



SPONSOR: Sen. Townsend & Sen. Paradee & Sen. Sokola &  
Sen. McDowell & Sen. Lockman & Sen. Ennis &  
Sen. Delcollo

DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 2  
TO  
HOUSE BILL NO. 63

AMEND House Bill No. 63 by deleting lines 6 and 7 in their entirety and inserting in lieu thereof the following:

~~“person, and where the minor the unauthorized person obtains the firearm and uses it to inflict serious physical injury or death upon the minor or any other person. firearm, and all of the following do apply:~~

a. The firearm was not stored in a locked box or container.

b. The firearm was not disabled with a tamper-resistant trigger lock which was properly engaged so as to render the firearm inoperable by a person other than the owner or other lawfully-authorized user.

c. The firearm was not stored in a location that a reasonable person would have believed to be secure from access by an unauthorized person.

d. The unauthorized person did not obtain the firearm as the result of an unlawful entry by any person.”.

FURTHER AMEND House Bill No. 63 by deleting lines 13 through 22 in their entirety and inserting in lieu thereof the following:

~~“(b) It shall be an affirmative defense to a prosecution under this section if:~~

~~(1) The firearm was stored in a locked box or container or in a location which a reasonable person would have believed to be secure from access to a minor; or~~

~~(2) The minor obtains the firearm as the result of an unlawful entry by any person; or~~

~~(3) The serious physical injuries or death to the minor or any other person results from a target or sport shooting accident or hunting accident. [Repealed.]”.~~

SYNOPSIS

This Amendment removes the burden placed on a person to prove an affirmative defense and instead requires the State to prove all of the following apply:

(1) A firearm was not stored in a locked box or container.

(2) A firearm was not disabled with a tamper-resistant trigger lock which was properly engaged so as to render the firearm inoperable by a person other than the owner or other lawfully-authorized user.

(3) A firearm was not stored in a location which a reasonable person would have believed to be secure from access by an unauthorized person.

(4) An unauthorized person did not obtain the firearm as the result of an unlawful entry by any person.

Author: Senator Townsend