

LAWS OF DELAWARE
VOLUME 85
CHAPTER 151
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 4

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO WEAPONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 101, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 101. Definitions.

For the purposes of Parts I and II of this title, unless otherwise specifically defined, or another intention clearly appears, or the context requires a different meaning:

(1) “Department” means the Department of Natural Resources and Environmental Control.

(2) “Firearm” means as defined under § 222 of Title 11.

(2)(3) “Fish and Wildlife Agent” means a law enforcement officer employed by the Department of Natural Resources and Environmental Control pursuant to this title and § 8003(13) of Title 29.

(3)(4) “Hunt” means to chase, pursue, kill, trap or take or attempt to chase, pursue, kill, trap or take any form of wild bird or wild animal.

(5) “Projectile weapon” means as defined under § 222 of Title 11.

(4)(6) “Protected wildlife” means all forms of game and wildlife except such as are not protected by Parts I and II of this title.

(5)(7) “Resident” means any person not an alien who has resided a year or more within this State.

(6)(8) “Secretary” means the Secretary of the Department of Natural Resources and Environmental Control or the Secretary’s duly authorized designee, provided any such delegation of authority is consistent with Chapter 80 of Title 29.

Section 2. Amend § 512, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 512. Refusal to sell and revocation of license; grounds; notice.

(a) The Department may, except as otherwise provided, revoke any hunting, fishing or trapping license, or any license issued by it, and deny any person the right to secure such license or to hunt, fish or trap anywhere in this State for a period within its discretion, but in no case longer than 1 year, if:

(1) The licensee or person has been convicted of violating any game or fish law; or

(2) The licensee or person has been convicted in any court of record of having defaced, mutilated, destroyed or carried away notices posted by a freeholder, leaseholder or the Department, or personal property or crops of any kind on lands or waters in which such licensee or person may have been hunting, trapping or fishing; or

(3) The licensee or person has been convicted of an offense involving carelessness in the use of firearms or projectile weapons while hunting and thereby caused injury to any person or to poultry or livestock; or

(4) The licensee or person has been convicted of an offense involving the unlawful setting of forest, marsh or grass fires; or

(5) It is established to the satisfaction of the Department that the licensee, while hunting with ~~firearms~~, firearms or projectile weapons, has been in an intoxicated condition.

Section 3. Amend § 703, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 703. Open season for game.

The open season during which it shall be lawful to catch, kill or pursue or attempt to catch, kill or pursue muskrat, or to hunt red fox by chase only shall, respectively, be as follows, including, in each instance, the days defining the open season:

(1) *Muskrat*. In New Castle County, December 1 to March 10, next following, but in embanked meadows or marshes in New Castle County, the open season shall be from December 1 to March 20, next following; in Kent and Sussex Counties, December 15 to March 15, next following.

(2) *Red fox*. October 1 to April 30, next following, red fox hunting whenever so permitted and whether occurring on public or private lands as provided herein, shall be permitted by chase only from 1/2 hour before sunrise until 1/2 hour after sunset. Red fox hunting shall be permitted only on a Tuesday, Wednesday or Thursday during such time when it is lawful to take deer with a firearm or ~~archery~~ projectile weapon. However, red fox shall not be hunted by chase at all during deer hunting season that takes place in October, November or December. Notwithstanding the foregoing, red fox may be killed in accordance with § 788 of this title. The Division of Fish and Wildlife shall determine those public lands that are available for fox hunting by chase during any deer hunting season. From January through April, fox hunting by chase during deer hunting season shall be permissible on private lands only on Tuesday, Wednesday and Thursday if the owner of the private land has authorized such hunting to occur thereon.

Section 4. Amend § 707, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 707. Hunting or shooting from motor vehicle, boats or farm machinery prohibited; penalty.

(a) No person shall shoot at or kill any bird or animal protected by the laws of this State by means of any firearms or projectile weapons at any time or place while such person is the occupant of any motor vehicle, motor or sail boat or is riding in or upon any piece of farm machinery, unless said person is legally hunting crippled migratory birds from a motorboat as permitted by federal law. The presence of any person in or on any conveyance used in violation of this section shall be deemed to be a violation of this section.

Section 5. Amend § 708, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 708. Loaded firearms or projectile weapons prohibited in or on motor vehicles, motorboats or farm machinery.

No person shall, for purposes of taking wildlife, have a loaded ~~shotgun or rifle~~ firearm or projectile weapon in that person's possession in, against or on any automobile, other vehicle, any piece of farm machinery, motorboat while under power, sailboat while under power, or have any ammunition in the magazine or chamber of such ~~shotgun or rifle~~ firearm or projectile weapon except when it is otherwise lawful to hunt crippled migratory birds from a motorboat as permitted by federal law.

Section 6. Amend § 710, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 710. Use of silencer on ~~gun~~ firearm or airgun; penalty.

Whoever uses a silencer or noise-reducing contrivance on any ~~gun, rifle or firearm~~ firearm or airgun when hunting for game or fowl, shall be guilty of a class C environmental violation.

Section 7. Amend § 719, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 719. Discharge of firearms or projectile weapons on or near public roads and public rights-of-way; penalty.

(a) No person, except in lawful self-defense, shall discharge any firearm or projectile weapon while on or within 15 yards of a public road or right-of-way unless it is a road or right-of-way within an area controlled by the Department of Natural Resources and Environmental Control, the Department of Agriculture of the State or the United States Department of the Interior and is designated by the respective department as an area open to hunting or trapping.

Section 8. Amend § 722, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 722. Prohibition against use of lights; penalties.

(a) No person or persons shall hunt or attempt to hunt at nighttime any species of wild bird or wild animal with any artificial light including the headlights of any vehicle or with any device that amplifies light using a power source including but not limited to night vision and infrared devices. Possession in a motor vehicle or conveyance of any ~~firearms~~ firearms, projectile weapons, or other implements with which wild birds or wild animals may be killed, exposed within immediate reach, either loaded or unloaded, while using any artificial lights or any device that amplifies light, shall be prima facie evidence of the use of such ~~firearms~~ firearms, projectile weapons, or other implements for hunting. Raccoons or opossums may be hunted on foot or while riding on a horse or mule at nighttime during open season with the use of a dog or artificial light or both. Frogs may be hunted on foot or from a boat at nighttime during open season with an artificial light.

Section 9. Amend § 723, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 723. Hunting or trapping in safety zones; penalty.

(a) (1) No person, except the owner or ~~occupant~~, occupant, or a person with the permission of the owner or occupant, shall discharge a firearm or airgun within 100 yards of an occupied dwelling, house or residence or any barn, stable or any other building used in connection therewith, while hunting or trapping for wild birds or wild animals of any kind. The area within said distance shall be a “safety zone,” and it shall be unlawful to shoot at any wild bird or wild animal while it is within such safety zone without the specific advance permission of the owner or tenant.

(2) Notwithstanding any other law or regulation to the contrary, the safety zone for hunting deer by ~~archery device during established archery seasons~~ projectile weapon, excluding an airgun, shall be 50 yards.

(c) No person, except the owner or occupant, or a person with the permission of said owner or occupant, shall discharge a firearm or projectile weapon so that a shot, ~~slug or bullet~~ slug, bullet, arrow, crossbow bolt, spear, or other projectile lands upon any occupied dwelling, house, or residence, or any barn, stable or other building used in connection therewith.

Section 10. Amend § 1707, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1707. Training of dogs; unlawful to carry ~~firearm~~; firearm or projectile weapon; penalty.

(b) No person shall carry a firearm or projectile weapon while training a dog in closed game season.

Approved August 20, 2025