



SPONSOR: Rep. Smyk & Rep. Keeley & Sen. Ennis  
Reps. Baumbach, Paradee; Sens. Pettyjohn, Townsend

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 234

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF DEADLY WEAPONS.

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

1           Section 1. Amend § 1448, Title 11 of the Delaware Code by making deletions as shown by strikethrough and  
2           insertions as shown by underline as follows:

3           § 1448. Possession and purchase of deadly weapons by persons prohibited; penalties.

4           (a) Except as otherwise provided herein, the following persons are prohibited from purchasing, owning, possessing  
5           or controlling a deadly weapon or ammunition for a firearm within the State:

6           (9) Any person, if the deadly weapon is a semi-automatic or automatic firearm, or a handgun, who, at the  
7           same time, possesses a controlled substance in violation of § 4763, or § 4764 of Title 16-, except that this paragraph  
8           shall not apply if the controlled substance is:

9           a. a personal use quantity of marijuana as defined in § 4701 of Title 16;

10          b. is not possessed in a public place or motor vehicle; and

11          c. qualifies as a civil penalty under § 4764 of Title 16.

SYNOPSIS

This act clarifies that the felony of Possession of a Deadly Weapon by a Person Prohibited shall not apply to persons who are prohibited from possessing a deadly weapon solely by their possession of a personal use quantity of marijuana, when such possession qualifies as a civil penalty under Title 16. This bill addresses the legal issue in State v. Murray (Del. Super. 2017).