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HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 343

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 and redesignating accordingly:

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 (1) Any person having been convicted in this State or elsewhere of a felony or a crime of violence involving
7 physical injury to another, whether or not armed with or having in possession any weapon during the commission of
8 such felony or crime of violence;

9 (2) Any person who has ever been committed for a mental disorder to any hospital, mental institution or
10 sanitarium, unless such person can demonstrate that he or she is no longer prohibited from possessing a firearm
11 pursuant to § 1448A of this title;

12 (3) Any person who has been convicted for the unlawful use, possession or sale of a narcotic, dangerous drug
13 or central nervous system depressant or stimulant as those terms were defined prior to the effective date of the Uniform
14 Controlled Substances Act in June 1973 or of a narcotic drug or controlled substance as defined in Chapter 47 of Title
15 16;

16 (4) Any person who, as a juvenile, has been adjudicated as delinquent for conduct which, if committed by an
17 adult, would constitute a felony, unless and until that person has reached their twenty-fifth birthday;

18 (5) Any juvenile, if said deadly weapon is a handgun, unless said juvenile possesses said handgun for the
19 purpose of engaging in lawful hunting, instruction, sporting or recreational activity while under the direct or indirect
20 supervision of an adult. For the purpose of this subsection, a "handgun" shall be defined as any pistol, revolver or other
21 firearm designed to be readily capable of being fired when held in 1 hand;

22 (6) Any person who is subject to a Family Court protection from abuse order (other than an ex parte order),
23 but only for so long as that order remains in effect or is not vacated or otherwise terminated, except that this paragraph
24 shall not apply to a contested order issued solely upon § 1041(1)d., e., or h. of Title 10, or any combination thereof;

25 (7) Any person who has been convicted in any court of any misdemeanor crime of domestic violence. For
26 purposes of this paragraph, the term "misdemeanor crime of domestic violence" means any misdemeanor offense that:

27 a. Was committed by a member of the victim's family, as "family" is defined in § 901 of Title 10
28 (regardless, however, of the state of residence of the parties); by a former spouse of the victim; by a person who
29 cohabited with the victim at the time of or within 3 years prior to the offense; by a person with a child in common
30 with the victim; or by a person with whom the victim had a substantive dating relationship, as defined in § 1041 of
31 Title 10, at the time of or within 3 years prior to the offense; and

32 b. Is an offense as defined under § 601, § 602, § 603, § 611, § 614, § 621, § 625, § 628A, § 763, § 765, §
33 766, § 767, § 781, § 785 or § 791 of this title, or any similar offense when committed or prosecuted in another
34 jurisdiction; or

35 (8) Any person who, knowing that he or she is the defendant or co-defendant in any criminal case in which
36 that person is alleged to have committed any felony under the laws of this State, the United States or any other state or
37 territory of the United States, becomes a fugitive from justice by failing to appear for any scheduled court proceeding
38 pertaining to such felony for which proper notice was provided or attempted. It is no defense to a prosecution under
39 this paragraph that the person did not receive notice of the scheduled court proceeding.

40 (9) Any person, if the deadly weapon is a semi-automatic or automatic firearm, or a handgun, who, at the
41 same time, possesses a controlled substance in violation of § 4763, or § 4764 of Title 16.

42 (10) Any person named on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center
43 administered by the Federal Bureau of Investigation.

SYNOPSIS

Modeled after legislation passed in New Jersey on August 8, 2013, this legislation prohibits a person named on the federal terrorist watchlist from purchasing, owning, possessing or controlling a deadly weapon or ammunition for a firearm within the State.