oxidizing and combustible units or
12 other ingredients, in such proportions, quantities or packing that
13 ignition by fire, friction, concussion, percussion or detonation of the
14 compound, mixture, devise or any part thereof may cause an
15 explosion. It shall not include small arms ammunition, or any gun
16 powder or black and smokeless powders which are manufactured or
17 transported for used by private persons for the hand loading of small
18 arms ammunition.

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20 2. a. A person who manufactures, causes to be manufactured,
21 transports, sells, offers for sale or otherwise transfers or assigns any
22 explosive or explosive material in this State that is not tagged pursuant
23 to the provisions of PL. , c. (C.)(now pending before the
24 Legislature as this bill) is guilty of a crime of the fourth degree.

25 b. A person who knowingly possesses any explosive or explosive
26 material in this State that is not tagged pursuant to the provisions of
27 PL. , c. (C.)(now pending before the Legislature as this bill) is
28 guilty of a crime of the fourth degree.

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30 3. The Commissioner of Labor, in consultation with the Attorney
31 General and the Superintendent of State Police, shall promulgate, in
32 accordance with the provisions of the "Administrative Procedure Act,"
33 P.L.1968, c.410 (C.52:14B-1 et seq), rules and regulations providing
34 for the tagging of explosives and explosive materials in this State. The
35 rules and regulations shall prescribe methods of tagging which are
36 designed to achieve the following objectives; provided, however, in
37 the event of any mutual inconsistency with respect to a particular

1 method or explosive material, those rules and regulations should set
2 forth prioritized goals in the following order: pose the smallest risk to
3 human life; substantially assist law enforcement officers in their
4 investigative efforts; least impair the quality of the explosive or
5 explosive material for its intended use; have the least possible impact
6 on the environment; and impose the lowest cost on manufacturers and
7 users of the explosive or explosive material.

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9 4. The provisions of this act shall not apply to the Armed Forces
10 of the United States or to federal or State law enforcement agencies.

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12 5. This act shall take effect on the first day of the 13th month
13 following enactment; provided, however, section 3 shall take effect
14 immediately.

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16 STATEMENT

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18 Taggants are "markers" (usually chemicals or minute plastic flakes)
19 which are added to explosives or explosive materials in order to assist
20 law enforcement officers in combating terrorism and crime. The
21 taggants enable law enforcement officers to trace the origins of
22 explosives and explosive materials back to the manufacturer.

23 The bill would prohibit the manufacture, transport, sale and
24 possession of any explosive or explosive material in New Jersey that
25 is not marked by a taggant. A person guilty of violating this
26 prohibition would be guilty of a crime of the fourth degree. A crime
27 of the fourth degree is punishable by a fine of up to \$7,500, a term of
28 imprisonment not exceeding 18 months, or both.

29 The Commissioner of Labor, in consultation with the Attorney
30 General and the Superintendent of State Police, is to promulgate the
31 rules and regulations concerning the tagging of explosives and
32 explosive materials. The commissioner is assigned this responsibility
33 because the Department of Labor is charged with the responsibility of
34 regulating the manufacture and use of explosives in this State under
35 the provisions of the "Explosives Act," P.L.1960, c.55 (C.21:1A-128
36 et seq.).

37 Gun powder and black and smokeless powders manufactured and
38 transported for use by private persons for the hand loading of small
39 arms ammunition are not required to be tagged.

40 State and federal law enforcement agencies and the military are not
41 subject to the provisions of the bill.

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45 Requires taggants be placed in explosives to assist law enforcement in
46 combating terrorism.