



Rep. Jay Hoffman

Filed: 5/1/2025

10400SB2431ham001

LRB104 09219 AAS 25795 a

1 AMENDMENT TO SENATE BILL 2431

2 AMENDMENT NO. _____. Amend Senate Bill 2431 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Explosives Act is amended by
5 changing Sections 1003, 2000, 2001, 2005, 2011, 3001, 3004,
6 4003, 5001, 5010, and 5011 and by adding Article 6 as follows:

7 (225 ILCS 210/1003) (from Ch. 96 1/2, par. 1-1003)

8 Sec. 1003. Definitions. As used in this Act:

9 (a) "Person" means any individual, corporation, company,
10 association, partnership, or other legal entity.

11 (b) "Explosive materials" means explosives, blasting
12 agents, water gels, and detonators, and all items included
13 within the "List of Explosive Materials" provided in 27 CFR
14 555.23.

15 (c) "Explosive" means any chemical compound, mixture, or
16 device (1) the primary or common purpose of which is to

1 function by explosion and (2) that is or can be classified as a
2 Division 1.1, 1.2, or 1.3 material under 49 CFR 173.50 or items
3 included within the "List of Explosive Materials" provided in
4 27 CFR 555.23, as now or hereafter amended, renumbered, or
5 succeeded. The term includes high and low explosives, any
6 explosive devices weighing over one quarter ounce of explosive
7 material, and display fireworks. "Explosive" does not include
8 consumer fireworks that have a bulk total gross weight of
9 under 1,001 pounds.

10 (d) "Blasting agent" means any material or mixture that
11 (1) consists of a fuel and oxidizer intended for blasting, not
12 otherwise defined as an explosive, provided that the finished
13 product, as mixed and packaged for use or shipment, cannot be
14 detonated by means of a No. 8 blasting cap, as defined by the
15 Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S.
16 Department of Treasury, when unconfined and (2) is classified
17 as a Division 1.5 material under 49 CFR 173.50, as now or
18 hereafter amended, renumbered, or succeeded.

19 (d-5) (Blank). ~~"Crime punishable by imprisonment for a~~
20 ~~term exceeding one year" does not mean (1) any federal or state~~
21 ~~offenses pertaining to antitrust violations, unfair trade~~
22 ~~practices, restraint of trade, or similar offenses relating to~~
23 ~~the regulation of business practices as the Secretary of the~~
24 ~~Treasury may by regulation designate or (2) any State offense,~~
25 ~~other than one involving a firearm or explosive, classified by~~
26 ~~the laws of the State as a misdemeanor or punishable by a term~~

1 ~~of imprisonment of 2 years or less.~~

2 (e) "Detonator" means any device that (1) contains any
3 initiating or primary explosive that is used for initiating
4 detonation and (2) is classified as Division 1.1 or 1.4
5 material under 49 CFR 173.50, as now or hereafter amended,
6 renumbered, or succeeded. A detonator may not contain more
7 than 10 grams of total explosives by weight, excluding
8 ignition or delay charges.

9 (f) "Highway" means any public street, public road, or
10 public alley and includes privately financed, constructed, or
11 maintained roads that are regularly and openly traveled by the
12 general public.

13 (g) "Railroad" or "railway" means any public steam,
14 electric or other railroad or rail system which carries
15 passengers for hire, but shall not include auxiliary tracks,
16 spurs and sidings installed and primarily used in serving any
17 mine, quarry or plant.

18 (h) "Building" means and includes any building regularly
19 occupied, in whole or in part, as a habitation for human
20 beings, and any church, schoolhouse, railway station or other
21 building where people are accustomed to assemble, but does not
22 mean or include any buildings of a mine or quarry or any of the
23 buildings of a manufacturing plant where the business of
24 manufacturing explosive materials is conducted.

25 (i) "Factory building" means any building or other
26 structure in which the manufacture or any part of the

1 manufacture of explosive materials is conducted.

2 (j) "Magazine" means any building or other structure or
3 container, other than a factory building, used to store
4 explosive materials. Where mobile or portable type 5 magazines
5 are permissible and used, "magazine", for the purpose of
6 obtaining certificates and calculating fees, means the site on
7 which such magazines are located.

8 (k) "Magazine keeper" means a qualified supervisory person
9 with an Illinois Individual Explosives License ~~licensed~~ by the
10 Department under Article 2 of this Act who is responsible for
11 the acquisition, storage, use, possession, transfer, and
12 disposal of explosive materials, including inventory and
13 transaction records, and the proper maintenance of explosive
14 materials, storage magazines, and surrounding areas.

15 (l) "Black powder" means a deflagrating or low explosive
16 compound of an intimate mixture of sulfur, charcoal and an
17 alkali nitrate, usually potassium or sodium nitrate.

18 (m) "Municipality" means cities, villages, incorporated
19 towns, and townships.

20 (n) "Fugitive from justice" means any individual who has
21 fled from the jurisdiction of any court of record to avoid
22 prosecution for any crime or to avoid giving testimony in any
23 criminal proceeding. This term shall also include any
24 individual who has been convicted of any crime and has fled to
25 avoid imprisonment.

26 (o) "Department" means the Department of Natural

1 Resources.

2 (p) (Blank).

3 (q) "Director" means the Director of Natural Resources.

4 (r) "Storage certificate" means the certificate issued by
5 the Department under Article 3 of this Act that authorizes the
6 holder to store explosive materials in the magazine for which
7 the certificate is issued.

8 (s) "License" or "Illinois Individual Explosives License"
9 means a ~~that~~ license that is issued by the Department under
10 Article 2 of this Act authorizing the holder to possess, use,
11 purchase, transfer or dispose of, but not to store, explosive
12 materials.

13 (t) "Transfer" of explosive materials means to sell, give,
14 distribute, or otherwise dispose of explosive materials.

15 (u) "Use" of explosive materials means the detonation,
16 ignition, deflagration, manufacturing, handling, or any other
17 means of initiating explosive materials.

18 (v) "Disposal" of explosive materials means to render
19 inert pursuant to manufacturer's recommendations or commonly
20 accepted industry standards.

21 (w) "BATFE" means the federal Bureau of Alcohol, Tobacco,
22 Firearms and Explosives.

23 (x) "Water gel" means an explosive or blasting agent that
24 contains a substantial proportion of water.

25 (y) "Consumer fireworks" means any small fireworks device
26 designed to produce visible effects by combustion and that

1 must comply with the construction, chemical composition and
2 labeling regulations of the U.S. Consumer Product Safety
3 Commission (16 CFR 1500 and 1507). "Consumer fireworks"
4 includes some small devices designed to produce audible
5 effects, such as whistling devices, ground devices containing
6 50 mg (0.77 grain) or less of explosive materials, and aerial
7 devices containing 130 mg (2 grains) or less of explosive
8 materials. "Consumer fireworks" are classified as explosives,
9 Class 1, Division 1.4, UN0336, or UN0337 in 49 CFR 172.101.

10 (Source: P.A. 96-1194, eff. 1-1-11.)

11 (225 ILCS 210/2000) (from Ch. 96 1/2, par. 1-2000)

12 Sec. 2000. Scope; exemptions.

13 (a) The license requirements of this Article apply to all
14 explosive materials unless otherwise excepted under this
15 Section or Section 1005 of this Act.

16 (b) This Article does not apply to the purchase, receipt,
17 possession, or use of black powder solely for sporting,
18 recreational, or cultural purposes by an individual for his or
19 her own use or for his or her immediate family living in the
20 same household. This includes components for use in muzzle
21 loading firearms and other antique devices and hand loading,
22 reloading, or custom loading fixed ammunition.

23 (c) A person is not required to have a license under this
24 Article for the acquisition, possession, use, transfer, or
25 disposal of explosive materials in connection with mine,

1 quarry, construction, demolition, manufacturing, or wholesale
2 or retail explosive materials operations if (1) the person
3 holds a storage certificate under Article 3 of this Act and (2)
4 the acquisition, possession, use, transfer, or disposal of the
5 explosive materials is limited to the purpose authorized by
6 his or her storage certificate.

7 In addition to the person who holds the storage
8 certificate, this exemption shall also apply to any employee,
9 contractor, or other authorized individual if he or she is
10 under the direct supervision of an individual who is either
11 licensed under this Act or ~~7~~ licensed for blasting operations
12 or use of explosives in aggregate mining operations under the
13 Surface-Mined Land Conservation and Reclamation Act, ~~certified~~
14 ~~for blasting or use of explosives in mining operations under~~
15 ~~the Surface Coal Mining Land Conservation and Reclamation Act,~~
16 ~~or certified as a shot firer under the Coal Mining Act.~~ Direct
17 supervision requires the supervising individual to be
18 physically present at all times during the use or disposal of
19 the explosive materials.

20 (Source: P.A. 96-1194, eff. 1-1-11.)

21 (225 ILCS 210/2001) (from Ch. 96 1/2, par. 1-2001)

22 Sec. 2001. Illinois Individual Explosives License
23 ~~Unlicensed activity; non-residents.~~ No person shall acquire,
24 possess, use, transfer, or dispose of explosive materials
25 unless the person has obtained a valid Illinois Individual

1 Explosives License issued ~~licensed~~ by the Department, except
2 as provided under Section 1005 or 2000 of this Act ~~and the~~
3 ~~Pyrotechnic Distributor and Operator Licensing Act.~~

4 (Source: P.A. 96-1194, eff. 1-1-11.)

5 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

6 Sec. 2005. Qualifications for licensure.

7 (a) No person shall qualify to hold a license who:

8 (1) is under 21 years of age;

9 (2) has been convicted in any court of a crime
10 punishable by imprisonment for a term exceeding one year;

11 (3) is under indictment for a crime punishable by
12 imprisonment for a term exceeding one year;

13 (4) is a fugitive from justice;

14 (5) is an unlawful user of or addicted to alcohol or
15 any controlled substance as defined in Section 102 of the
16 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
17 seq.);

18 (6) has been adjudicated a person with a mental
19 disability as defined in Section 1.1 of the Firearm Owners
20 Identification Card Act or the person's FOID card is
21 suspended or revoked; or

22 (7) is not a legal citizen of the United States or
23 lawfully admitted for permanent residence.

24 (b) A person who has been granted a "relief from
25 disabilities" regarding criminal convictions and indictments,

1 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.
2 845) may receive a license provided all other qualifications
3 under this Act are met.

4 (Source: P.A. 101-541, eff. 8-23-19.)

5 (225 ILCS 210/2011) (from Ch. 96 1/2, par. 1-2011)

6 Sec. 2011. Enforcement action; licenses.

7 (a) Failure to satisfy the age or examination requirements
8 of Sections 2004 and 2005(1) shall result in automatic license
9 denial.

10 (b) Subject to the provisions of Sections 5003 through
11 5005 of this Act, the Department may suspend, revoke, or
12 refuse to issue or renew a license and may take any other
13 disciplinary action that the Department may deem proper,
14 including the imposition of fines not to exceed \$5,000 for
15 each occurrence, if the person, applicant, or licensee fails
16 to comply with or satisfy the requirements of any provision of
17 this Act and for any of the following reasons:

18 (1) Failure to meet or maintain the qualifications for
19 licensure set forth in Section 2005.

20 (2) Willful disregard or violation of this Act or its
21 rules.

22 (3) Willfully aiding or abetting another in the
23 violation of this Act or its rules.

24 (4) Allowing a license issued under this Act to be
25 used by an unlicensed person.

1 (5) Possession, use, acquisition, transfer, handling,
2 disposal, or storage of explosive materials in a manner
3 that endangers the public health, safety, or welfare.

4 (6) Refusal to produce records or reports or permit
5 any inspection lawfully requested by the Department.

6 (7) Failure to make, keep, or submit any record or
7 report required by this Act or its implementing
8 regulations; or making, keeping, or submitting a false
9 record or report.

10 (8) Material misstatement in the application for an
11 original or renewal license.

12 (9) Failure to pay fines for each occurrence upon a
13 final administrative decision.

14 (b-5) Upon receipt of a second revocation of an explosives
15 license, the person shall no longer be eligible to apply for an
16 Illinois individual explosive license.

17 (c) (Blank).

18 (d) (Blank).

19 (e) All fines collected under this Section shall be
20 deposited into the Explosives Regulatory Fund.

21 (Source: P.A. 96-1194, eff. 1-1-11.)

22 (225 ILCS 210/3001) (from Ch. 96 1/2, par. 1-3001)

23 Sec. 3001. Storage requirements; magazines; consumer
24 fireworks ~~Magazines.~~

25 (a) No person shall possess or store explosive materials

1 unless such explosive materials are stored in a magazine or in
2 a factory building in accordance with this Act except while
3 being transported or being used in preparation for blasting.

4 (b) Not more than 300,000 pounds of explosive materials
5 shall be stored in any magazine at any one time.

6 (c) (Blank).

7 (d) (Blank).

8 (e) (Blank).

9 (f) Any bulk storage or holding of consumer fireworks in
10 quantities of 1,001 pounds or greater that is not in
11 compliance with the Pyrotechnic Use Act or the Pyrotechnic
12 Distributor and Operator Licensing Act must be stored in a
13 Department certified Type 1, Type 2, or Type 4 magazine and
14 must meet the distancing requirements, provided by
15 administrative rule, that pertain to the safe storage of low
16 explosives.

17 (Source: P.A. 96-1194, eff. 1-1-11.)

18 (225 ILCS 210/3004) (from Ch. 96 1/2, par. 1-3004)

19 Sec. 3004. Refusal, suspension, or revocation of
20 certificate; Grounds.

21 (a) Subject to the provisions of Sections 5003 through
22 5005 of this Act, the Department may suspend, revoke, refuse
23 to issue or renew a certificate or take any other disciplinary
24 action as the Department may deem proper, including the
25 imposition of fines not to exceed \$5000 for each occurrence,

1 if the person, applicant, or certificate holder fails to
2 comply with or satisfy the requirements of any provision of
3 this Act or for any of the following reasons:

4 (1) Material misstatement in the application for
5 original certificate or in the application for any renewal
6 certificate under this Act.

7 (2) Failure to continue to possess the necessary
8 qualifications or to meet the requirements of the Act for
9 the issuance or holding of a certificate after issuance of
10 the certificate, in which case the certificate shall be
11 revoked.

12 (3) Willful disregard or violation of this Act or of
13 its rules.

14 (4) Willfully aiding or abetting another in the
15 violation of this Act or its rules.

16 (5) Allowing a certificate under this Act to be used
17 by an unauthorized person.

18 (6) Refusing to produce records or permit inspections
19 lawfully requested by the Department.

20 (7) Failing to make or keep records or reports, or
21 making or keeping false records or reports as required
22 under this Act.

23 (8) Storing any explosive material in a manner not in
24 conformity with this Act.

25 (9) Possession, use, or storage of explosive materials
26 in a manner which endangers the public health, safety, or

1 welfare in violation of this Act.

2 (b) All fines collected under this Section of this Act
3 shall be deposited into the Explosives Regulatory Fund.

4 (Source: P.A. 87-835; 88-599, eff. 9-1-94.)

5 (225 ILCS 210/4003) (from Ch. 96 1/2, par. 1-4003)

6 Sec. 4003. Recordkeeping and inspection.

7 (a) All persons, license holders, and certificate holders
8 shall maintain such records pertaining to the possession, use,
9 purchase, transfer and storage of explosive materials as the
10 Department may prescribe and shall furnish the Department or
11 its authorized representatives such records or other relevant
12 information legally requested by the Department or its
13 representatives. In establishing record keeping requirements,
14 the Department shall consider the requirements imposed by
15 agencies of the federal government to avoid duplication or
16 inconsistency. All records required by the Department related
17 to the possession, use, purchase, transfer, or storage of
18 explosive materials shall be maintained for a minimum of 3
19 years.

20 (b) (Blank).

21 (c) All license and certificate holders shall permit their
22 facilities to be inspected at reasonable times and in a
23 reasonable manner by representatives of the Department.

24 (Source: P.A. 96-1194, eff. 1-1-11.)

1 (225 ILCS 210/5001) (from Ch. 96 1/2, par. 1-5001)

2 Sec. 5001. Powers, duties, and functions of Department. In
3 addition to the powers, duties, and functions vested in the
4 Department by this Act, or by other laws of this State, the
5 Department shall have the full powers and authority to carry
6 out and administer this Act, including the following powers,
7 duties, and functions:

8 (a) To adopt reasonable rules consistent with this Act
9 to carry out the purposes and enforce the provisions of
10 this Act.

11 (b) To prescribe and furnish application forms,
12 licenses, certificates, and any other forms necessary
13 under this Act.

14 (c) To prescribe examinations which reasonably test
15 the applicant's knowledge of the safe and proper use,
16 storage, possession, handling, and transfer of explosive
17 materials.

18 (d) To establish and enforce reasonable standards for
19 the use, storage, disposal, and transfer of explosive
20 materials.

21 (e) To issue licenses and certificates to qualified
22 applicants who comply with the requirements of this Act
23 and its rules.

24 (f) To suspend, revoke, or refuse to issue or renew
25 licenses or certificates, or take other disciplinary
26 action, including the imposition of fines. All fines

1 collected under this Act shall be deposited into the
2 Explosives Regulatory Fund.

3 (g) To establish by rule the expiration and renewal
4 period for licenses and certificates issued under this
5 Act, and to establish and collect license and certificate
6 application fees, fees required by the Illinois State
7 Police for criminal identification purposes, and such
8 other fees as are authorized or necessary under this Act.

9 (h) To conduct and prescribe rules of procedure for
10 hearings under this Act.

11 (i) To appoint qualified inspectors to periodically
12 visit places where explosive materials may be stored or
13 used, and to make such other inspections as are necessary
14 to determine satisfactory compliance with this Act.

15 (j) To receive data and assistance from federal,
16 State, and local governmental agencies, and to obtain
17 copies of identification and arrest data from all federal,
18 State, and local law enforcement agencies for use in
19 carrying out the purposes and functions of the Department
20 and this Act.

21 (k) To receive and respond to inquiries from the
22 industry, public, and agencies or instrumentalities of the
23 State, and to investigate, offer advice, make
24 recommendations, and provide monitoring services pertinent
25 to such inquiries regarding the safe and proper storage,
26 handling, and use of explosive materials.

1 (l) To inform, advise, and assist the State's Attorney
2 of the county where any noncompliance with or violation of
3 this Act occurs when the State's Attorney is seeking
4 criminal charges against a person pursuant to Section 5010
5 or 5011 of this Act.

6 (m) To bring an action in the name of the Department,
7 through the Attorney General of the State of Illinois,
8 whenever it appears to the Department that any person is
9 engaged or is about to engage in any acts or practices that
10 constitute or may constitute a violation of the provisions
11 of this Act or its rules, for an order enjoining such
12 violation or for an order enforcing compliance with this
13 Act. Upon filing of a verified petition in such court, the
14 court may issue a temporary restraining order without
15 notice or bond and may preliminarily or permanently enjoin
16 such violation. If it is established that such person has
17 violated or is violating the injunction, the court may
18 punish the offender for contempt of court. Proceedings
19 under this paragraph are in addition to, and not in lieu
20 of, all other remedies and penalties provided for by this
21 Act.

22 (n) In accordance with constitutional limitations, to
23 authorize any officer or Department employee to enter
24 upon, inspect, and examine, at reasonable times and in a
25 reasonable manner, the records and properties of persons
26 licensed or certified under this Act to the extent such

1 records and properties relate to the safe and proper
2 storage, handling, and use of explosive materials.

3 The powers, duties, and functions vested in the Department
4 under the provisions of this Act shall not be construed to
5 affect in any manner the powers, duties, and functions vested
6 in the Department under any other provision of law.

7 (Source: P.A. 96-1194, eff. 1-1-11; 97-333, eff. 8-12-11.)

8 (225 ILCS 210/5010) (from Ch. 96 1/2, par. 1-5010)

9 Sec. 5010. Unlawful possession, storage, and transfer.

10 (a) It is a violation of this Act for any ~~Any~~ person to:
11 ~~subject to this Act who~~

12 (1) possesses ~~an~~ explosive material without having
13 obtained a valid license or certificate under this Act;

14 (2) store explosive material without having obtained a
15 valid storage certificate issued pursuant to this Act; ~~is~~
16 ~~guilty of a Class 3 felony unless otherwise exempted under~~
17 ~~Section 1005 or 2000 of this Act. Any person subject to~~
18 ~~this Act~~

19 (3) transfer ~~who transfers~~ explosive material to a
20 person who does not possess a valid license or certificate
21 under this Act; or

22 (4) obtain control over stolen explosive material
23 knowing that the explosive material is stolen or under
24 such circumstances where a reasonable person would believe
25 the explosive material was stolen.

1 (b) A person convicted of a violation of paragraph (1),
2 (2), or (3) of subsection (a) is guilty of a Class 3 felony
3 unless otherwise exempted under Section 1005 or 2000 of this
4 Act. A person convicted of a violation of paragraph (4) of
5 subsection (a) is guilty of a Class 3 felony.

6 (Source: P.A. 96-1194, eff. 1-1-11.)

7 (225 ILCS 210/5011) (from Ch. 96 1/2, par. 1-5011)

8 Sec. 5011. Violation and penalty. Unless otherwise
9 specified, any person, ~~Any~~ license holder, or certificate
10 holder who fails to comply with or violates any applicable
11 provision of this Act is guilty of a Class B misdemeanor. All
12 law enforcement officers and personnel of the State of
13 Illinois and the various units of local government are
14 responsible for assisting with the enforcement of this Act.

15 (Source: P.A. 86-364.)

16 (225 ILCS 210/Art. 6 heading new)

17 ARTICLE 6. TRANSPORTATION

18 (225 ILCS 210/6001 new)

19 Sec. 6001. Transportation. Any person transporting
20 explosive materials in this State shall comply with the
21 placard requirements, as required by federal administrative
22 rule."