



SPONSOR: Rep. J. Johnson & Rep. Longhurst & Rep. Heffernan &
Rep. Lynn & Rep. Potter & Sen. McDowell & Sen. Henry
& Sen. Townsend
Reps. Baumbach, Brady, Pardee

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 306

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES.

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

- 1 Section 1. § 1447A. Possession of a firearm during commission of a felony; class B felony.
- 2 (f) Every person charged under this section over the age of ~~15~~ 16 years ~~shall~~ may be tried as an adult,
- 3 notwithstanding any contrary provisions or statutes governing the Family Court or any other state law.

SYNOPSIS

This bill permits judges to utilize their discretion in determining whether a juvenile charged with possession of a firearm during commission of a felony should be transferred back to Family Court or remain in Superior Court. Prior to 2017, possession of a firearm during the commission of a felony was only one of five criminal charges where judges had no discretion in determining whether a juvenile should be treated as a juvenile or an adult because the statute required a juvenile charged with these offenses to be prosecuted as an adult. House Bill 9, which was enacted last year, provided judges the discretion to determine how a juvenile should be treated for four other offenses. This is a continuation of that effort.

The bill simply changes the language from 'shall' to 'may' to allow judges to weigh the possibility that a juvenile may be better served in Delaware's Family Court system through the amenability process already enumerated in Title 10 § 1010 and § 1011. This bill also raises the age from 15 to 16.