



SPONSOR: Rep. Mitchell & Rep. Longhurst & Rep. Schwartzkopf &
Rep. Heffernan & Rep. Kowalko & Rep. Lynn &
Sen. Townsend
Reps. Baumbach, Bentz, Brady; Sens. McDowell, Sokola

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 375

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PROHIBITED CONDUCT IN CONNECTION WITH LARGE-CAPACITY MAGAZINES.

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

1 Section 1. Amend Subchapter VII, Chapter 5, Title 11 of the Delaware Code by making deletions as shown by
2 strike through and insertions as shown by underline as follows:

3 § 1462. Manufacture, sale, transfer, purchase, receipt, or unlawful possession of large-capacity magazines.

4 (a) For purposes of this section:

5 (1) "Large-capacity magazine" means any ammunition feeding device with the capacity to accept more
6 than 10 rounds. "Large-capacity magazine" does not include any of the following:

7 a. An ammunition feeding device that has been permanently altered so that it cannot accommodate
8 more than 10 rounds.

9 b. An attached tubular ammunition feeding device designed to accept, and capable of operating only
10 with, .22 caliber rimfire ammunition.

11 (2) "Licensed firearms dealer" means any person licensed as a deadly weapons dealer pursuant to Chapter
12 9 of Title 24 and 18 U.S.C. § 921 et seq.

13 (3) "Not readily operable" means that the large-capacity magazine or firearm is disassembled, broken-
14 down, or stored in a manner to prevent its immediate use.

15 (4) "Possess" or "possession" means that the person has the item under the person's dominion and
16 authority, and that the item is at the relevant time physically available and accessible to the person.

17 (5) "Public place" means as defined in § 1460(b)(3) of this title, but does not include a shooting range.

18 (6) "Qualified law-enforcement officer" means as defined in § 1441A(c) of this title.

19 (7) "Qualified retired law-enforcement officer" means as defined in § 1441B(c) of this title.

20 (8) "Shooting range" means any land or structure used and operated, in accordance with all applicable
21 laws and ordinances, for the shooting of targets for training, education, practice, recreation, or competition.

22 (9) “Short-term rental” means the rental of a large-capacity magazine by a shooting range to a customer
23 for use upon the premises of the shooting range in accordance with all applicable laws and ordinances, for a
24 duration of no more than 8 hours.

25 (10) “Unlawfully possess” or “unlawful possession” means possession of a large-capacity magazine in a
26 public place while in possession of a firearm capable of accepting such magazine or possession of a short-term
27 rental outside of a shooting range or for a duration of more than 8 hours.

28 (b) Except as otherwise provided in this section, it is unlawful for a person to manufacture, sell, transfer, purchase,
29 receive, or unlawfully possess any large-capacity magazine.

30 (c) This section does not apply to the purchase, receipt, or possession of a large-capacity magazine by any of the
31 following:

32 (1) Any member of the armed forces of the United States or member of the National Guard, if such
33 member is acting within the scope of the member’s official duties.

34 (2) Any qualified law-enforcement officer or qualified retired law-enforcement officer.

35 (3) Any employee or authorized representative of a shooting range in connection with the short-term
36 rental of large-capacity magazines.

37 (d) This section does not apply to any licensed firearms dealer that does any of the following:

38 (1) Repairs or services a large-capacity magazine for any person authorized by law to possess a large-
39 capacity magazine.

40 (2) Alters a large-capacity magazine so that it cannot accommodate more than 10 rounds.

41 (3) Sells a large-capacity magazine to another licensed dealer or to any other person exempted under
42 subsection (c) of this section.

43 (e) This section does not apply to any manufacturer that does any of the following:

44 (1) Repairs or services a large-capacity magazine for any person authorized by law to possess a large-
45 capacity magazine.

46 (2) Alters a large-capacity magazine so that it cannot accommodate more than 10 rounds.

47 (3) Manufactures a large-capacity magazine for export or for sale to government agencies or the military
48 under applicable state and federal laws and regulations.

49 (f) It is an affirmative defense to a prosecution based on the unlawful possession of a large-capacity magazine
50 under this section that either the large-capacity magazine or the firearm was not readily operable.

51 (g) A violation of this section is a class A misdemeanor for a first offense and a class G felony for any subsequent
52 offense.

53 (h) The Superior Court has exclusive jurisdiction over all violations of this section.

54 Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the
55 invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision
56 or application; and, to that end, the provisions of this Act are declared to be severable.

57 Section 3. This Act takes effect on December 7, 2018.

SYNOPSIS

This Act prohibits the manufacture, sale, purchase, transfer, or delivery of large-capacity magazines, which are defined as ammunition feeding devices with the capacity to accept more than 10 rounds.

In acknowledgment that thousands of law-abiding Delawareans currently possess large-capacity magazines lawfully, this Act makes such possession unlawful only if it occurs in a public place while in possession of a firearm capable of accepting it. Possession of a large-capacity magazine in areas that are not public places remains legal and this Act permits the possession and use of large-capacity magazines at shooting ranges.

A violation of this Act is a class A misdemeanor for a first offense and a class G felony for any subsequent offense.