



SPONSOR: Rep. Hudson & Rep. J. Johnson & Sen. Lavelle
Reps. Keeley, K. Williams, Wilson

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 176

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POSSESSION OF A WEAPON IN A SAFE SCHOOL AND RECREATION ZONE.

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

1 Section 1. Amend § 1457, Title 11 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 1457. Possession of a weapon in a Safe School and Recreation Zone; class D, E, or F felony; class A or B
4 misdemeanor.

5 (j) The penalty for possession of a weapon in a Safe School and Recreation Zone shall be:

6 (1) If the underlying offense is a class B misdemeanor, the crime shall be a class A misdemeanor;

7 (2) If the underlying offense is an unclassified misdemeanor, the crime shall be a class B misdemeanor;

8 (3) If the underlying offense is a class E, F, or G felony, the crime shall be one grade higher than the
9 underlying offense.

10 (4) If the underlying offense is a class D felony, the crime shall also be a class D felony.

11 (5) In the event that an elementary or secondary school student possesses a firearm or other deadly weapon in
12 a Safe School and Recreation Zone in addition to any other penalties contained in this section, the student shall be
13 expelled by the local school board or charter school board of directors for a period of not less than 180 days unless
14 otherwise provided for in federal or state law. The local school board or charter school board of directors may, on a
15 case by case basis, modify the terms of the expulsion.

16 (6) In the event that an elementary or secondary school student possesses a deadly weapon other than a
17 firearm in a Safe School and Recreation Zone in addition to any other penalties contained in this section, the student
18 shall be suspended for a period of not less than 30 days unless otherwise provided for in federal or state law. The local
19 school board or charter school board of directors may, on a case by case basis, modify the terms of the suspension.

SYNOPSIS

This bill gives local school boards or charter school boards more discretion on a case by case basis to suspend students for the possession of a deadly weapon other than a firearm in a Safe School or Recreation Zone. This bill is the result of a case in the Brandywine School District.