

CHAPTER 89
FORMERLY
SENATE BILL NO. 40

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF FIREARMS DURING THE COMMISSION OF A FELONY.

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

Section 1. Amend Section 4214(b) of Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

(b) Any person who has been 2 times convicted of a felony or an attempt to commit a felony hereinafter specifically named, under the laws of this State, and/or any other state, United States or any territory of the United States, and who shall thereafter be convicted of a subsequent felony hereinafter specifically named, or an attempt to commit such specific felony, is declared to be an habitual criminal, and the court in which such third or subsequent conviction is had, in imposing sentence, shall impose a life sentence upon the person so convicted unless the subsequent felony conviction requires or allows and results in the imposition of capital punishment. Such sentence shall not be subject to the probation or parole provisions of Chapter 43 of this title.

Such felonies shall be:

Section Crime

- 803 Arson in the first degree
 - 826 Burglary in the first degree
 - 825 Burglary in the second degree
 - 636 Murder in the first degree
 - 635 Murder in the second degree
 - 632 Manslaughter
 - 783 Kidnapping in the second degree
 - 783A Kidnapping in the first degree
 - 606 Abuse of a pregnant female in the first degree
 - 613 Assault in the first degree
 - 615 Assault by abuse
 - Former 763 Rape in the second degree
 - Former 764 Rape in the first degree
 - Former 766 Sodomy in the first degree
 - 832 Robbery in the first degree
 - 836 Carjacking in the first degree
 - Former 771 Unlawful sexual penetration in the second degree
 - Former 772 Unlawful sexual penetration in the first degree
 - Former 773 Sexual intercourse in the third degree
 - Former 774 Unlawful sexual intercourse in the second degree
 - Former 775 Unlawful sexual intercourse in the first degree
 - 771 Rape in the third degree
 - 772 Rape in the second degree
 - 773 Rape in the first degree
 - 778(1), (2) Sexual Abuse of a Child by a Person
or (3) in a Position of Trust, Authority or
- Supervision in the First Degree
- 1447A Possession of a Firearm During the Commission of a Felony
- Title 16, Section Crime
- Former 4751 Manufacture, delivery or possession with intent to manufacture or deliver a narcotic

drug

Former 4752 Manufacture, delivery or possession with intent to manufacture or deliver nonnarcotic, controlled substance

Former 4752A Unlawful delivery or attempt to deliver non-controlled substance

Former 4753A Trafficking in marijuana, cocaine, illegal drugs or methamphetamine

4752 Drug Dealing - Aggravated Possession; Class B Felony

4753 Drug Dealing - Aggravated Possession; Class C Felony

4754 Drug Dealing - Aggravated Possession; Class D Felony

4755 Aggravated Possession; Class E Felony

Notwithstanding any provision of this title to the contrary, any sentence imposed pursuant to this subsection shall not be subject to suspension by the court, and shall be served in its entirety at a full custodial Level V institutional setting without benefit of probation, parole, earned good time or any other reduction.

Approved July 03, 2013