



SPONSOR: Rep. Smyk & Sen. Lawson
Reps. Carson, Collins, Mitchell, D. Short, Spiegelman;
Sens. Ennis, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 116

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

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

Section 1. Amend § 1444, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1444. Possessing a destructive weapon; class E felony [Subsection (f) is effective until Jan. 1, 2020]

(b)(1) Possessing a destructive weapon listed in paragraphs (a)(1) through (a)(5) of this section is a class E felony.

This section does not apply to members of the military forces or to members of a police force in this State duly authorized to carry a weapon of the type described; nor shall the provisions contained herein apply to authorized and certified (by an accredited state enforcement agency) state and federal wildlife biologists possessing firearm silencers for the purposes of wildlife disease or wildlife population control, or persons possessing machine guns for scientific or experimental research and development purposes, which machine guns have been duly registered under the National Firearms Act of 1968 (26 U.S.C. § 5801 et seq.); or manufacturers, importers, and dealers of destructive weapons, and their employees, who are properly licensed and qualified under the Gun Control Act, 18 U.S.C. Chapter 44, and the National Firearms Act, 26 U.S.C. Chapter 53, when possession and storage of the destructive weapon is safely conducted according to industry standards to minimize the risk of theft or injury and when related to the examination, demonstration, purchase, delivery, or sale of the destructive weapon to or from persons permitted to own or possess destructive weapons.

(2) A person who is convicted of only having possession of a destructive weapon listed under paragraph (a)(6) of this section commits the following:

a. A class B misdemeanor for a first offense.

b. A class E felony for a second or subsequent offense.

SYNOPSIS

Importers, manufacturers, and dealers of "destructive weapons" are licensed and regulated under Federal law. Under existing Delaware law, importers, manufacturers, and dealers of destructive weapons are not permitted to deliver them to purchasers in Delaware who are otherwise permitted to own such weapons, such as military or police forces. This bill will permit properly licensed importers, manufacturers, and dealers to possess and store destructive weapons in this State and engage in activities associated with the sale and delivery of such weapons to (or from) qualified purchasers.