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HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 357

AN ACT TO AMEND TITLE 6, TITLE 10, TITLE 11, AND TITLE 24 OF THE DELAWARE CODE RELATING TO WEAPONS.

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

1 Section 1. Amend § 222, Title 11 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 222. General definitions.

4 When used in this Criminal Code:

5 (4) "Covert firearm" means any firearm that is constructed in a shape or configuration such that it does not  
6 resemble a firearm.

7 (5) "Dangerous instrument" means all of the following:

8 a. ~~any~~ Any instrument, ~~article~~ article, or substance which, under the circumstances in which it is used,  
9 attempted to be ~~used~~ used, or threatened to be used, is readily capable of causing death or serious physical ~~injury~~,  
10 injury.

11 b. ~~or any~~ Any disabling chemical ~~spray~~, as defined in paragraph (8) of this section spray.

12 c. ~~or any~~ Any electronic control ~~devices including but not limited to~~ device, including a neuromuscular  
13 incapacitation device designed to incapacitate a person.

14 (6) a. "Deadly weapon" includes any of the following:

15 1. ~~a "firearm", as defined in paragraph (13) of this section,~~ A firearm.

16 2. ~~a bomb,~~ A bomb.

17 3. ~~a~~ A knife of any ~~sort (other sort, other than an ordinary pocketknife carried in a closed position),~~  
18 position.

19 4. ~~switchblade knife,~~ A switchblade knife.

20 5. ~~billy,~~ A billy.

21 6. ~~blackjack,~~ A blackjack.

22 7. ~~bludgeon,~~ A bludgeon.

23 8. metal knuckles, Metal knuckles.

24 9. slingshot, A slingshot.

25 10. razor, A razor.

26 11. bicycle chain A bicycle chain.

27 12. or ice pick An ice pick.

28 13. or any “dangerous instrument”, as defined in paragraph (5) of this section, A dangerous

29 instrument, which is used, or attempted to be used, to cause death or serious physical injury.

30 14. A projectile weapon.

31 b. For the purpose of this definition, an ordinary pocketknife shall be a “ordinary pocketknife” means a

32 folding knife having a blade not more than 3 inches in length.

33 (13) “Firearm” includes means all of the following:

34 a. any A weapon from which a shot, projectile projectile, or other object may be is designed or may

35 readily be converted to be discharged by force of combustion, explosive, gas and/or mechanical means, an

36 explosive, whether operable or inoperable, loaded or unloaded. It does not include a BB gun.

37 b. A firearm frame or receiver.

38 (14) “Firearm frame or receiver” means the part of the firearm that provides housing for the firearm’s internal

39 components, and includes the hammer, bolt or breechblock, action, and firing mechanism.

40 (20) “Major component of a firearm” means the slide, barrel, cylinder, trigger group, or receiver of a firearm.

41 (28) “Projectile weapon” means any of the following:

42 a. A bow.

43 b. A crossbow.

44 c. An airbow.

45 d. A weapon designed to discharge or project an arrow, crossbow bolt, or spear.

46 e. An airgun that discharges or projects a pellet, slug, or bullet larger than .177 caliber.

47 ~~(36)~~(37) “Undetectable firearm” means a firearm constructed entirely of nonmetal substances, or a firearm

48 that after removal of all of the major components of a firearm, is not detectable by walk-through metal detectors

49 calibrated and operated to detect the security exemplar, or firearm which includes a major component of a firearm,

50 which, if subject to the types of detection devices commonly used at airports for security screening, would not generate

51 an image that accurately depicts the shape of the component. It does not include a firearm subject to the provisions of

52 18 U.S.C. § 922(p)(3) through (6).

53           ~~(37)~~(38) “Unfinished firearm frame or receiver” means a firearm frame or receiver that requires further  
54 machining or molding in order to be used as part of a functional firearm, and which is designed and intended to be used  
55 in the assembly of a functional firearm.

56           ~~(39)~~(40) “Untraceable firearm” means a firearm for which the sale or distribution chain from a licensed  
57 retailer to the point of its first retail sale cannot be traced by law-enforcement officials. “Untraceable firearm” does not  
58 include any of the following:

59           a. Firearms manufactured prior to 1968.

60           b. Muzzle-loading firearms designed to use black powder or its equivalent.

61           c. Firearms which are designed as replicas of antique firearms originally manufactured prior to 1898.

62           Section 2. Amend § 471, Title 11 of the Delaware Code by making deletions as shown by strike through and  
63 insertions as shown by underline as follows:

64           § 471. Definitions relating to justification.

65           (a) “Deadly force” means force which the defendant uses with the purpose of causing or which the defendant  
66 knows creates a substantial risk of causing death or serious physical injury, including the use of a chokehold as  
67 “chokehold” is defined under § 607A of this title. Purposely firing a firearm or projectile weapon in the direction of another  
68 person or at a vehicle in which another person is believed to be constitutes deadly force. A threat to cause death or serious  
69 bodily harm, by the production of a weapon or otherwise, so long as the defendant’s purpose is limited to creating an  
70 apprehension that deadly force will be used if necessary, does not constitute deadly force.

71           Section 3. Amend § 832, Title 11 of the Delaware Code by making deletions as shown by strike through and  
72 insertions as shown by underline as follows:

73           § 832. Robbery in the first degree; class B felony.

74           (b) Notwithstanding any provisions of this section or Code to the contrary, any person convicted of robbery in the  
75 first degree shall receive a minimum sentence of:

76           (1) Three years at Level V; or

77           (2) Five years at Level V, if the conviction was either of the following:

78           a. For an offense that was committed pursuant to paragraph (a)(3) of this section and the deadly weapon  
79 was a firearm or projectile weapon, and within 7 years of the date of a previous conviction for robbery in the first  
80 degree or if the conviction is for an offense that was committed within 7 years of the date of termination of all  
81 periods of incarceration or confinement imposed pursuant to a previous conviction for robbery in the first degree,  
82 whichever is the later date.

83                   b. For an offense committed within 2 years of the date of a previous conviction for robbery in the first  
84                   degree or if the conviction is for an offense that was committed within 2 years of the date of termination of all  
85                   periods of incarceration or confinement imposed pursuant to a previous conviction for robbery in the first degree,  
86                   whichever is the later date.

87                   Section 4. Amend § 1442, Title 11 of the Delaware Code by making deletions as shown by strike through and  
88                   insertions as shown by underline as follows:

89                   § 1442. Carrying a concealed deadly weapon; class G felony; class D felony.

90                   A person is guilty of carrying a concealed deadly weapon when the person carries concealed a deadly weapon  
91                   upon or about the person without a license to do so as provided by § 1441 of this title.

92                   Carrying a concealed deadly weapon is a class G felony, unless the deadly weapon is a firearm or a projectile  
93                   weapon, in which case it is a class D felony.

94                   It shall be a defense that the defendant has been issued an otherwise valid license to carry a concealed deadly  
95                   weapon pursuant to terms of § 1441 of this title, where:

- 96                   (1) The license has expired,  
97                   (2) The person had applied for renewal of said license within the allotted time frame prior to expiration of the  
98                   license, and  
99                   (3) The offense is alleged to have occurred while the application for renewal of said license was pending  
100                  before the court.

101                  Section 5. Amend § 1445, Title 11 of the Delaware Code by making deletions as shown by strike through and  
102                  insertions as shown by underline as follows:

103                  § 1445. Unlawfully dealing with a dangerous weapon; unclassified misdemeanor; Class E or G felony [Effective  
104                  until June 30, 2025].

105                  (a) A person is guilty of unlawfully dealing with a dangerous weapon when:

106                   (1) The person, who is not a qualified law-enforcement officer, possesses, sells, or in any manner has control  
107                   of any of the following:

108                   a. A weapon which by compressed air or by spring discharges or projects a pellet, slug or bullet, except a  
109                   BB gun, paintball gun, or air gun which does not discharge or project a pellet or slug larger than a .177 caliber  
110                   shot.

111                   b. A pellet, slug or bullet, intending that it be used in any weapon prohibited by paragraph (a)(1)a. of this  
112                   section

113 (2) The person sells, gives or otherwise transfers to a child under 16 years of age a ~~BB or air gun or spear gun~~  
114 ~~or BB shot,~~ BB gun, BB shot, or projectile weapon, unless the person is that child's parent or guardian, or unless the  
115 person first receives the permission of said parent or guardian.

116 (3) Being a parent, the person permits the person's child under 16 years of age to have possession of a ~~BB or~~  
117 ~~air gun or spear gun~~ gun or projectile weapon, unless under the direct supervision of a person 21 years of age or older.

118 (4) The person sells, gives or otherwise transfers to a person under 21 years of age a firearm or ammunition  
119 for a firearm, unless permitted by § 1448 of this title.

120 (5) The person sells, gives or otherwise transfers a firearm or projectile weapon to any person knowing that  
121 said person intends to commit any felony, class A misdemeanor or drug related criminal offense while in possession of  
122 ~~said firearm,~~ the firearm or projectile weapon.

123 (6) Being a parent, the person permits the person's child under 18 years of age to have possession of a firearm  
124 unless under the direct supervision of a person 21 years of age or older.

125 (b) As used in this section, "qualified law-enforcement officer" means as defined in § 1441A of this title.

126 (c) Unlawfully dealing with a ~~firearm or~~ dangerous weapon is an unclassified misdemeanor, unless the person is  
127 convicted under paragraph (a)(4) of this section, in which case it is a class G felony, or unless the person is convicted under  
128 paragraph (a)(5) of this section, in which case it is a class E felony.

129 (d) The Superior Court has exclusive jurisdiction over a violation of paragraphs (a)(3) and (a)(6) of this section.

130 Section 6. Amend § 1445, Title 11 of the Delaware Code by making deletions as shown by strike through and  
131 insertions as shown by underline as follows:

132 § 1445. Unlawfully dealing with a dangerous weapon; unclassified misdemeanor; Class E or G felony [Effective  
133 June 30, 2025].

134 (a) A person is guilty of unlawfully dealing with a dangerous weapon when:

135 (1) The person, who is not a qualified law-enforcement officer, possesses, sells, or in any manner has control  
136 of any of the following:

137 a. A weapon which by compressed air or by spring discharges or projects a pellet, slug or bullet, except a  
138 BB gun, paintball gun, or air gun which does not discharge or project a pellet or slug larger than a .177 caliber  
139 shot.

140 b. A pellet, slug or bullet, intending that it be used in any weapon prohibited by paragraph (a)(1)a. of this  
141 section

142 (2) The person sells, gives or otherwise transfers to a child under 16 years of age a ~~BB or air gun or spear gun~~  
143 ~~or BB shot~~, a BB gun, BB shot, or projectile weapon, unless the person is that child's parent or guardian, or unless the  
144 person first receives the permission of said parent or guardian.

145 (3) Being a parent, the person permits the person's child under 16 years of age to have possession of a BB ~~or~~  
146 ~~air gun or spear gun~~ gun or projectile weapon, unless under the direct supervision of a person 21 years of age or older.

147 (4) The person sells, gives or otherwise transfers to a person under 21 years of age a firearm or ammunition  
148 for a firearm, unless permitted by § 1448 of this title.

149 (5) The person sells, gives or otherwise transfers a firearm or projectile weapon to any person knowing that  
150 said person intends to commit any felony, class A misdemeanor or drug related criminal offense while in possession of  
151 ~~said firearm~~, the firearm or projectile weapon.

152 (6) [Repealed.]

153 (b) As used in this section, "qualified law-enforcement officer" means as defined in § 1441A of this title.

154 (c) Unlawfully dealing with a ~~firearm or~~ dangerous weapon is an unclassified misdemeanor, unless the person is  
155 convicted under paragraph (a)(4) of this section, in which case it is a class G felony, or unless the person is convicted under  
156 paragraph (a)(5) of this section, in which case it is a class E felony.

157 (d) The Superior Court has exclusive jurisdiction over a violation of paragraphs (a)(3) and (a)(6) of this section.

158 Section 7. Amend § 1447A, Title 11 of the Delaware Code by making deletions as shown by strike through and  
159 insertions as shown by underline as follows:

160 § 1447A. Possession of a firearm or projectile weapon during commission of a felony; class B felony.

161 (a) A person who is in possession of a firearm or projectile weapon during the commission of a felony is guilty of  
162 possession of a firearm or projectile weapon during the commission of a felony. Possession of a firearm or projectile  
163 weapon during the commission of a felony is a class B felony.

164 (b) A person convicted under subsection (a) of this section shall receive a minimum sentence of 3 years at Level  
165 V, notwithstanding the provisions of § 4205(b)(2) of this title.

166 (c) A person convicted under subsection (a) of this section, and who has been at least twice previously convicted  
167 of a felony in this State or elsewhere, shall receive a minimum sentence of 5 years at Level V, notwithstanding the  
168 provisions of §§ 4205(b)(2) and 4215 of this title.

169 (d), (e) [Repealed.]

170 (f) Every person charged under this section over the age of 16 years who, following an evidentiary hearing where  
171 the Superior Court finds proof positive or presumption great that the accused used, displayed, or discharged a firearm or

172 projectile weapon during the commission of a Title 11 or a Title 31 violent felony as set forth in § 4201(c) of this title, shall  
173 be tried as an adult, notwithstanding any contrary provisions or statutes governing the Family Court or any other state law.  
174 The provisions of this section notwithstanding, the Attorney General may elect to proceed in Family Court.

175 (g) A person may be found guilty of violating this section notwithstanding that the felony for which the person is  
176 convicted and during which the person possessed the firearm or projectile weapon is a lesser included felony of the one  
177 originally charged.

178 Section 8. Amend § 1448, Title 11 of the Delaware Code by making deletions as shown by strike through and  
179 insertions as shown by underline as follows:

180 § 1448. Possession and purchase of deadly weapons by persons prohibited; penalties [Effective until June 30,  
181 2025].

182 (a) Except as otherwise provided in this section, the following persons are prohibited from purchasing, owning,  
183 possessing, or controlling a deadly weapon or ammunition for a firearm within the State:

184 (1) Any person who has been convicted in this State or other jurisdiction of a felony or a crime of violence  
185 involving physical injury to another person, whether or not armed with or while possessing any weapon during the  
186 commission of the felony or crime of violence.

187 (2) Any person who meets any of the following:

188 a. Has been involuntarily committed for a mental condition under Chapter 50 of Title 16, unless the  
189 person can demonstrate that the person is no longer prohibited from possessing a firearm or projectile weapon  
190 under § 1448A(I) of this title.

191 b. For a crime of violence, has been found not guilty by reason of insanity or guilty but mentally ill,  
192 including any juvenile who has been found not guilty by reason of insanity or guilty but mentally ill, unless such  
193 person can demonstrate that such person is no longer prohibited from possessing a firearm or projectile weapon  
194 under § 1448A(I) of this title.

195 c. For a crime of violence, has been found mentally incompetent to stand trial, including any juvenile who  
196 has been found mentally incompetent to stand trial, unless there has been a subsequent finding that the person has  
197 become competent, or unless such person can demonstrate that such person is no longer prohibited from  
198 possessing a firearm or projectile weapon under § 1448A(I) of this title.

199 d. Is the subject of an order of relinquishment issued under § 1448C of this title.

200 (3) Any person who has been convicted for the unlawful use, possession or sale of a narcotic, dangerous drug  
201 or central nervous system depressant or stimulant as those terms were defined prior to the effective date of the Uniform

202 Controlled Substances Act in June 1973 or of a narcotic drug or controlled substance as defined in Chapter 47 of Title  
203 16.

204 (4) Any person who, as a juvenile, has been adjudicated as delinquent for conduct which, if committed by an  
205 adult, would constitute a felony, until that person reaches the age of 25.

206 (5) Any person under the age of 21.

207 a. This paragraph (a)(5) shall not apply to the purchase, owning, possession, or control of the following  
208 deadly weapons:

209 1. A shotgun as defined in § 1444(c) of this title or ammunition for a shotgun.

210 2. A muzzle-loading rifle as defined in § 704(f) of Title 7.

211 3. Deadly ~~weapons~~ weapons, including projectile weapons, other than firearms if the person is 18  
212 years of age or older.

213 b. This paragraph (a)(5) shall not apply to any of the following persons 18 years of age or older:

214 1. An active member of the Armed Forces of the United States or the National Guard.

215 2. A qualified law-enforcement officer as defined in § 1441A of this title.

216 3. A person who has license to carry a concealed deadly weapon pursuant to § 1441 of this title.

217 c. This paragraph (a)(5) shall not apply to any person under the age of 21 who does any of the following:

218 1. Possesses or controls a firearm or a projectile weapon for the purpose of engaging in lawful  
219 hunting, instruction, sporting, or recreational activity while under the direct supervision of a person 21 years  
220 of age or older.

221 2. Possesses or controls a firearm for the purpose of engaging in lawful hunting and is in compliance  
222 with § 704(g) of Title 7.

223 3. Possesses or controls a firearm for the purpose of transporting the firearm or projectile weapon to  
224 the location of a lawful hunting, instruction, sporting, or recreational activity, for which the person is  
225 authorized to possess or control the firearm or projectile weapon under paragraph (a)(5)c.1. of this section.

226 d. It is not a violation of this paragraph (a)(5) if a person under the age of 21 possesses or uses a firearm  
227 or projectile weapon during the use of force upon or towards another person if such use of force is justifiable  
228 pursuant to § 464, § 465, § 466, or § 469 of this title.

229 e. This paragraph (a)(5) does not apply to the possession or control of a firearm by a person 18 years of  
230 age or older.



231 (6) Any person who knows that the person is subject to a Family Court protection from abuse order, but only  
232 for so long as the order remains in effect, except that this paragraph shall not apply to a contested order issued solely  
233 upon § 1041(1)d., e., or i. of Title 10, or any combination thereof.

234 (7) Any person who has been convicted in any court of any misdemeanor crime of domestic violence. For  
235 purposes of this paragraph, the term “misdemeanor crime of domestic violence” means any misdemeanor offense that:

236 a. Was committed by a member of the victim’s family, as “family” is defined in § 901 of Title 10  
237 (regardless, however, of the state of residence of the parties); by a former spouse of the victim; by a person who  
238 cohabited with the victim at the time of or within 3 years prior to the offense; by a person with a child in common  
239 with the victim; or by a person with whom the victim had a substantive dating relationship, as defined in § 1041 of  
240 Title 10, at the time of or within 3 years prior to the offense,

241 b. Is an offense as defined under § 601, § 602, § 603, § 611, § 614, § 621, § 625, § 628A, § 763, § 765, §  
242 766, § 767, § 781, § 785 or § 791 of this title, or any similar offense when committed or prosecuted in another  
243 jurisdiction.

244 (8) Any person who, knowing that such person is the defendant or co-defendant in any criminal case in which  
245 that person is alleged to have committed any felony under the laws of this State, the United States or any other state or  
246 territory of the United States, becomes a fugitive from justice by failing to appear for any scheduled court proceeding  
247 pertaining to such felony for which proper notice was provided or attempted. It is no defense to a prosecution under  
248 this paragraph that the person did not receive notice of the scheduled court proceeding.

249 (9) Any person, if the deadly weapon is a semi-automatic or automatic firearm, or a handgun, who, at the  
250 same time, possesses a controlled substance in violation of § 4763 of Title 16.

251 (10) Except for “antique firearms”, any validly seized deadly weapons or ammunition from a person  
252 prohibited as a result of a felony conviction under Delaware law, federal law or the laws of any other state, or as  
253 otherwise prohibited under this subsection (a) of this section may be disposed of by the law enforcement agency  
254 holding the weapon or ammunition, pursuant to § 2311 of this title.

255 a. “Antique firearm” means any firearm not designed or redesigned for using rim fire or conventional  
256 center fire ignition with fixed ammunition and manufactured in or before 1898 and also any firearm using fixed  
257 ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States  
258 and is not readily restored to a firing condition.

259                   b. A person prohibited under this section has the burden of proving that the subject firearm is an antique  
260                   firearm as defined in paragraph (a)(10)a. of this section subject to an exemption under this section and § 2311 of  
261                   this title.

262                   (11) Any person who is subject to a lethal violence protection order, issued under § 7704 of Title 10, but only  
263                   for so long as that order remains in effect or is not vacated or otherwise terminated under Chapter 77 of Title 10.

264                   (12) Any person who knows that the person is the subject of an outstanding arrest warrant, or post-arrest  
265                   charges or an active indictment or information, for any felony under the laws of this State, the United States, or any  
266                   other state or territory of the United States, or for a misdemeanor crime of domestic violence under paragraph (a)(7) of  
267                   this section, is prohibited from purchasing a ~~firearm~~ firearm or projectile weapon.

268                   (b) Any prohibited person as set forth in subsection (a) of this section who knowingly possesses, purchases, owns  
269                   or controls a deadly weapon or ammunition for a firearm while so prohibited shall be guilty of possession of a deadly  
270                   weapon or ammunition for a firearm by a person prohibited.

271                   (c) Possession of a deadly weapon by a person prohibited is a class F felony, unless said deadly weapon is a  
272                   firearm or ammunition for a firearm, and the violation is one of paragraphs (a)(1)-(8) of this section, in which case it is a  
273                   class D felony, or unless the person is eligible for sentencing pursuant to subsection (e) of this section, in which case it is a  
274                   class C felony. As used herein, the word “ammunition” shall mean 1 or more rounds of fixed ammunition designed for use  
275                   in and capable of being fired from a pistol, revolver, shotgun or rifle but shall not mean inert rounds or expended shells,  
276                   hulls or casings.

277                   (d) Any person who is a prohibited person solely as the result of a conviction for an offense which is not a felony  
278                   shall not be prohibited from purchasing, owning, possessing or controlling a deadly weapon or ammunition for a firearm if  
279                   5 years have elapsed from the date of conviction.

280                   (e) (1) Notwithstanding any provision of this section or Code to the contrary, any person who is a prohibited  
281                   person as described in this section and who knowingly possesses, purchases, owns or controls a ~~firearm~~ firearm, projectile  
282                   weapon, or destructive weapon while so prohibited shall receive a minimum sentence of:

- 283                   a. Three years at Level V, if the person has previously been convicted of a violent felony;
- 284                   b. Five years at Level V, if the person does so within 10 years of the date of conviction for any violent  
285                   felony or the date of termination of all periods of incarceration or confinement imposed pursuant to said  
286                   conviction, whichever is the later date; or
- 287                   c. Ten years at Level V, if the person has been convicted on 2 or more separate occasions of any violent  
288                   felony.

289 (2) Any person who is a prohibited person as described in this section because of a conviction for a violent  
290 felony and who, while in possession or control of a firearm or projectile weapon in violation of this section, negligently  
291 causes serious physical injury to or the death of another person through the use of ~~such firearm~~, the firearm or  
292 projectile weapon shall be guilty of a class B felony and shall receive a minimum sentence of:

293 a. Four years at Level V; or

294 b. Six years at Level V, if the person causes such injury or death within 10 years of the date of conviction  
295 for any violent felony or the date of termination of all periods of incarceration or confinement imposed pursuant to  
296 said conviction, whichever is the later date; or

297 c. Ten years at Level V, if the person has been convicted on 2 or more separate occasions of any violent  
298 felony.

299 d. Nothing in this paragraph shall be deemed to be a related or included offense of any other provision of  
300 this Code. Nothing in this paragraph shall be deemed to preclude prosecution or sentencing under any other  
301 provision of this Code nor shall this paragraph be deemed to repeal any other provision of this Code.

302 (3) Any sentence imposed pursuant to this subsection shall not be subject to the provisions of § 4215 of this  
303 title. For the purposes of this subsection, “violent felony” means any felony so designated by § 4201(c) of this title, or  
304 any offense set forth under the laws of the United States, any other state or any territory of the United States which is  
305 the same as or equivalent to any of the offenses designated as a violent felony by § 4201(c) of this title.

306 (4) Any sentence imposed for a violation of this subsection shall not be subject to suspension and no person  
307 convicted for a violation of this subsection shall be eligible for good time, parole or probation during the period of the  
308 sentence imposed.

309 (f) (1) Upon conviction, any person who is a prohibited person as described in paragraph (a)(5) of this section and  
310 who is 15 years of age or older, but not yet 18 years of age, is declared a child in need of mandated institutional treatment  
311 and shall, for a first offense, receive a minimum sentence of 6 months of Level V incarceration or institutional confinement,  
312 and shall receive a minimum sentence of 1 year of Level V incarceration or institutional confinement for a second and each  
313 subsequent offense, which shall not be subject to suspension. Any sentence imposed pursuant to this subsection shall not be  
314 subject to §§ 4205(b) and 4215 of this title.

315 (2) The penalties prescribed by this subsection and subsection (g) of this section shall be imposed regardless  
316 of whether or not the juvenile is determined to be amenable to the rehabilitative process of the Family Court pursuant  
317 to § 1010(c) of Title 10 or any successor statute.

318 (g) In addition to the penalties set forth in subsection (f) of this section, a person who is a prohibited person as  
319 described in paragraph (a)(5) of this section and who is 14 years of age or older, but not yet 18 years of age, shall, upon  
320 conviction of a first offense, be required to view a film or slide presentation depicting the damage and destruction inflicted  
321 upon the human body by a projectile fired from a ~~gun~~, firearm or projectile weapon, and shall be required to meet with,  
322 separately or as part of a group, a victim of a violent crime, or with the family of a deceased victim of a violent crime. The  
323 Division of Youth Rehabilitative Service, with the cooperation of the Division of Forensic Science and the Victims'  
324 Compensation Assistance Program, shall be responsible for the implementation of this subsection.

325 Section 9. Amend § 1448, Title 11 of the Delaware Code by making deletions as shown by strike through and  
326 insertions as shown by underline as follows:

327 § 1448. Possession and purchase of deadly weapons by persons prohibited; penalties [Effective June 30, 2025].

328 (a) Except as otherwise provided in this section, the following persons are prohibited from purchasing, owning,  
329 possessing, or controlling a deadly weapon or ammunition for a firearm within the State:

330 (1) Any person who has been convicted in this State or other jurisdiction of a felony or a crime of violence  
331 involving physical injury to another person, whether or not armed with or while possessing any weapon during the  
332 commission of the felony or crime of violence.

333 (2) Any person who meets any of the following:

334 a. Has been involuntarily committed for a mental condition under Chapter 50 of Title 16, unless the  
335 person can demonstrate that the person is no longer prohibited from possessing a firearm or projectile weapon  
336 under § 1448A(I) of this title.

337 b. For a crime of violence, has been found not guilty by reason of insanity or guilty but mentally ill,  
338 including any juvenile who has been found not guilty by reason of insanity or guilty but mentally ill, unless such  
339 person can demonstrate that such person is no longer prohibited from possessing a firearm or projectile weapon  
340 under § 1448A(I) of this title.

341 c. For a crime of violence, has been found mentally incompetent to stand trial, including any juvenile who  
342 has been found mentally incompetent to stand trial, unless there has been a subsequent finding that the person has  
343 become competent, or unless such person can demonstrate that such person is no longer prohibited from  
344 possessing a firearm or projectile weapon under § 1448A(I) of this title.

345 d. Is the subject of an order of relinquishment issued under § 1448C of this title.

346 (3) Any person who has been convicted for the unlawful use, possession or sale of a narcotic, dangerous drug  
347 or central nervous system depressant or stimulant as those terms were defined prior to the effective date of the Uniform

348 Controlled Substances Act in June 1973 or of a narcotic drug or controlled substance as defined in Chapter 47 of Title  
349 16.

350 (4) Any person who, as a juvenile, has been adjudicated as delinquent for conduct which, if committed by an  
351 adult, would constitute a felony, until that person reaches the age of 25.

352 (5) Any person under the age of 21.

353 a. This paragraph (a)(5) shall not apply to the purchase, owning, possession, or control of the following  
354 deadly weapons:

355 1. A shotgun as defined in § 1444(c) of this title or ammunition for a shotgun.

356 2. A muzzle-loading rifle as defined in § 704(f) of Title 7.

357 3. ~~Deadly weapons~~ weapons, including projectile weapons, other than firearms if the person is 18  
358 years of age or older.

359 b. This paragraph (a)(5) shall not apply to any of the following persons 18 years of age or older:

360 1. An active member of the Armed Forces of the United States or the National Guard.

361 2. A qualified law-enforcement officer as defined in § 1441A of this title.

362 3. A person who has license to carry a concealed deadly weapon pursuant to § 1441 of this title.

363 c. This paragraph (a)(5) shall not apply to any person under the age of 21 who does any of the following:

364 1. Possesses or controls a firearm or projectile weapon for the purpose of engaging in lawful hunting,  
365 instruction, sporting, or recreational activity while under the direct supervision of a person 21 years of age or  
366 older.

367 2. Possesses or controls a firearm for the purpose of engaging in lawful hunting and is in compliance  
368 with § 704(g) of Title 7.

369 3. Possesses or controls a firearm for the purpose of transporting the firearm or projectile weapon to  
370 the location of a lawful hunting, instruction, sporting, or recreational activity, for which the person is  
371 authorized to possess or control the firearm or projectile weapon under paragraph (a)(5)c.1. of this section.

372 d. It is not a violation of this paragraph (a)(5) if a person under the age of 21 possesses or uses a firearm  
373 or projectile weapon during the use of force upon or towards another person if such use of force is justifiable  
374 pursuant to § 464, § 465, § 466, or § 469 of this title.

375 e. [Repealed.]

376 (6) Any person who knows that the person is subject to a Family Court protection from abuse order, but only  
377 for so long as the order remains in effect, except that this paragraph shall not apply to a contested order issued solely  
378 upon § 1041(1)d., e., or i. of Title 10, or any combination thereof.

379 (7) Any person who has been convicted in any court of any misdemeanor crime of domestic violence. For  
380 purposes of this paragraph, the term “misdemeanor crime of domestic violence” means any misdemeanor offense that:

381 a. Was committed by a member of the victim’s family, as “family” is defined in § 901 of Title 10  
382 (regardless, however, of the state of residence of the parties); by a former spouse of the victim; by a person who  
383 cohabited with the victim at the time of or within 3 years prior to the offense; by a person with a child in common  
384 with the victim; or by a person with whom the victim had a substantive dating relationship, as defined in § 1041 of  
385 Title 10, at the time of or within 3 years prior to the offense,

386 b. Is an offense as defined under § 601, § 602, § 603, § 611, § 614, § 621, § 625, § 628A, § 763, § 765, §  
387 766, § 767, § 781, § 785 or § 791 of this title, or any similar offense when committed or prosecuted in another  
388 jurisdiction.

389 (8) Any person who, knowing that such person is the defendant or co-defendant in any criminal case in which  
390 that person is alleged to have committed any felony under the laws of this State, the United States or any other state or  
391 territory of the United States, becomes a fugitive from justice by failing to appear for any scheduled court proceeding  
392 pertaining to such felony for which proper notice was provided or attempted. It is no defense to a prosecution under  
393 this paragraph that the person did not receive notice of the scheduled court proceeding.

394 (9) Any person, if the deadly weapon is a semi-automatic or automatic firearm, or a handgun, who, at the  
395 same time, possesses a controlled substance in violation of § 4763 of Title 16.

396 (10) Except for “antique firearms”, any validly seized deadly weapons or ammunition from a person  
397 prohibited as a result of a felony conviction under Delaware law, federal law or the laws of any other state, or as  
398 otherwise prohibited under this subsection (a) of this section may be disposed of by the law enforcement agency  
399 holding the weapon or ammunition, pursuant to § 2311 of this title.

400 a. “Antique firearm” means any firearm not designed or redesigned for using rim fire or conventional  
401 center fire ignition with fixed ammunition and manufactured in or before 1898 and also any firearm using fixed  
402 ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States  
403 and is not readily restored to a firing condition.

404                   b. A person prohibited under this section has the burden of proving that the subject firearm is an antique  
405                   firearm as defined in paragraph (a)(10)a. of this section subject to an exemption under this section and § 2311 of  
406                   this title.

407                   (11) Any person who is subject to a lethal violence protection order, issued under § 7704 of Title 10, but only  
408                   for so long as that order remains in effect or is not vacated or otherwise terminated under Chapter 77 of Title 10.

409                   (12) Any person who knows that the person is the subject of an outstanding arrest warrant, or post-arrest  
410                   charges or an active indictment or information, for any felony under the laws of this State, the United States, or any  
411                   other state or territory of the United States, or for a misdemeanor crime of domestic violence under paragraph (a)(7) of  
412                   this section, is prohibited from purchasing a ~~firearm~~ firearm or projectile weapon.

413                   (b) Any prohibited person as set forth in subsection (a) of this section who knowingly possesses, purchases, owns  
414                   or controls a deadly weapon or ammunition for a firearm while so prohibited shall be guilty of possession of a deadly  
415                   weapon or ammunition for a firearm by a person prohibited.

416                   (c) Possession of a deadly weapon by a person prohibited is a class F felony, unless said deadly weapon is a  
417                   firearm or ammunition for a firearm, and the violation is one of paragraphs (a)(1)-(8) of this section, in which case it is a  
418                   class D felony, or unless the person is eligible for sentencing pursuant to subsection (e) of this section, in which case it is a  
419                   class C felony. As used herein, the word “ammunition” shall mean 1 or more rounds of fixed ammunition designed for use  
420                   in and capable of being fired from a pistol, revolver, shotgun or rifle but shall not mean inert rounds or expended shells,  
421                   hulls or casings.

422                   (d) Any person who is a prohibited person solely as the result of a conviction for an offense which is not a felony  
423                   shall not be prohibited from purchasing, owning, possessing or controlling a deadly weapon or ammunition for a firearm if  
424                   5 years have elapsed from the date of conviction.

425                   (e) (1) Notwithstanding any provision of this section or Code to the contrary, any person who is a prohibited  
426                   person as described in this section and who knowingly possesses, purchases, owns or controls a ~~firearm~~ firearm, projectile  
427                   weapon, or destructive weapon while so prohibited shall receive a minimum sentence of:

428                   a. Three years at Level V, if the person has previously been convicted of a violent felony;

429                   b. Five years at Level V, if the person does so within 10 years of the date of conviction for any violent  
430                   felony or the date of termination of all periods of incarceration or confinement imposed pursuant to said  
431                   conviction, whichever is the later date; or

432                   c. Ten years at Level V, if the person has been convicted on 2 or more separate occasions of any violent  
433                   felony.

434 (2) Any person who is a prohibited person as described in this section because of a conviction for a violent  
435 felony and who, while in possession or control of a firearm or projectile weapon in violation of this section, negligently  
436 causes serious physical injury to or the death of another person through the use of ~~such firearm~~, the firearm or  
437 projectile weapon shall be guilty of a class B felony and shall receive a minimum sentence of:

438 a. Four years at Level V; or

439 b. Six years at Level V, if the person causes such injury or death within 10 years of the date of conviction  
440 for any violent felony or the date of termination of all periods of incarceration or confinement imposed pursuant to  
441 said conviction, whichever is the later date; or

442 c. Ten years at Level V, if the person has been convicted on 2 or more separate occasions of any violent  
443 felony.

444 d. Nothing in this paragraph shall be deemed to be a related or included offense of any other provision of  
445 this Code. Nothing in this paragraph shall be deemed to preclude prosecution or sentencing under any other  
446 provision of this Code nor shall this paragraph be deemed to repeal any other provision of this Code.

447 (3) Any sentence imposed pursuant to this subsection shall not be subject to the provisions of § 4215 of this  
448 title. For the purposes of this subsection, “violent felony” means any felony so designated by § 4201(c) of this title, or  
449 any offense set forth under the laws of the United States, any other state or any territory of the United States which is  
450 the same as or equivalent to any of the offenses designated as a violent felony by § 4201(c) of this title.

451 (4) Any sentence imposed for a violation of this subsection shall not be subject to suspension and no person  
452 convicted for a violation of this subsection shall be eligible for good time, parole or probation during the period of the  
453 sentence imposed.

454 (f) (1) Upon conviction, any person who is a prohibited person as described in paragraph (a)(5) of this section and  
455 who is 15 years of age or older, but not yet 18 years of age, is declared a child in need of mandated institutional treatment  
456 and shall, for a first offense, receive a minimum sentence of 6 months of Level V incarceration or institutional confinement,  
457 and shall receive a minimum sentence of 1 year of Level V incarceration or institutional confinement for a second and each  
458 subsequent offense, which shall not be subject to suspension. Any sentence imposed pursuant to this subsection shall not be  
459 subject to §§ 4205(b) and 4215 of this title.

460 (2) The penalties prescribed by this subsection and subsection (g) of this section shall be imposed regardless  
461 of whether or not the juvenile is determined to be amenable to the rehabilitative process of the Family Court pursuant  
462 to § 1010(c) of Title 10 or any successor statute.



463 (g) In addition to the penalties set forth in subsection (f) of this section, a person who is a prohibited person as  
464 described in paragraph (a)(5) of this section and who is 14 years of age or older, but not yet 18 years of age, shall, upon  
465 conviction of a first offense, be required to view a film or slide presentation depicting the damage and destruction inflicted  
466 upon the human body by a projectile fired from a ~~gun~~, firearm or projectile weapon, and shall be required to meet with,  
467 separately or as part of a group, a victim of a violent crime, or with the family of a deceased victim of a violent crime. The  
468 Division of Youth Rehabilitative Service, with the cooperation of the Division of Forensic Science and the Victims'  
469 Compensation Assistance Program, shall be responsible for the implementation of this subsection.

470 Section 10. Amend § 1448A, Title 11 of the Delaware Code by making deletions as shown by strike through and  
471 insertions as shown by underline as follows:

472 § 1448A. Background checks for sales of firearms.

473 (a) A licensed importer, licensed manufacturer, or licensed dealer may not sell, transfer, or deliver from inventory  
474 any ~~firearm, as defined in § 8571 of this title~~, firearm to any other person, other than a licensed importer, licensed  
475 manufacturer, licensed dealer, or licensed collector, without conducting a background check by the State Bureau of  
476 Identification, through the Firearm Transaction Approval Program under subchapter VI of Chapter 85 of this title, to  
477 determine whether the transfer of a firearm to any person who is not licensed under 18 U.S.C. § 923 would be in violation  
478 of federal or state law.

479 (b) A licensed importer, licensed manufacturer, or licensed dealer may not sell, transfer, or deliver from inventory  
480 any ~~firearm, as defined in § 8571 of this title~~, firearm to any other person, other than a licensed importer, licensed  
481 manufacturer, licensed dealer, or licensed collector, unless and until being informed that it may “proceed” with the sale,  
482 transfer, or delivery from inventory of a firearm by the State Bureau of Identification, through the Firearm Transaction  
483 Approval Program under subchapter VI of Chapter 85 of this title, following a request for a background check under  
484 subsection (a) of this section or 25 days have elapsed from the date of the request for a background check and a denial has  
485 not occurred.

486 (e), (d) [~~Repealed.~~]

487 (c) For purposes of this section, “firearm” means as defined in § 8571 of this title.

488 (d) [~~Repealed.~~]

489 (e) This section does not apply to any of the following:

490 (1) Any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition  
491 system manufactured in or before 1898.

492 (2) Any replica of any firearm described in paragraph (e)(1) of this section if the replica meets 1 of the  
493 following:

494 a. Is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition.

495 b. Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the  
496 United States and which is not readily available in the ordinary channels of commercial trade.

497 (3) Any shotgun, which is defined as a firearm designed or intended to be fired from the shoulder and  
498 designed or made to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of  
499 the trigger.

500 (4) The return, by a licensed pawnbroker, of a firearm to the person from whom it was received.

501 (5) Transactions in which the potential buyer or transferee holds a valid concealed deadly weapons license  
502 under §§ 1441, 1441A, and 1441B of this title.

503 (6) Transactions involving a “law-enforcement officer” as defined by § 222 of this title.

504 (f) Any licensed dealer, licensed manufacturer, licensed importer, or employee thereof who wilfully and  
505 intentionally requests a background check from the State Bureau of Identification, through the Firearm Transaction  
506 Approval Program under subchapter VI of Chapter 85 of this title, for any purpose other than compliance with subsection  
507 (a) of this section, or § 1441(a)(1) or § 1448B(a) of this title, or wilfully and intentionally disseminates any information  
508 from the background check to any person other than the subject of such information or discloses to any person the unique  
509 identification number is guilty of a class A misdemeanor. The Superior Court has exclusive jurisdiction for all offenses  
510 under this subsection.

511 (g) Any person who, in connection with the purchase, transfer, or attempted purchase or transfer of a firearm  
512 pursuant to subsection (a) of this section or § 1448B(a) of this title, wilfully and intentionally makes any materially false  
513 oral or written statement or wilfully and intentionally furnishes or exhibits any false identification intended or likely to  
514 deceive the licensee is guilty of a class G felony.

515 (h) Any licensed dealer, licensed manufacturer, licensed importer or employee thereof who wilfully and  
516 intentionally sells or delivers a firearm in violation of this section is guilty of a class A misdemeanor. A second or  
517 subsequent offense by an individual is a class G felony. The Superior Court has exclusive jurisdiction for all offenses under  
518 this subsection.

519 (i) The SBI shall provide to the judiciary committees of the Senate and House of Representatives an annual report  
520 including the number of inquiries made under this section and § 1448B of this title for the prior calendar year. The report  
521 must include the number of inquiries received from licensees, the number of inquiries resulting in a determination that the

522 potential buyer or transferee was prohibited from receipt or possession of a firearm under § 1448 of this title or federal law,  
523 and the estimated costs of administering the Firearm Transaction Approval Program under subchapter VI of Chapter 85 of  
524 this title.

525 (j) Notwithstanding Chapter 89 of this title, Chapter 10 of Title 29, and other laws of this State, the SBI shall  
526 release records and data required by this section and by § 1448B of this title. The SBI may not release or disclose criminal  
527 records or data except as specified in this section and in § 1448B of this title.

528 (k) Records, data, information, or reports containing the name, address, date of birth, or other identifying data of  
529 either the transferor or transferee or which contain the make, model, caliber, serial number, or other identifying data of any  
530 firearm which are required, authorized, or maintained under this section, § 1448B of this title, or by Chapter 9 of Title 24,  
531 are not subject to disclosure or release under the Freedom of Information Act, Chapter 100 of Title 29.

532 (l) *Relief from Disabilities Program.* —

533 A person who is subject to the disabilities of 18 U.S.C. § 922(d)(4) and (g)(4) or of § 1448(a)(2) of this title,  
534 except a person subject to an order for relinquishment under § 1448C(d)(1) of this title, because of an adjudication or  
535 commitment under the laws of this State may petition for relief from a firearms or projectile weapons prohibition from the  
536 Relief from Disabilities Board. The Relief from Disabilities Board shall be comprised of 3 members, with the chairperson  
537 appointed by and serving at the pleasure of the Secretary of Safety and Homeland Security, and 2 members appointed by  
538 and serving at the pleasure of the Secretary of the Department of Health and Social Services, 1 of whom shall be a licensed  
539 psychiatrist.

540 (1) The Board shall consider the petition for relief in accordance with all of the following:

541 a. The Board shall give the petitioner the opportunity to present evidence to the Board in a closed and  
542 confidential hearing on the record.

543 b. The Board shall maintain a record of the hearing for purposes of appellate review.

544 (2) In determining whether to grant relief, the Board shall consider evidence regarding all of the following:

545 a. The circumstances regarding the firearms or projectile weapons disabilities pursuant to § 1448(a)(2) of  
546 this title ~~and~~ or 18 U.S.C. § 922(d)(4) and (g)(4).

547 b. The petitioner's record, which must include, at a minimum, the petitioner's mental health record,  
548 including a certificate of a medical doctor or psychiatrist licensed in this State that the person is no longer  
549 suffering from a mental disorder which interferes or handicaps the person from handling deadly weapons.

550 c. Criminal history records.

551 d. The petitioner's reputation as evidenced through character witness statements, testimony, or other  
552 character evidence.

553 (3) The Board shall have the authority to require that the petitioner undergo a clinical evaluation and risk  
554 assessment, which it may also consider as evidence in determining whether to approve or deny the petition for relief.

555 (4) After a hearing on the record, the Board shall grant relief if it finds, by a preponderance of the evidence,  
556 all of the following apply:

557 a. The petitioner will not be likely to act in a manner dangerous to public safety.

558 b. Granting the relief will not be contrary to the public interest.

559 (5) The Board shall issue its decision in writing explaining the reasons for a denial or grant of relief.

560 (6) Any person whose petition for relief has been denied by the Relief from Disabilities Board has a right to a  
561 de novo judicial review in the Superior Court. The Superior Court shall consider the record of the Board hearing on the  
562 petition for relief, the decision of the Board, and, at the Court's discretion, any additional evidence it deems necessary  
563 to conduct its review.

564 (7) On notice that a petition for relief has been granted, the Department of Safety and Homeland Security  
565 shall, as soon as practicable, do both of the following:

566 a. Cause the petitioner's record to be updated, corrected, modified, or removed from any database  
567 maintained and made available to NICS and SBI to reflect that the petitioner is no longer subject to a firearms or  
568 projectile weapons prohibition as it relates to § 1448(a)(2) of this title ~~and~~ or 18 U.S.C. § 922(d)(4) and (g)(4).

569 b. Notify the Attorney General of the United States and the Attorney General of this State that the  
570 petitioner is no longer subject to a firearms or projectile weapons prohibition under § 1448(a)(2) of this title ~~and~~ or  
571 18 U.S.C. § 922(d)(4) and (g)(4).

572 (m) The SBI shall adopt regulations, consistent with federal law, relating to compliance with NICS, including  
573 issues relating to the transmission of data, the transfer of existing data in the existing state criminal background check  
574 database, and the relief from disabilities process under subsection (l) of this section. In preparing such regulations, the SBI  
575 shall consult with the Department of Health and Social Services, the courts, the Department of Children, Youth and Their  
576 Families, the Department of State, and such other entities as may be necessary or advisable. Regulations adopted under this  
577 section must include provisions to ensure the identity, confidentiality, and security of all records and data provided under  
578 this section.

579 Section 11. Amend § 1448C, Title 11 of the Delaware Code by making deletions as shown by strike through and  
580 insertions as shown by underline as follows:

581 § 1448C. Civil procedures to relinquish ~~firearms~~ a firearm, projectile weapon, or ammunition.

582 (a) For the purposes of this section:

583 (1) “Ammunition” means as defined in § 1448(c) of this title.

584 (2) “Dangerous to others” means that by reason of mental condition there is a substantial likelihood that the  
585 person will inflict serious bodily harm upon another person within the reasonably foreseeable future. This  
586 determination must take into account a person’s history, recent behavior, and any recent act or threat.

587 (3) “Dangerous to others or self” means as “dangerous to others” and “dangerous to self” are defined in this  
588 subsection.

589 (4) “Dangerous to self” means that by reason of mental condition there is a substantial likelihood that the  
590 person will sustain serious bodily harm to oneself within the reasonably foreseeable future. This determination must  
591 take into account a person’s history, recent behavior, and any recent act or threat.

592 (5) “Law-enforcement agency” means an agency established by this State, or by any county or municipality  
593 within this State, to enforce criminal laws or investigate suspected criminal activity.

594 (b) If, after October 30, 2018, a law-enforcement agency receives a written report about an individual under §  
595 5402 or § 5403 of Title 16, the law-enforcement agency shall determine if there is probable cause that the individual is  
596 dangerous to others or self and in possession of ~~firearms~~ a firearm, projectile weapon, or ammunition.

597 (1) a. If the law-enforcement agency determines that there is probable cause that the individual is dangerous to  
598 others or self and in possession of ~~firearms~~ a firearm, projectile weapon, or ammunition, the law-enforcement agency  
599 shall do both of the following:

600 1. Immediately seek an order from the Justice of the Peace Court that the individual relinquish ~~any~~  
601 ~~firearms~~ a firearm, projectile weapon, or ammunition owned, possessed, or controlled by the individual.

602 2. Immediately refer the report under § 5402 or § 5403 of Title 16 and its investigative findings to the  
603 Department of Justice.

604 b. In making the probable cause determination under paragraph (b)(1)a. of this section, a law-enforcement  
605 agency must determine if the individual is subject to involuntary commitment under § 5009, § 5011, or § 5013 of  
606 Title 16. If the individual is subject of involuntary commitment, the law-enforcement agency may not seek an  
607 order under this paragraph (b)(1).

608 (2) The Department of Justice may, upon review of the report and the law-enforcement agency’s investigative  
609 findings, petition the Superior Court for an order that the individual relinquish ~~any firearms~~ a firearm, projectile  
610 weapon, or ammunition owned, possessed, or controlled by the individual. The Department of Justice must file 1 of the

611 following with the Superior Court within 30 days after the entry of the Justice of the Peace Court's order under  
612 paragraph (d)(1) of this section:

613 a. A petition under this paragraph (b)(2).

614 b. A petition requesting additional time to file a petition under this paragraph (b)(2) for good cause  
615 shown.

616 1. If the Superior Court denies the Department of Justice's request for additional time to file a  
617 petition under this paragraph (b)(2)b., the Department of Justice has either the remainder of the 30 days  
618 provided by this paragraph (b)(2) or 7 days from the date of the Superior Court's denial, whichever is longer,  
619 to file a petition with Superior Court under this paragraph (b)(2).

620 2. If the Superior Court approves the Department of Justice's request for additional time to file a  
621 petition under this paragraph (b)(2)b., the Court may not grant the Department more than 15 days to file the  
622 petition from the date of the Court's approval.

623 (3) If the Department of Justice does not file a petition with Superior Court under paragraph (b)(2) of this  
624 section within the timeframes under paragraph (b)(2) of this section, the Justice of the Peace Court's order is void and a  
625 law-enforcement agency holding the ~~firearms~~ firearm, projectile weapon, or ammunition of the individual subject to  
626 the order must return the ~~firearms~~ firearm, projectile weapon, or ammunition to the individual.

627 (c) (1) The following procedures govern a proceeding under paragraph (b)(1)a. of this section:

628 a. The Justice of the Peace Court shall immediately hear a request for an order under paragraph (b)(1)a. of  
629 this section.

630 b. The law enforcement agency has the burden of demonstrating that proof by a preponderance of the  
631 evidence exists to believe that the individual subject to a report under § 5402 or § 5403 of Title 16 is dangerous to  
632 others or self and in possession of ~~firearms~~ a firearm, projectile weapon, or ammunition.

633 c. The individual does not have the right to be heard or to notice that the law-enforcement agency has  
634 sought an order under paragraph (b)(1)a. of this section.

635 (2) The following procedures govern a proceeding under paragraph (b)(2) of this section:

636 a. The individual has the right to be heard.

637 b. If a hearing is requested, it must be held within 15 days of the Department of Justice's filing of the  
638 petition under paragraph (b)(2) of this section, unless extended by the Court for good cause shown.

639 c. If a hearing is held, the individual has the right to notice of the hearing, to present evidence, and to  
640 cross examine adverse witnesses.

641 d. If a hearing is held, the hearing must be closed to the public and testimony and evidence must be kept  
642 confidential, unless the individual requests the hearing be public.

643 e. If a hearing is held, the hearing must be on the record to allow for appellate review.

644 f. The Department of Justice has the burden of proving by clear and convincing evidence that the  
645 individual is dangerous to others or self.

646 (3) a. The Justice of the Peace Court may adopt additional rules governing proceedings under paragraph  
647 (b)(1)a. of this section.

648 b. The Superior Court may adopt additional rules governing proceedings under paragraph (b)(2) of this  
649 section.

650 (d) (1) If the Justice of the Peace Court finds, by a preponderance of the evidence, that an individual is dangerous  
651 to others or self, the Court shall order the individual to relinquish ~~any firearms~~ a firearm, projectile weapon, or ammunition  
652 owned, possessed, or controlled by the individual. The Court may do any of the following through its order:

653 a. Require the individual to relinquish to a law-enforcement agency receiving the Court's order ~~any~~  
654 ~~firearms~~ a firearm, projectile weapon, or ammunition owned, possessed, or controlled by the individual.

655 b. Prohibit the individual from residing with another individual who owns, possesses, or controls ~~firearms~~  
656 a firearm, projectile weapon, or ammunition. Nothing in this section may be construed to impair or limit the rights,  
657 under the Second Amendment to the United States Constitution or article I, § 20 of the Delaware Constitution, of  
658 an individual who is not the subject of the Court's order of relinquishment.

659 c. Direct a law-enforcement agency having jurisdiction where the individual resides or ~~the firearms or~~  
660 ~~ammunition are~~ a firearm, projectile weapon, or ammunition is located to immediately search for and seize ~~any~~  
661 ~~firearms~~ a firearm, projectile weapon, or ammunition owned, possessed, or controlled by the individual.

662 (2) If the Superior Court finds by clear and convincing evidence that an individual is dangerous to others or  
663 self, the Court shall order the individual to relinquish ~~any firearms~~ a firearm, projectile weapon, or ammunition owned,  
664 possessed, or controlled by the individual. The Court may do any of the following through its order:

665 a. Require the individual to relinquish to a law-enforcement agency receiving the Court's order ~~any~~  
666 ~~firearms~~ a firearm, projectile weapon, or ammunition owned, possessed, or controlled by the individual.

667 b. Allow the individual to voluntarily relinquish to a law-enforcement agency receiving the Court's order  
668 ~~any firearms~~ a firearm, projectile weapon, or ammunition owned, possessed, or controlled by the individual.

669 c. Allow the individual to relinquish ~~firearms~~ a firearm, projectile weapon, or ammunition owned,  
670 possessed, or controlled by the individual to a designee of the individual. A designee of the individual must not

671 reside with the individual and must not be a person prohibited under § 1448 of this title. The Court must find that  
672 the designee of the individual will keep ~~firearms~~ the firearm, projectile weapon, or ammunition owned, possessed,  
673 or controlled by the individual out of the possession of the individual.

674 d. Prohibit the individual from residing with another individual who owns, possesses, or controls ~~firearms~~  
675 a firearm, projectile weapon, or ammunition. Nothing in this section may be construed to impair or limit the rights,  
676 under the Second Amendment to the United States Constitution or article I, § 20 of the Delaware Constitution, of  
677 an individual who is not the subject of the Court's order of relinquishment.

678 e. Direct a law-enforcement agency having jurisdiction where the individual resides or ~~the firearms or~~  
679 ~~ammunition are~~ a firearm, projectile weapon, or ammunition is located to immediately search for and seize  
680 ~~firearms~~ a firearm, projectile weapon, or ammunition of the individual if the Department of Justice shows that the  
681 individual has ownership, possession, or control of a ~~firearm~~ firearm, projectile weapon, or ammunition.

682 (e) (1) An individual subject to the Superior Court's order of relinquishment may petition the Relief from  
683 Disabilities Board for an order to return ~~firearms~~ a firearm, projectile weapon, or ammunition under § 1448A(l) of this title.

684 (2) If the basis for relinquishment under this section is removed by the Relief from Disabilities Board  
685 established by § 1448A(l) of this title, ~~any firearms~~ a firearm, projectile weapon, or ammunition taken from the  
686 individual must be restored in a timely manner without the additional requirement of petitioning under § 1448A(l) of  
687 this title.

688 (f) Any party in interest aggrieved by a decision of the Superior Court's order of relinquishment under this section  
689 may appeal the decision to the Supreme Court.

690 (g) (1) The State Police and the Department of Justice shall work with county and municipal law-enforcement  
691 agencies and the Department of Health and Social Services, and its Division of Substance Abuse and Mental Health, to  
692 develop appropriate internal policies and regulations to ensure that personnel who act under this section are trained on  
693 appropriate mental health risk assessment procedures and to look for histories of violence.

694 (2) The Supreme Court, Superior Court, Justice of the Peace Court, Department of Justice, State Police, State  
695 Bureau of Identification, Delaware Criminal Justice Information System Board of Managers, and the Department of  
696 Health and Social Services may promulgate rules and regulations to carry out the purposes of this section, § 1448(a)(2)  
697 of this title, and §§ 5402 and 5403 of Title 16.

698 Section 12. Amend § 1454, Title 11 of the Delaware Code by making deletions as shown by strike through and  
699 insertions as shown by underline as follows:

700 § 1454. Giving a firearm or projectile weapon to person prohibited; class F felony.



701 A person is guilty of giving a firearm or projectile weapon to certain persons prohibited when the person sells,  
702 transfers, gives, lends or otherwise furnishes a firearm or projectile weapon to a person knowing that said person is a person  
703 prohibited as is defined in § 1448 of this title.

704 Giving a firearm or projectile weapon to certain persons prohibited is a class F felony.

705 Section 13. Amend § 1455, Title 11 of the Delaware Code by making deletions as shown by strike through and  
706 insertions as shown by underline as follows:

707 § 1455. Engaging in a ~~firearms~~ firearm or projectile weapon transaction on behalf of another; class E felony; class  
708 C felony.

709 (a) A person is guilty of engaging in a ~~firearms~~ firearm or projectile weapon transaction on behalf of another when  
710 the person purchases or obtains a firearm or projectile weapon on behalf of a person not qualified to legally purchase, own  
711 or possess a firearm or projectile weapon in this State or for the purpose of selling, giving or otherwise transferring a  
712 firearm or projectile weapon to a person not legally qualified to purchase, own or possess a firearm or projectile weapon in  
713 this State.

714 (b) Engaging in a ~~firearms~~ firearm or projectile weapon transaction on behalf of another is a class E felony for the  
715 first offense, and a class C felony for each subsequent like offense.

716 (c) (1) A federal firearms licensee who suspects a person engaged in a ~~firearms~~ firearm or projectile weapon  
717 transaction may be violating this section may alert SBI through the same hotline established under § 8572 of this title for  
718 background checks.

719 Section 14. Amend § 1456, Title 11 of the Delaware Code by making deletions as shown by strike through and  
720 insertions as shown by underline as follows:

721 § 1456. Unsafe storage of a ~~firearm;~~ firearm or projectile weapon; class A or B misdemeanor.

722 (a) (1) A person is guilty of unsafe storage of a firearm or projectile weapon when the person intentionally or  
723 recklessly stores or leaves a loaded firearm or projectile weapon within the reach or easy access of an unauthorized person,  
724 the unauthorized person obtains the ~~firearm;~~ firearm or projectile weapon, and all of the following do apply:

725 a. The firearm or projectile weapon was not stored in a locked box or container. This paragraph(a)(1)a.  
726 does not apply to a projectile weapon that was stored in a way to render the projectile weapon not readily operable.

727 b. The firearm or projectile weapon was not disabled with a tamper-resistant trigger lock which was  
728 properly engaged so as to render the firearm or projectile weapon inoperable by a person other than the owner or  
729 other lawfully-authorized user. This paragraph (a)(1)b. does not apply to a projectile weapon that cannot be fitted  
730 with a trigger lock.

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

733 d. The unauthorized person did not obtain the firearm or projectile weapon as the result of an unlawful  
734 entry by any person.

735 (2) For the purposes of this section:

736 a. “Not readily operable” means that the projectile weapon is disassembled, broken down, or stored in a  
737 manner to prevent its immediate use.

738 b. “Stores or leaves” does not mean when the firearm or projectile weapon is carried by or under the  
739 control of the owner or other lawfully-authorized user.

740 ~~b. c.~~ “Unauthorized person” means a child or person prohibited by state or federal law from owning or  
741 possessing a ~~firearm.~~ firearm or projectile weapon.

742 (b) [Repealed.]

743 (c) (1) Unsafe storage of a firearm or projectile weapon is a class B misdemeanor if paragraphs (c)(2)a., b., or c. of  
744 this section do not apply.

745 (2) Unsafe storage of a firearm or projectile weapon is a class A misdemeanor if the unauthorized person does  
746 any of the following:

747 a. Commits or attempts to commit a crime with the ~~firearm.~~ firearm or projectile weapon.

748 b. Uses the firearm or projectile weapon to inflict serious physical injury or death upon any person,  
749 including the unauthorized person.

750 c. Transfers or attempts to transfer the firearm or projectile weapon to another unauthorized person.

751 (d) The Superior Court has jurisdiction over an offense under this section.

752 (e) It is not an offense under this section if the firearm was manufactured in or before the year 1899 or is a replica  
753 of such firearm if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition.

754 Section 15. Amend § 1457, Title 11 of the Delaware Code by making deletions as shown by strike through and  
755 insertions as shown by underline as follows:

756 § 1457. Possession of a weapon in a Safe Recreation Zone; class D, E, or F felony; class A or B misdemeanor.

757 (a) Any person who commits any of the offenses described in subsection (b) of this section, or any juvenile who  
758 possesses a firearm or projectile weapon and does so while in or on a “Safe Recreation Zone” shall be guilty of the crime of  
759 possession of a weapon in a Safe Recreation Zone.

760 (b) The underlying offenses in Title 11 shall be:

761 (1) *Section 1442.* — Carrying a concealed deadly weapon; class G felony; class D felony.  
762 (2) *Section 1444.* — Possessing a destructive weapon; class E felony.  
763 (3) *Section 1446.* — Unlawfully dealing with a switchblade knife; unclassified misdemeanor.  
764 (4) *Section 1448.* — Possession and purchase of deadly weapons by persons prohibited; class F felony.  
765 (5) *Section 1452.* — Unlawfully dealing with knuckles-combination knife; class B misdemeanor.  
766 (6) *Section 1453.* — Unlawfully dealing with martial arts throwing star; class B misdemeanor.  
767 (7) *Section 1466.* — Manufacture, sale, transport, transfer, purchase, receipt, and possession of assault  
768 weapons; class E or F felony.

769 (c) For the purpose of this section:

770 (1) “Constable” means an individual who licensed under Chapter 56 of Title 24.

771 (2) “Firearm” means as defined in § 222 of this title and includes a destructive weapon as defined in § 1444(a)  
772 and (c) of this title and includes BB guns.

773 (3) “Police officer” means as defined in § 8401 of this title.

774 (4) “Safe Recreation Zone” means any building or structure owned, operated, leased or rented by any county  
775 or municipality, or by the State, or by any board, agency, commission, department, corporation or other entity thereof,  
776 or by any private organization, which is utilized as a recreation center, athletic field or sports stadium.

777 (d) Nothing in this section shall be construed to preclude or otherwise limit a prosecution of or conviction for a  
778 violation of this chapter or any other provision of law. A person may be convicted both of the crime of possession of a  
779 weapon in a Safe Recreation Zone and of the underlying offense as defined elsewhere by the laws of the State.

780 (e) It shall not be a defense to a prosecution for a violation of this section that the person was unaware that the  
781 prohibited conduct took place on or in a Safe Recreation Zone.

782 (f), (g) [Repealed.]

783 (h) This section does not apply to any of the following:

784 (1) A police officer.

785 (2) A constable employed by a recreation zone who is acting in that capacity within a Safe Recreation Zone.

786 (i) [Repealed.]

787 (j) The penalty for possession of a weapon in a Safe Recreation Zone shall be:

788 (1) If the underlying offense is a class B misdemeanor, the crime shall be a class A misdemeanor;

789 (2) If the underlying offense is an unclassified misdemeanor, the crime shall be a class B misdemeanor;

790 (3) If the underlying offense is a class E, F, or G felony, the crime shall be one grade higher than the  
791 underlying offense.

792 (4) If the underlying offense is a class D felony, the crime shall also be a class D felony.

793 (5), (6) [Repealed.]

794 Section 16. Amend § 1457A, Title 11 of the Delaware Code by making deletions as shown by strike through and  
795 insertions as shown by underline as follows:

796 § 1457A. Possession of a firearm or projectile weapon in a Safe School Zone; class E felony.

797 (a) As used in this section:

798 (1) “Constable” means as licensed under Chapter 56 of Title 24.

799 (2) “Firearm” means as defined in § 222 of this title and includes a destructive weapon as defined in § 1444(a)  
800 and (c) of this title and includes BB guns.

801 (3) “Police officer” means as defined in § 8401 of this title.

802 (4) “Qualified retired law-enforcement officer” means as defined in § 1441B of this title.

803 (5) “Safe School Zone” means all of the following:

804 a. Any building, structure, athletic field, sports ~~stadium~~ stadium, or real property owned, operated, ~~leased~~  
805 leased, or rented by any public or private school including any ~~kindergarten~~ kindergarten, elementary, secondary,  
806 or vocational-technical school.

807 b. Any motor vehicle owned, operated, leased, or rented by any public or private school including any  
808 kindergarten, elementary, secondary, or vocational-technical school.

809 (b) Any person who knowingly possesses a firearm or projectile weapon while in ~~or on~~ a Safe School Zone shall  
810 be guilty of the crime of possession of a firearm or projectile weapon in a Safe School Zone.

811 (c) Subsection (b) of this section ~~shall~~ does not apply to any of the following:

812 (1) A police officer.

813 (2) A constable employed by a school or school district who is acting in an official capacity ~~within~~ in a Safe  
814 School Zone.

815 (3) An active-duty member of the United States Armed Forces or Delaware National Guard who is acting in  
816 an official capacity ~~within~~ in a Safe School Zone.

817 (4) A holder of a valid license to carry concealed deadly weapons under § 1441 of this title, but only if the  
818 firearm or projectile weapon is in a motor vehicle.

819 (5) ~~Employees~~ An employee of the Department of Services for Children, Youth, and Their Families who are  
820 is acting in an official capacity in a Safe School Zone and who is authorized by the Secretary of the Department to  
821 carry a firearm or projectile weapon while acting in the employee's official capacity.

822 (6) ~~Probation~~ A probation and parole officers officer who is acting within the officer's in an official capacity  
823 in a Safe School Zone.

824 (7) A qualified retired law-enforcement officer who is employed or contracted by a school or school district to  
825 assist with security or investigations and who is acting in an official capacity ~~within~~ in a Safe School Zone.

826 (d) Subsection (b) of this section does not apply ~~to the possession of a firearm~~ in any of the following  
827 circumstances:

828 (1) On private property not part of school grounds.

829 (2) A firearm in a locked container or locked firearms rack that is in or on a motor vehicle.

830 (3) When engaged in any of the following:

831 a. ~~lawful hunting,~~ Lawful hunting.

832 b. ~~firearm instruction,~~ Firearm or projectile weapon instruction.

833 c. ~~or firearm~~ Firearm or projectile weapon-related sports on public lands, other than those belonging to a  
834 public or private school.

835 d. Projectile weapon-related sports on lands belonging to a public or private school authorized by the  
836 public or private school.

837 (e) A person who violates this section is guilty of a class E felony.

838 (f) ~~In the event that~~ If an elementary or secondary school student possesses a firearm or projectile weapon in a  
839 Safe School Zone, other than under paragraph (d)(3)d. of this section, in addition to any other penalties contained in this  
840 section, the student shall be expelled by the local school board or charter school board of directors for a period of not less  
841 than 180 days unless otherwise provided for in federal or state law. The local school board or charter school board of  
842 directors may, on a case-by-case basis, modify the terms of the expulsion to less than 180 days.

843 Section 17. Amend § 1457B, Title 11 of the Delaware Code by making deletions as shown by strike through and  
844 insertions as shown by underline as follows:

845 § 1457B. Possession of a firearm or projectile weapon at a polling place; class A misdemeanor.

846 (a) As used in this section:

847 (1) a. "Election day" means a day on which in-person voting is offered at a polling place, and includes early  
848 voting under Chapter 54 of Title 15, for any of the following elections:

849 1. Primary, general, or special election.

850 2. School election conducted by the Department of Elections pursuant to Title 14 or Title 15.

851 3. Municipal election conducted in accordance with the municipality's charter, ordinance, or code.

852 b. "Election day" includes 2 hours before the polls open until 2 hours after the polls close.

853 (2) ~~"Firearm" means as defined in § 222 of this title. [Repealed.]~~

854 (3) a. "Polling place" means 1 of the following locations in the State:

855 1. Designated by the Department of Elections for in-person voting under §§ 4512 and 5402 of Title

856 15.

857 2. Designated in accordance with a municipality's charter, ordinance, or code for in-person voting on

858 an election day.

859 3. Designated by the Department of Elections for the tabulation and counting of votes.

860 4. Department of Elections office locations where sealed absentee ballot envelopes may be returned

861 under the provisions of § 5507 of Title 15.

862 b. "Polling place" shall not mean an area outside of the actual polling place, such as parking areas or

863 adjoining structures that are not part of the polling place.

864 (b) Except as otherwise provided under subsection (c) of this section, a person who knowingly possesses a firearm

865 or projectile weapon at a polling place on election day is guilty of possession of a firearm or projectile weapon at a polling

866 place.

867 (c) Subsection (b) of this section does not apply if at the time of an alleged violation the person is any of the

868 following:

869 (1) Legally in possession of a firearm or projectile weapon within a private residence located at a polling

870 place.

871 (2) Engaged in lawful hunting, firearm or projectile weapon instruction, or firearm or projectile weapon-

872 related sports on public lands that are designated for such activity, other than those being used as a polling place on

873 election day.

874 (3) Employed as any of the following:

875 a. A ~~"law enforcement officer," as defined in § 222 of this title.~~ law-enforcement officer.

876 b. A "commissioned security guard," as defined under § 1302 of Title 24, who is acting in an official

877 capacity at a polling place on election day.

878 c. A constable, as licensed under Chapter 56 of Title 24, who is acting in an official capacity at a polling  
879 place on election day.

880 d. An active-duty member of the United States Armed Forces or Delaware National Guard, who is acting  
881 in an official capacity at a polling place on election day.

882 (d) It is an affirmative defense that a person was legally in possession of a firearm or projectile weapon and was  
883 only traveling through the polling place to reach private property located therein or to leave private property therein to  
884 reach a location outside the polling place. This defense is not available to any person who committed any of the following  
885 acts or conspired to commit any of the following acts:

886 (1) Intimidation of voters

887 (2) Interference with the election.

888 (3) Traveling through the polling place with a firearm or projectile weapon for any purpose other than  
889 reaching a permitted destination.

890 (e) It is not a defense if the person was unaware that the person possessed a firearm or projectile weapon at a  
891 polling place on election day.

892 (f) Possession of a firearm or projectile weapon at a polling place is a class A misdemeanor.

893 (g) The Superior Court has exclusive jurisdiction over offenses under this section.

894 (h) The Department of Elections shall post signs at the entrance of each polling place on election day to notify the  
895 public that firearms and projectile weapons are not permitted at the polling place.

896 Section 18. Amend § 1458, Title 11 of the Delaware Code by making deletions as shown by strike through and  
897 insertions as shown by underline as follows:

898 § 1458. Removing a ~~firearm~~ weapon from the possession of a law-enforcement officer; class C felony.

899 (a) A person shall not knowingly or recklessly remove or attempt to remove a ~~firearm~~, firearm or projectile  
900 weapon, disabling chemical spray, baton or other deadly weapon from the possession of another person or deprive the other  
901 person of its use if:

902 (1) The person has knowledge or reason to know that the other person is employed as:

903 a. A law-enforcement officer including, but not limited to, all those defined as “police officer” in §  
904 1911(a) of this title, who is authorized by law to make arrests;

905 b. A sheriff, deputy sheriff, constable, judicial assistant, court bailiff or other court security officer or  
906 court bailiff;

907 c. An employee of the Department of Correction, the Division of Parole and Probation or the Department  
908 of Youth Rehabilitative Services;

909 d. A special investigator or state detective with the Delaware Department of Justice, Office of the  
910 Attorney General; or

911 e. An armored car guard licensed pursuant to § 1317 or § 1320 of Title 24; and

912 (2) The other person is lawfully acting within the course and scope of that other person's employment.

913 (b) A person who violates this section is guilty of a class C felony.

914 Section 19. Amend § 1460, Title 11 of the Delaware Code by making deletions as shown by strike through and  
915 insertions as shown by underline as follows:

916 § 1460. Possession of firearm or projectile weapon while under the influence.

917 (a) A person is guilty of possession of a firearm or projectile weapon while under the influence of alcohol or drugs  
918 when the person possesses a firearm or projectile weapon in a public place while under the influence of alcohol or drugs. It  
919 shall be an affirmative defense to prosecution under this section that, the firearm or projectile weapon was not readily  
920 operable, or that the person was not in possession of ammunition for the ~~firearm~~ firearm or projectile weapon. The  
921 Superior Court shall have original and exclusive jurisdiction over a violation of this section.

922 (b) For purposes of this section, the following definitions shall apply:

923 (1) "Not readily operable" means that the firearm or projectile weapon is disassembled, broken down, or  
924 stored in a manner to prevent its immediate use.

925 (2) "Possess," "possession" or "possesses" means that the person has the item under ~~his or her~~ the person's  
926 dominion and authority, and that said item is at the relevant time physically available and accessible to the person.

927 (3) "Public place" means a place to which the public or a substantial group of persons has access and includes  
928 highways, transportation facilities, schools, places of amusement, parks, playgrounds, restaurants, bars, taverns, and  
929 hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for  
930 actual residence.

931 (4) "Under the influence of alcohol or drugs" means:

932 a. Having an amount of alcohol in a sample of the person's blood equivalent to .08 or more grams of  
933 alcohol per hundred milliliters of blood, or an amount of alcohol in a sample of breath equivalent to .08 or more  
934 grams per 210 liters of breath. A person shall be guilty, without regard to the person's alcohol concentration at the  
935 time of possession of a firearm or projectile weapon in violation thereof, if such person's alcohol concentration is  
936 .08 or more within 4 hours after the person was found to be in possession of a ~~firearm~~ firearm or projectile



937 weapon, and that alcohol concentration is the result of an amount of alcohol present in, or consumed by such  
938 person when that person was in possession of a ~~firearm~~; firearm or projectile weapon; or

939 b. Being manifestly under the influence of alcohol or any illicit or recreational drug, as defined in §  
940 4177(c) of Title 21, or any other drug not administered or prescribed to be taken by a physician, to the degree that  
941 the person may be in danger or endanger other persons or property, or annoy persons in the vicinity, provided that  
942 no person shall be “under the influence of alcohol or drugs” for purposes of this section when the person has not  
943 used or consumed an illicit or recreational drug prior to or during an alleged violation, but has only used or  
944 consumed such drug after the person has allegedly violated this section and only such use or consumption after  
945 such alleged violation caused the person’s blood to contain an amount of alcohol or drug or an amount of a  
946 substance or compound that is the result of the use or consumption of the drug within 4 hours after the time of the  
947 alleged violation thereof.

948 (c) A law-enforcement officer who has probable cause to believe that a person has violated this section may, with  
949 or without the consent of the person, take reasonable steps to conduct chemical testing to determine the person’s alcohol  
950 concentration or the presence of illicit or recreational drugs. A person’s refusal to submit to chemical testing shall be  
951 admissible in any trial arising from a violation of this section.

952 (d) (1) Except as provided in paragraph (d)(2) of this section, possession of a firearm or projectile weapon while  
953 under the influence is a class A misdemeanor.

954 (2) Possession of a firearm or projectile weapon while under the influence is a class G felony if the conviction  
955 is for an offense that was committed after a previous conviction for possession of a firearm or projectile weapon while  
956 under the influence.

957 Section 20. Amend § 1461, Title 11 of the Delaware Code by making deletions as shown by strike through and  
958 insertions as shown by underline as follows:

959 § 1461. Report of loss, theft of ~~firearm~~; firearm or projectile weapon.

960 (a) Any owner of a ~~firearm~~, defined in § 222 of this title, firearm or projectile weapon shall report the loss or theft  
961 of the firearm or projectile weapon within 7 days after the discovery of the loss or theft to either:

962 (1) The law-enforcement agency having jurisdiction over the location where the loss or theft of the firearm or  
963 projectile weapon occurred; or

964 (2) Any State Police troop.

965 (b) Whoever is convicted of a violation of this section shall:

966 (1) For the first offense, be guilty of a violation and be subject to a civil penalty of not less than \$75 nor more  
967 than \$100.

968 (2) For a second offense committed at any time after the sentencing or adjudication of a first offense, be guilty  
969 of a violation and be subject to a civil penalty of not less than \$100 nor more than \$250.

970 (3) For a third or subsequent offense committed at any time after the sentencing or adjudication of a second  
971 offense, be guilty of a class G felony.

972 Section 21. Amend Chapter 17, Title 11 of the Delaware Code by making deletions as shown by strike through and  
973 insertions as shown by underline as follows:

974 § 1703. Definitions

975 For purposes of this part:

976 (1) “Firearm” means as defined in § 222 of this title.

977 (2) “Projectile weapon” means as defined in § 222 of this title.

978 Section 22. Amend § 2105, Title 11 of the Delaware Code by making deletions as shown by strike through and  
979 insertions as shown by underline as follows:

980 § 2105. Release pursuant to a conditions of release bond or conditions of release bond not guaranteed by financial  
981 terms.

982 (b) In determining whether the defendant is likely to appear as required and that there will be no substantial risk to  
983 the safety of the community the court shall, on the basis of available information, take into consideration the nature and  
984 circumstances of the crime charged, whether a firearm or projectile weapon was used or possessed, the possibility of  
985 statutory mandatory imprisonment, whether the crime was committed against a victim with intent to hinder prosecution, the  
986 family ties of the defendant, the defendant’s employment, financial resources, character and mental condition, the length of  
987 residence in the community, record of convictions, habitual offender eligibility, custody status at time of offense, history of  
988 amenability to lesser sanctions, history of breach of release, record of appearances at court proceedings or of flight to avoid  
989 prosecution or failure to appear at court proceedings.

990 Section 23. Amend § 2107, Title 11 of the Delaware Code by making deletions as shown by strike through and  
991 insertions as shown by underline as follows:

992 § 2107. Determining the amount of bail [Effective until fulfillment of the contingency in 83 Del. Laws, c. 72, § 3].

993 (c) Notwithstanding any provision of this title to the contrary, for a defendant charged with committing:

994 (29) Possession of a firearm or projectile weapon during commission of a felony, in violation of § 1447A of  
995 this title.

996 (30) Possession of a firearm or projectile weapon by persons prohibited, in violation of § 1448(a)(1), (a)(4),  
997 (a)(6), or (a)(7) of this title.

998 the presumption is that the court will set conditions of release bond guaranteed by financial terms in an amount  
999 within or above the guidelines published by the Delaware Sentencing Accountability Commission (SENTAC) for that  
1000 offense and secured by cash only.

1001 (f) In any case where a court sets bail for an offense listed in subsection (c) of this section, the court shall require  
1002 the defendant to relinquish any firearms ~~in their~~ or projectile weapons in the defendant's possession.

1003 Section 24. Amend § 2107, Title 11 of the Delaware Code by making deletions as shown by strike through and  
1004 insertions as shown by underline as follows:

1005 § 2107. Determining the amount of bail [Effective upon fulfillment of the contingency in 83 Del. Laws, c. 72, § 3].

1006 (c) Notwithstanding any provision of this title to the contrary, for a defendant charged with committing a violent  
1007 felony involving a firearm or projectile weapon or with committing a violent felony while on probation or pretrial release,  
1008 the presumption is that a conditions of release bond guaranteed by financial terms secured by cash only will be set.

1009 Section 25. Amend § 3901, Title 11 of the Delaware Code by making deletions as shown by strike through and  
1010 insertions as shown by underline as follows:

1011 § 3901. Fixing term of imprisonment; credits.

1012 (d) The court shall direct whether the sentence of confinement of any criminal defendant by any court of this State  
1013 shall be made to run concurrently or consecutively with any other sentence of confinement imposed on such criminal  
1014 defendant. Notwithstanding the foregoing, no sentence of confinement of any criminal defendant by any court of this State  
1015 shall be made to run concurrently with any other sentence of confinement imposed on such criminal defendant for any  
1016 conviction of the following crimes:

| 1017 Title 11, Section   | Crime  |
|--|--|
| 1018 1447A   | Possession of a firearm <u>or projectile weapon</u> during the |
| 1019 commission of a felony if the firearm <u>or projectile weapon</u> was used, displayed, or discharged during the commission of a |  |
| 1020 Title 11 or Title 31 violent felony as set forth in § 4201(c) of this title.  |  |

1021 Section 26. Amend § 4331, Title 11 of the Delaware Code by making deletions as shown by strike through and  
1022 insertions as shown by underline as follows:

1023 § 4331. Presentence investigation; victim impact statement.

1024 (i) In any case involving a felony conviction for which a presentence investigation is being conducted, the person  
1025 conducting the investigation shall (1) provide the convicted felon with a copy of § 1448 of this title and (2) attempt to

1026 determine if the convicted felon is in possession of ~~any firearms~~ a firearm or projectile weapon in violation of § 1448 of  
1027 this title. This attempt shall include reasonable efforts to contact other persons in the convicted felon's household and the  
1028 victim, and shall also include a check of the Superior Court's list of persons holding concealed weapons permits. If the  
1029 person conducting the investigation believes that the convicted felon is in possession of ~~any firearms~~ a firearm or projectile  
1030 weapon in violation of § 1448 of this title, the Attorney General shall be notified for appropriate enforcement action.

1031 Section 27. Amend § 6533, Title 11 of the Delaware Code by making deletions as shown by strike through and  
1032 insertions as shown by underline as follows:

1033 § 6533. Outside employment; work release.

1034 (d) Notwithstanding any other provision of this section or title to the contrary, no person shall be permitted work  
1035 release under this section, until such person is within 6 months from the date of such person's release from custody, as  
1036 determined by the Department, if the person is:

1037 (3) Has previously been convicted of 2 or more of the following crimes set forth in this title under sections:

1038 1447A Possession of a firearm or projectile weapon during the commission of a felony;

1039 Section 28. Amend § 6703, Title 11 of the Delaware Code by making deletions as shown by strike through and  
1040 insertions as shown by underline as follows:

1041 § 6703. "Violent crime" defined.

1042 For purposes of this chapter, the words "violent crime" shall mean: abuse of an adult who is impaired; abuse of a  
1043 patient in a nursing facility; abuse of a patient causing injury; abuse of a patient causing death; adulteration causing death;  
1044 adulteration causing injury; aggravated intimidation; arson in the first degree; arson in the second degree; assault in the first  
1045 degree; assault in the second degree; assault in the third degree; assault in the first degree on K-9 dog causing, injury or  
1046 death to the dog; assault on a K-9 dog with risk of injury to the dog; assault in a detention facility which causes injury;  
1047 assault in a detention facility; assault on a sports official; bestiality; home invasion; burglary in the first degree; carjacking;  
1048 carrying a concealed deadly weapon (firearm or projectile weapon offense); continuous sexual abuse of child; criminally  
1049 negligent homicide; dealing with child pornography, second offense; possession of a destructive weapon; reckless  
1050 endangering; escape after conviction; escape in the second degree; extortion; possession of an explosive device; unlawful  
1051 imprisonment; incest; kidnapping in the first degree; kidnapping in the second degree; manslaughter; manufacture or use or  
1052 possession of explosives or an incendiary device; murder in the first degree, murder in the second degree; organized crime  
1053 and racketeering; possession of a deadly weapon during the commission of a felony; possession of a destructive weapon;  
1054 possession of a firearm or projectile weapon during the commission of a felony; promoting prison contraband (weapon);  
1055 promoting prostitution in the first degree; racketeering; reckless endangering first degree; reckless endangering in the

1056 second degree; riot; robbery in the first degree; robbery in the second degree; continued sexual abuse of child; unlawful  
1057 sexual contact in the first degree; unlawful sexual contact in the second degree; unlawful sexual contact in the third degree;  
1058 sexual exploitation of a child; sexual extortion; rape in the first degree; rape in the second degree; rape in the third degree;  
1059 rape in the fourth degree; unlawful sexual intercourse in the first degree; unlawful sexual intercourse in the second degree;  
1060 unlawful sexual intercourse in the third degree; unlawful sexual penetration in the first degree; unlawful sexual penetration  
1061 in the second degree; unlawful sexual penetration in the third degree; stalking; terroristic threatening; unlawful firearm  
1062 transactions (second or subsequent offense); unlawful imprisonment in the first degree; unlawful transportation of a firearm  
1063 to commit a felony; vehicular assault in the first degree; vehicular assault in the second degree; vehicular homicide in the  
1064 first degree; vehicular homicide in the second degree; wearing body armor during felony.

1065 Section 29. Amend § 1204C, Title 6 of the Delaware Code by making deletions as shown by strike through and  
1066 insertions as shown by underline as follows:

1067 § 1204C. Prohibitions on online marketing or advertising to a child.

1068 (f) The marketing or advertising prohibitions described in this section shall apply to the following products or  
1069 services:

1070 (4) Firearm as defined in § 222 of Title 11, or ammunition for a firearm.

1071 (17) A projectile weapon, as defined in § 222 of Title 11.

1072 Section 30. Amend § 1041, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1073 insertions as shown by underline as follows:

1074 § 1041. Definitions.

1075 The following terms shall have the following meanings:

1076 (1) "Abuse" means conduct which constitutes any of the following:

1077 a. Intentionally or recklessly causing or attempting to cause physical injury or a sexual offense, as defined  
1078 in § 761 of Title 11.

1079 b. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of  
1080 physical injury or sexual offense to such person or another.

1081 c. Intentionally or recklessly damaging, destroying, or taking the tangible property of another person,  
1082 including:

1083 1. Legal documents that are the property of another person.

1084 2. Inflicting physical injury on any companion animal or service animal.

1085 d. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or  
1086 emotional distress or to provoke a violent or disorderly response, including conduct that is directed towards any  
1087 companion animal or service animal.

1088 e. Trespassing on or in property of another person, or on or in property from which the trespasser has  
1089 been excluded by court order.

1090 f. Child abuse, as defined in Chapter 9 of Title 16.

1091 g. Unlawful imprisonment, kidnapping, interference with custody, and coercion, as defined in Title 11.

1092 h. Intentionally causing or attempting to cause an adult to be financially dependent by doing either or  
1093 both of the following:

1094 1. Maintaining overwhelming control over the individual's financial resources, including withholding  
1095 access to money or credit cards or forbidding attendance at school or employment without reasonable  
1096 justification, and against the individual's will.

1097 2. Stealing or defrauding of money or assets, exploiting the victim's resources for personal gain, or  
1098 withholding physical resources such as food, clothing, necessary medications, or shelter.

1099 i. Any other conduct which a reasonable person under the circumstances would find threatening or  
1100 harmful.

1101 j. 1. Any of the following acts when used as a method of coercion, control, punishment, or intimidation of  
1102 a person who has a close bond of affection to the "companion animal" as defined in paragraph (1)j.2. of this  
1103 section:

1104 A. Inflicting or attempting to inflict physical injury on the companion animal.

1105 B. Engaging in conduct which is likely to cause the person to fear that the companion animal  
1106 will be physically injured.

1107 C. Engaging in cruelty to the companion animal under § 1325 of Title 11.

1108 2. "Companion animal" means an animal kept primarily for companionship instead of as any of the  
1109 following:

1110 A. A working animal.

1111 B. A service animal as defined in § 4502 of Title 6.

1112 C. An animal kept primarily as a source of income, including livestock as defined in § 7700 of  
1113 Title 3.

1114 (2) "Domestic violence" means abuse perpetrated by 1 member against another member of the following  
1115 protected classes:

1116 a. Family, as that term is defined in § 901(12) of this title, regardless, however, of state of residence of  
1117 the parties, or whether parental rights have been terminated; or

1118 b. Former spouses; persons cohabitating together who are holding themselves out as a couple, with or  
1119 without a child in common; persons living separate and apart with a child in common; or persons in a current or  
1120 former substantive dating relationship. For purposes of this paragraph, neither a casual acquaintanceship nor  
1121 ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a  
1122 substantive dating relationship. Factors to consider for a substantive dating relationship may include the length of  
1123 the relationship, or the type of relationship, or the frequency of interaction between the parties.

1124 (3) "Firearm" means as defined in § 222 of Title 11.

1125 ~~(3)~~(4) "Petitioner" means:

1126 a. A person who is a member of a protected class and files a petition alleging domestic violence against  
1127 such person or against such person's minor child or an adult who is impaired;

1128 b. The Division of Child Protective Services acting in the interest of a minor child and files a petition  
1129 alleging domestic violence; or

1130 c. The Division of Adult Protective Services acting in the interest of an adult who is impaired and files a  
1131 petition alleging domestic violence.

1132 ~~(4)~~(5) "Protective order" means an order issued by the court to a respondent restraining said respondent from  
1133 committing domestic violence against the petitioner, or a person in whose interest a petition is brought, and may  
1134 include such measures as are necessary in order to prevent domestic violence.

1135 (6) "Projectile weapon" means as defined in § 222 of Title 11.

1136 ~~(5)~~(7) "Respondent" means the person alleged in the petition to have committed the domestic violence.

1137 Section 31. Amend § 1045, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1138 insertions as shown by underline as follows:

1139 § 1045. Relief available; duration of orders, modification, and termination.

1140 (a) After consideration of a petition for a protective order, the Court may grant relief in the form of any of the  
1141 following:

1142 (1) Restrain the respondent from committing acts of domestic violence, as defined in § 1041 of this title.

1143 (2) Restrain the respondent from contacting or attempting to contact the petitioner.

1144 (3) Grant exclusive possession of the residence or household to the petitioner or other resident, regardless of  
1145 in whose name the residence is titled or leased. Such relief shall not affect title to any real property.

1146 (4) Order that the petitioner be given temporary possession of specified personal property solely or jointly  
1147 owned by respondent or petitioner, including but not limited to, motor vehicles, checkbooks, keys and other personal  
1148 effects.

1149 (5) Grant temporary custody of the children of the parties to the petitioner or to another family member. Either  
1150 party may request visitation at any time during the proceeding. The Court may provide for visitation by separate  
1151 interim visitation order pursuant to Title 13, which order shall be binding upon and enforceable against both parties.  
1152 Such interim visitation order may include third-party supervision of any visitation, if necessary, in accordance with  
1153 Chapters 7 and 19 of Title 13.

1154 (6) Order the respondent to pay support for the petitioner and/or for the parties' children, in accordance with  
1155 Chapter 5 of Title 13, including temporary housing costs.

1156 (7) Order the respondent to pay to the petitioner or any other family member monetary compensation for  
1157 losses suffered as a direct result of domestic violence committed by the respondent, including medical, dental and  
1158 counseling expenses, loss of earnings or other support, cost of repair or replacement of real or personal property  
1159 damaged or taken, moving or other travel expenses and litigation costs, including attorney's fees.

1160 (8) Order the respondent to temporarily relinquish to a police officer or a federally-licensed firearms dealer  
1161 located in Delaware the respondent's firearms or projectile weapons and to refrain from purchasing or receiving  
1162 additional firearms or projectile weapons for the duration of the order. The Court shall inform the respondent that the  
1163 respondent is prohibited from receiving, transporting, or possessing firearms or projectile weapons for so long as the  
1164 protective order is in effect.

1165 (9) Prohibit the respondent from transferring, encumbering, concealing or in any way disposing of specified  
1166 property owned or leased by parties.

1167 (10) Order the respondent, petitioner and other protected class members, individually and/or as a group, to  
1168 participate in treatment or counseling programs.

1169 (11) Issue an order directing any law-enforcement agency to forthwith search for and seize firearms or  
1170 projectile weapons of the respondent upon a showing by the petitioner that the respondent has possession of a firearm  
1171 or projectile weapon, and

1172 a. Petitioner can describe, with sufficient particularity, both the type and location of the firearm ~~or~~  
1173 ~~firearms;~~ or projectile weapon; and



1174                   b. Respondent has used or threatened to use a firearm or projectile weapon against the petitioner, or the  
1175                   petitioner expresses a fear that the respondent may use a firearm or projectile weapon against them.

1176                   (12) Grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed,  
1177                   leased, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the  
1178                   petitioner or respondent and order the respondent to stay away from the companion animal and forbid the respondent  
1179                   from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal. Any  
1180                   subsequent property division order entered by the Court in any proceeding brought under Title 13 supersedes any  
1181                   relevant provisions regarding companion animals which are included in a protection from abuse order, without the  
1182                   need to modify that protective order.

1183                   (13) Order the respondent to return specified legal documents, such as passport, immigration papers, or Social  
1184                   Security card.

1185                   (14) Grant any other reasonable relief necessary or appropriate to prevent or reduce the likelihood of future  
1186                   domestic violence.

1187                   (b) Relief granted under this section shall be effective for a fixed period of time not to exceed 1 year, except that  
1188                   relief granted under paragraphs (a)(1) and (a)(2) of this section may be entered for a fixed period of time not to exceed 2  
1189                   years, unless a longer period of time is ordered pursuant to subsection (c) or (f) of this section.

1190                   (c) An order issued under this part may be extended, or terms of the order modified, upon motion of either party.  
1191                   Hearings on such motions shall be scheduled within 30 days after proof of service on the respondent is filed. Such motions  
1192                   may be heard on an emergency basis if filed in accordance with § 1043 of this title. Orders may be extended only after the  
1193                   Court finds by a preponderance of the evidence that domestic violence has occurred since the entry of the order, a violation  
1194                   of the order has occurred, if the respondent consents to the extension of the order or for good cause shown.

1195                   (d) Only the Court shall modify an order issued under this part and the reconciliation of the parties shall have no  
1196                   effect on the validity of any of the provisions of such an order. The protective order may be modified or rescinded during  
1197                   the term of the order upon motion, after notice to all parties affected and a hearing.

1198                   (e) Any subsequent support, custody or visitation order entered by the Court in any proceeding brought pursuant to  
1199                   Title 13 shall supersede any relevant provisions regarding those issues which are included in a protection from abuse order,  
1200                   without the need to modify such protective order.

1201                   (f) Notwithstanding any provision of this section to the contrary, upon a finding that aggravating circumstances  
1202                   exist, the Court may grant no contact relief pursuant to paragraphs (a)(1) and (a)(2) of this section for as long as reasonably  
1203                   necessary to prevent further acts of abuse or domestic violence, up to and including the entry of a permanent order of the

1204 Court. An order entered pursuant to this subsection may only be modified or amended upon motion of a party for good  
1205 cause shown. For purposes of this subsection, aggravating circumstances shall mean physical injury or serious physical  
1206 injury to the petitioner caused by the respondent; the use of a deadly weapon or dangerous instrument against the petitioner  
1207 by the respondent; a history of repeated violations of prior protective orders by the respondent; prior convictions for crimes  
1208 against the petitioner by the respondent; the exposure of any member of the petitioner's family or household to physical  
1209 injury or serious physical injury by the respondent; or any other acts of abuse which the Court believes constitute an  
1210 immediate and ongoing danger to the petitioner or any member of the petitioner's family or household.

1211 (g) A protective order requiring a person to relinquish ~~firearms~~ a firearm or projectile weapon in accordance with  
1212 paragraph (a)(8) of this section shall:

1213 (1) State on its face that ~~firearms~~ a firearm or projectile weapon shall be relinquished immediately to a police  
1214 officer if requested by the police officer upon personal service of the protective order. If no request is made by a police  
1215 officer, the relinquishment shall occur within 24 hours of personal service of the order at any staffed police station or a  
1216 federally-licensed firearms dealer located in Delaware, unless the person is incarcerated at the time personal service is  
1217 received, in which case the 24-hour relinquishment period shall commence at the time of release from incarceration.

1218 (2) State on its face that the respondent is prohibited from purchasing, possessing, or controlling ~~firearms~~ a  
1219 firearm, a projectile weapon, any other deadly weapons, or ammunition for a firearm under Delaware law.

1220 (3) Require the respondent to file, within 48 hours of personal service or, if the Court will not be open within  
1221 48 hours from the time of personal service, within the first 3 hours the Court is thereafter open, 1 of the following  
1222 documents:

1223 a. A certification, under penalty of prosecution for false written statement under § 1233 of Title 11, that  
1224 the respondent did not own, possess, or control ~~any firearms~~ a firearm or projectile weapon at the time of the order  
1225 and currently does not own, possess, or control ~~any firearms~~ a firearm or projectile weapon.

1226 b. A copy of a proof of transfer showing, for each firearm or projectile weapon owned, possessed, or  
1227 controlled by the respondent at the time of the order, that the firearm or projectile weapon was relinquished to a  
1228 police officer or a federally-licensed firearms dealer located in Delaware.

1229 c. A certification, under penalty of prosecution for false written statement under § 1233 of Title 11, for  
1230 each firearm or projectile weapon owned, possessed, or controlled by the respondent at the time of the order, that  
1231 the respondent is unable to obtain access to the firearm or projectile weapon, specifying the location of the firearm  
1232 or projectile weapon and the reason why the respondent is unable to obtain access.

1233 (h) The Court shall provide to the petitioner a copy of the documents the respondent files with the Court pursuant  
1234 to paragraph (g)(3) of this section within 48 hours of filing or, if the Court will not be open within 48 hours of the filing,  
1235 within the first 3 hours the Court is thereafter open.

1236 (i) A police officer or a federally-licensed firearms dealer located in Delaware taking possession of firearms or  
1237 projectile weapons relinquished by a respondent pursuant to a protective order under subsection (a) of this section shall  
1238 issue a proof of transfer to the respondent and to the Court issuing the order of protection. The proof of transfer shall list the  
1239 name of the respondent; date of the transfer; and make, model, and serial number of each firearm or projectile weapon  
1240 relinquished. For purposes of this section, the term “police officer” shall be defined as in § 1911 of Title 11. The law-  
1241 enforcement agency or the federally-licensed firearms dealer located in Delaware shall dispose of the firearm or projectile  
1242 weapon or return the firearm or projectile weapon to the respondent only subsequent to the expiration or termination of the  
1243 protective order in accordance with § 2311 of Title 11.

1244 (j) The forms for protective orders shall allow the petitioner to describe, under penalty of prosecution for false  
1245 written statement under § 1233 of Title 11, the number, types, and locations of ~~any firearms~~ a firearm or projectile weapon  
1246 presently known by the petitioner to be owned, possessed, or controlled by the respondent.

1247 (k) No records, data, information, or reports containing the name, address, other identifying data of either the  
1248 respondent, petitioner, or recipient of the relinquished ~~firearms~~ firearm or projectile weapon or which contain the make,  
1249 model, caliber, serial number, or other identifying data of ~~any firearm~~ a firearm or projectile weapon which are required,  
1250 authorized, or maintained pursuant to this section, shall be subject to disclosure or release pursuant to the Freedom of  
1251 Information Act, Chapter 100 of Title 29.

1252 Section 32. Amend § 7102, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1253 insertions as shown by underline as follows:

1254 § 7102. Purpose; construction.

1255 (c) Any action brought on the basis of a criminal nuisance defined at § 7103(5)b. of this title is intended to abate  
1256 the criminal nuisance existing on those properties where illegal firearms or projectile weapons exist and those who use  
1257 illegal firearms or projectile weapons congregate. It is not intended to interfere with the right to lawful possession or use of  
1258 firearms or projectile weapons by law abiding citizens.

1259 Section 33. Amend § 7103, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1260 insertions as shown by underline as follows:

1261 § 7103. Definitions.

1262 As used in this chapter, unless the context indicates differently:

1263 (1) “Adverse impact” means the presence of 1 or more of the following conditions:

1264 a. Diminished real property value related to nuisances associated with drug activity, illegal ~~firearms~~,

1265 firearms or projectile weapons, criminal gangs, violent felonies, prostitution, and other public nuisances in or near

1266 the property;

1267 b. Increased fear of residents to walk through or in public areas, including sidewalks, streets, and parks,

1268 due to the presence of nuisances associated with drug activity, illegal ~~firearms~~, firearms or projectile weapons,

1269 criminal gangs, violent felonies, prostitution, and other public nuisances;

1270 c. Increased volume of vehicular and pedestrian traffic to and from the property that is related to

1271 nuisances associated with drug activity, illegal ~~firearms~~, firearms or projectile weapons, criminal gangs, violent

1272 felonies, prostitution, and other public nuisances;

1273 d. An increase in the number of police calls to the property that are related to nuisances associated with

1274 drug activity, illegal ~~firearms~~, firearms or projectile weapons, criminal gangs, violent felonies, prostitution, and

1275 other public nuisances;

1276 f. The presence, use, or display or discharge of illegal ~~firearms~~ firearms or projectile weapons at or near

1277 the property;

1278 h. Arrests of persons on or near the property for criminal conduct relating to nuisances associated with

1279 drug activity, illegal ~~firearms~~, firearms or projectile weapons, criminal gangs, violent felonies, prostitution, and

1280 other public nuisances;

1281 i. Search warrants served or executed at the property relating to nuisances associated with drug activity,

1282 illegal ~~firearms~~, firearms or projectile weapons, criminal gangs, violent felonies, prostitution, and other public

1283 nuisances;

1284 j. A substantial number of complaints made to law-enforcement and other government officials regarding

1285 nuisances associated with drug activity, illegal ~~firearms~~, firearms or projectile weapons, criminal gangs, violent

1286 felonies, prostitution, and other public nuisances;

1287 k. Increased number of housing or health code violations relating to nuisances associated with drug

1288 activity, illegal ~~firearms~~, firearms or projectile weapons, criminal gangs, violent felonies, prostitution, and other

1289 public nuisances;

1290 (5) “Criminal nuisance” means any real property at which:

1291 b. The illegal use, manufacture, causing to be manufactured, importation, possession, possession for sale,

1292 sale, furnishing, storing or delivery of ~~ammunition or firearms~~ ammunition, firearms, or projectile weapons has

1293 occurred, or any act or acts which constitute any felony set forth in subpart E of subchapter VII of Chapter 5 of  
1294 Title 11 or an unlawful attempt or conspiracy to commit such an act; or

1295 (6) "Firearm" shall have the same meaning as that term is used in § 222 of Title 11. "Ammunition" shall have  
1296 the same meaning as that term is used in § 1448(c) of Title 11.

1297 (12) "Projectile weapon" means as defined in § 222 of Title 11.

1298 Section 34. Amend § 7202, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1299 insertions as shown by underline as follows:

1300 § 7202. Definitions.

1301 As used in this chapter:

1302 (1) "Firearm" means as defined in § 222 of Title 11.

1303 (7) "Projectile weapon" means as defined in § 222 of Title 11.

1304 Section 35. Amend § 7204, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1305 insertions as shown by underline as follows:

1306 § 7204. Emergency proceedings.

1307 (d) The ex parte temporary order shall restrain the respondent from contacting, or attempting to contact the  
1308 petitioner, including by non-physical contact, either directly, or indirectly through a third party. The Court may also do any  
1309 of the following through its order:

1310 (3) Order the respondent to temporarily relinquish to a police officer, or a federally-licensed firearms dealer  
1311 located in Delaware, the respondent's firearms or projectile weapons and to refrain from purchasing or receiving  
1312 additional firearms or projectile weapons for the duration of the order. Nothing in this section may be construed to  
1313 impair the rights, under U.S. Const. amend. 2 or § 20 of Article I of the Delaware Constitution, of an individual who is  
1314 not subject to the Court's order.

1315 (4) Direct a law-enforcement agency having jurisdiction where the respondent resides, or ~~the firearms or~~  
1316 ~~ammunition are~~ a firearm, projectile weapon, or ammunition is located, to immediately search for and seize ~~any~~  
1317 ~~firearms or ammunition~~ a firearm, projectile weapon, or ammunition owned, possessed, or controlled by the  
1318 respondent.

1319 Section 36. Amend § 7205, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1320 insertions as shown by underline as follows:

1321 § 7205. Nonemergency proceedings.

1322 (c) If the Court finds by a preponderance of the evidence that the petitioner has been the victim of non-consensual  
1323 sexual conduct or non-consensual penetration perpetrated by the respondent, and that facts support petitioner's reasonable  
1324 fear of future harm, the Court shall issue a sexual violence protective order restraining the respondent from contacting or  
1325 attempting to contact the petitioner, including by non-physical contact, either directly or indirectly through a third party.  
1326 The Court may also do any of the following through its order:

1327 (3) Order the respondent to relinquish to a police officer, or a federally-licensed firearms dealer located in  
1328 Delaware, the respondent's firearms or projectile weapons and to refrain from purchasing or receiving additional  
1329 firearms or projectile weapons for the duration of the order. Nothing in this section may be construed to impair the  
1330 rights, under U.S. Const. amend. 2 or § 20 of Article I of the Delaware Constitution, of an individual who is not subject  
1331 to the Court's order.

1332 (4) Direct a law-enforcement agency having jurisdiction where the respondent resides, or ~~the firearms or~~  
1333 ~~ammunition are~~ a firearm, projectile weapon, or ammunition is located, to immediately search for and seize ~~any~~  
1334 ~~firearms or ammunition~~ a firearm, projectile weapon, or ammunition owned, possessed, or controlled by the  
1335 respondent.

1336 Section 37. Amend § 7207, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1337 insertions as shown by underline as follows:

1338 § 7207. Return and disposal of ~~firearms~~ a firearm, projectile weapon, or ammunition.

1339 If an order issued under this chapter is vacated under § 7205 of this title, terminated under § 7206 of this title, or  
1340 expired and is not renewed, the law-enforcement agency shall return to the respondent ~~any firearms or ammunition~~ a  
1341 firearm, projectile weapon, or ammunition taken from the respondent under this chapter unless the respondent is otherwise  
1342 prohibited under § 1448 of Title 11.

1343 Section 38. Amend § 7208, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1344 insertions as shown by underline as follows:

1345 § 7208. Limitation on liability.

1346 (a) Nothing in this chapter precludes a law-enforcement officer from removing ~~firearms~~ a firearm, projectile  
1347 weapon, or ammunition under other authority or the filing of criminal charges when probable cause exists.

1348 (b) A law-enforcement agency is immune from civil or criminal liability for any damage or deterioration of  
1349 ~~firearms~~ a firearm, projectile weapon, or ammunition stored or transported under this chapter. This subsection does not  
1350 apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the  
1351 law-enforcement agency or federally-licensed firearms dealer.

1352 Section 39. Amend § 7701, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1353 insertions as shown by underline as follows:

1354 § 7701. Definitions.

1355 As used in this section:

1356 (1) “Firearm” means as defined in § 222 of Title 11.

1357 (2) “Law-enforcement officer” means as defined in § 222 of Title 11.

1358 (3) “Lethal violence protective order” means an order issued by the Justice of the Peace Court or Superior  
1359 Court prohibiting and enjoining a person from controlling, owning, purchasing, possessing, having access to, or  
1360 receiving a firearm or projectile weapon.

1361 (4) “Petitioner” means either of the following:

1362 a. A family member of the respondent as defined in § 901 of this title or a member of the class defined in  
1363 § 1041(2)b. of this title.

1364 b. A law-enforcement officer who files a petition alleging that the respondent poses a danger of causing  
1365 physical injury to self or others by controlling, owning, purchasing, possessing, having access to or receiving a  
1366 firearm or projectile weapon.

1367 (5) “Physical injury” means as defined in § 222 of Title 11.

1368 (6) “Projectile weapon” means as defined in § 222 of Title 11.

1369 ~~(6)~~(7) “Respondent” means the individual who is alleged to pose a danger of causing physical injury to self or  
1370 others by controlling, owning, purchasing, possessing, having access to or receiving a firearm or projectile weapon.

1371 Section 40. Amend § 7703, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1372 insertions as shown by underline as follows:

1373 § 7703. Emergency hearings.

1374 (a) A law-enforcement officer may request an emergency lethal violence protective order by filing an affidavit or  
1375 verified petition in Justice of the Peace Court that does both of the following:

1376 (1) Alleges that respondent poses an immediate and present danger of causing physical injury to self or others  
1377 by controlling, purchasing, owning, possessing, controlling, purchasing, having access to, or receiving a firearm or  
1378 projectile weapon.

1379 (2) Identifies the location of ~~any firearms~~ a firearm or projectile weapon it is believed that the respondent  
1380 currently owns, possesses, has access to, or controls.

1381 (b) The following procedures govern an emergency proceeding:

1382 (1) The Justice of the Peace Court shall hear a request for an order under this section within 24 hours of the  
1383 filing of the affidavit or verified petition.

1384 (2) The law-enforcement officer has the burden of demonstrating by a preponderance of the evidence that a  
1385 respondent poses an immediate and present danger of causing physical injury to self or others by owning, possessing,  
1386 controlling, purchasing, having access to, or receiving a firearm or projectile weapon.

1387 (3) The respondent does not have the right to be heard or to notice that the law-enforcement officer has sought  
1388 an order under this section.

1389 (c) The Justice of the Peace Court may adopt additional rules governing proceedings under this section.

1390 (d) If the Justice of the Peace Court finds by a preponderance of the evidence that the respondent poses an  
1391 immediate and present danger of causing physical injury to self or others by owning, possessing, controlling, purchasing,  
1392 having access to, or receiving a firearm or projectile weapon, the Court shall issue an emergency lethal violence protective  
1393 order requiring the respondent to relinquish to a law-enforcement agency receiving the Court's order ~~any firearms a~~  
1394 firearm, projectile weapon, or ammunition owned, possess, or controlled by the respondent. The Court may also do any of  
1395 the following through its order:

1396 (1) Prohibit the respondent from residing with another individual who owns, possesses, or controls ~~firearms a~~  
1397 firearm, projectile weapon, or ammunition. Nothing in this section may be construed to impair the rights, under the  
1398 Second Amendment to the United States Constitution or Article I, § 20 of the Delaware Constitution, of an individual  
1399 who is not subject to the Court's order.

1400 (2) Direct a law-enforcement agency having jurisdiction where the respondent resides or ~~the firearms or~~  
1401 ~~ammunition are~~ a firearm, projectile weapon, or ammunition is located to immediately search for and seize ~~any~~  
1402 ~~firearms a~~ firearm, projectile weapon, or ammunition owned, possessed, or controlled by the respondent.

1403 (e) The Justice of the Peace Court shall direct that an emergency lethal violence protective order issued under this  
1404 section be served immediately upon the respondent by personal service, any form of mail, or in any manner directed by the  
1405 Court, including publication, if other methods of service have failed or deemed to have been inadequate. The Court shall  
1406 give a certified copy of the order to the law-enforcement officer after the hearing and before the petitioner leaves the  
1407 courthouse.

1408 (f) If the Justice of the Peace Court issues an emergency lethal violence protective order under this section, the  
1409 Superior Court must hold a full hearing in compliance with § 7704 of this title within 15 days. The Justice of the Peace  
1410 Court or the Superior Court may extend an emergency order as needed to effectuate service of the order or where necessary  
1411 to ensure the protection of the respondent or others, but the duration of the order may not exceed 45 days.



1412 Section 41. Amend § 7704, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1413 insertions as shown by underline as follows:

1414 § 7704. Nonemergency hearings.

1415 (a) A petitioner may request a lethal violence protective order by filing an affidavit or verified petition in the  
1416 Superior Court that does both of the following:

1417 (1) Alleges that the respondent poses a danger of causing physical injury to self or others by controlling,  
1418 owning, purchasing, possessing, having access to, or receiving a ~~firearm~~ firearm or projectile weapon.

1419 (2) Identifies the location of ~~any firearms~~ a firearm or projectile weapon it is believed that the respondent  
1420 currently owns, possesses, has access to, or controls.

1421 (b) The following procedures govern a nonemergency proceeding:

1422 (1) The respondent has the right to be heard.

1423 (2) If a hearing is requested, it must be held within 15 days of the filing of an affidavit or verified petition  
1424 under subsection (a) of this section, unless extended by the Court for good cause shown.

1425 (3) If a hearing is held, the respondent has the right to notice of the hearing, to present evidence, and to cross-  
1426 examine adverse witnesses.

1427 (4) The petitioner has the burden of proving by clear and convincing evidence that the respondent poses a  
1428 danger of causing physical injury to self or others by controlling, owning, purchasing, possessing, having access to, or  
1429 receiving a ~~firearm~~ firearm or projectile weapon.

1430 (c) The Superior Court may adopt additional rules governing proceedings under this section.

1431 (d) If the Superior Court finds by a clear and convincing evidence that the respondent poses an immediate and  
1432 present danger of causing physical injury to self or others by owning, possessing, controlling, purchasing, having access to,  
1433 or receiving a firearm or projectile weapon, the Court shall issue a lethal violence protective order requiring the respondent  
1434 to relinquish to a law-enforcement agency receiving the Court's order ~~any firearms~~ a firearm, projectile weapon, or  
1435 ammunition owned, possess, or controlled by the respondent. The Court may also do any of the following through its order:

1436 (1) Allow the respondent to voluntarily relinquish to a law-enforcement agency receiving the Court's order  
1437 ~~any firearms~~ a firearm, projectile weapon, or ammunition owned, possessed, or controlled by the respondent.

1438 (2) Allow the respondent to relinquish ~~firearms~~ a firearm, projectile weapon, or ammunition owned,  
1439 possessed, or controlled by the respondent to a designee of the respondent. A designee of the respondent must not  
1440 reside with the respondent and must not be a person prohibited under § 1448 of Title 11. The designee must affirm to

1441 the Court and the Court must find that the designee of the respondent will keep ~~firearms~~ a firearm, projectile weapon,  
1442 or ammunition owned, possessed, or controlled by the respondent out of the possession of the respondent.

1443 (3) Prohibit the respondent from residing with another individual who owns, possesses, or controls ~~firearms~~ a  
1444 firearm, projectile weapon, or ammunition. Nothing in this section may be construed to impair the rights, under the  
1445 Second Amendment to the United States Constitution or Article I, § 20 of the Delaware Constitution, of an individual  
1446 who is not subject to the Court's order.

1447 (4) Direct a law-enforcement agency having jurisdiction where the respondent resides or ~~the firearms or~~  
1448 ~~ammunition are~~ a firearm, projectile weapon, or ammunition is located to immediately search for and seize ~~any~~  
1449 ~~firearms~~ a firearm, projectile weapon, or ammunition owned, possessed, or controlled by the respondent.

1450 (5) Prohibit the respondent from residing with another individual who owns, possesses, or controls ~~firearms~~ a  
1451 firearm, projectile weapon, or ammunition. Nothing in this section may be construed to impair or limit the rights, under  
1452 the Second Amendment to the United States Constitution or Article I, § 20 of the Delaware Constitution, of an  
1453 individual who is not subject to the Court's order.

1454 (6) Direct a law-enforcement agency having jurisdiction where the respondent resides or ~~the firearms or~~  
1455 ~~ammunition are~~ a firearm, projectile weapon, or ammunition is located to immediately search for and seize ~~any~~  
1456 ~~firearms~~ a firearm, projectile weapon, or ammunition owned, possessed, or controlled by the respondent,

1457 (e) If the Superior Court finds that there is not clear and convincing evidence to support the issuance of a lethal  
1458 violence protective order, the Court shall not issue a lethal violence protective order, and shall vacate any emergency lethal  
1459 violence protective order then in effect.

1460 (f) If the Superior Court issues a lethal violence protective order under this section, the Court shall inform the  
1461 respondent that the respondent is entitled to 1 hearing to request a termination of the order under § 7705 of this title, and  
1462 shall provide the respondent with a form to request such a hearing.

1463 (g) If a respondent is not present for a hearing under this section, the Superior Court shall direct that a lethal  
1464 violence protective order issued be served immediately upon the respondent by personal service, any form of mail, or in any  
1465 manner directed by the Court, including publication if other methods of service have failed or deemed to have failed or  
1466 deemed to have been inadequate.

1467 (h) The Superior Court shall give a certified copy of the order to the petitioner and respondent after the hearing  
1468 and before the petitioner and respondent leave the courthouse.

1469 (i) Any party in interest aggrieved by a decision of the Superior Court under this section may appeal the decision  
1470 to the Supreme Court.

1471 (j) Relief granted under this section shall be for a fixed period of time not to exceed 1 year.

1472 Section 42. Amend § 7705, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1473 insertions as shown by underline as follows:

1474 § 7705. Termination and renewal.

1475 (a) A respondent subject to a lethal violence protective order issued under § 7704 of this title, or renewed under  
1476 subsection (b) of this section, may submit 1 written request at any time during the effective period of the order for a hearing  
1477 to terminate the order.

1478 (1) The Superior Court must provide notice to all parties and a hearing before the Court may terminate the  
1479 order.

1480 (2) The respondent must prove by clear and convincing evidence that the respondent does not pose a danger of  
1481 causing physical injury to self or others by controlling, owning, purchasing, possessing, having access to, or receiving a  
1482 ~~firearm.~~ firearm or projectile weapon.

1483 (3) If the Superior Court finds after a hearing that the respondent has met the burden imposed by paragraph  
1484 (a)(2) of this section, the Court shall terminate the order.

1485 (b) A petitioner may request a renewal of a lethal violence protective order at any time within 3 months before the  
1486 expiration of a lethal violence protective order issued under § 7704 of this title or this subsection.

1487 (1) The Superior Court must provide notice to all parties and a hearing before the Court may renew an order  
1488 issued under § 7704 of this title or this subsection.

1489 (2) The petitioner must prove by clear and convincing evidence that the respondent continues to pose a danger  
1490 of causing physical injury to self or others in the near future by controlling, owning, purchasing, possessing, having  
1491 access to, or receiving a ~~firearm.~~ firearm or projectile weapon.

1492 (3) If the Superior Court finds after a hearing that the respondent has met the burden imposed by paragraph  
1493 (b)(2) of this section, the Court shall renew the lethal violence protective order.

1494 (4) The Superior Court is to set the duration of the renewed lethal violence protective order, up to 1 year. The  
1495 order remains in effect unless terminated under subsection (a) of this section, renewed under this subsection, or expired  
1496 and not renewed.

1497 Section 43. Amend § 7706, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1498 insertions as shown by underline as follows:

1499 § 7706. Return and disposal of ~~firearms~~ a firearm, projectile weapon, or ammunition.

1500 If an order issued under this chapter is vacated under § 7704 (e) of this title, terminated under § 7705(a) of this  
1501 title, or expired and is not renewed, the law-enforcement agency shall return to the respondent ~~any firearms~~ a firearm,  
1502 projectile weapon, or ammunition taken from the respondent under this chapter unless otherwise prohibited under § 1448 of  
1503 Title 11.

1504 Section 44. Amend § 7707, Title 10 of the Delaware Code by making deletions as shown by strike through and  
1505 insertions as shown by underline as follows:

1506 § 7707. Limitation on liability.

1507 (a) Nothing in this chapter precludes a petitioner or law-enforcement officer from removing ~~firearms~~ a firearm,  
1508 projectile weapon, or ammunition under other authority or filing criminal charges when probable cause exists.

1509 (b) A law-enforcement officer, who in good faith does not seek a lethal violence protective order under this  
1510 chapter, is immune from civil liability.

1511 (c) A law-enforcement agency is immune from civil or criminal liability for any damage or deterioration of  
1512 ~~firearms~~ a firearm, projectile weapon, or ammunition stored or transported under this section. This subsection does not  
1513 apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the  
1514 law-enforcement agency or federally-licensed firearms dealer.

1515 Section 45. Amend § 1302, Title 24 of the Delaware Code by making deletions as shown by strike through and  
1516 insertions as shown by underline as follows:

1517 § 1302. Definitions.

1518 As used in this chapter, unless the context requires a different definition:

1519 (12) “Firearm” ~~shall hold the meaning~~ means as defined in § 222 of Title 11.

1520 (21) “Projectile weapon” means as defined in § 222 of Title 11.

1521 Section 46. Amend § 1321, Title 24 of the Delaware Code by making deletions as shown by strike through and  
1522 insertions as shown by underline as follows:

1523 § 1321. ~~Firearms.~~ Firearms or projectile weapons.

1524 (b) It shall be unlawful for anyone licensed, under this chapter, to carry any type of weapon unless the Board has  
1525 approved the use of such weapon and, if approved, the person has been trained in the use of such weapon, by a board-  
1526 approved instructor.

1527 (1) Private investigative, private security and armored car agencies shall be held responsible for monitoring all  
1528 firearm or projectile weapon certification or recertification for their employees for compliance with promulgated rules  
1529 and regulations.

1530 (2) Private investigative, private security and armored car agencies must provide the Professional Licensing  
1531 Section with documentation that employees are compliant with firearm or projectile weapon certification and  
1532 recertification requirements of the Board.

1533 (3) The Board may revoke the ability to carry a weapon if a registration holder or agency fails to comply with  
1534 promulgated rules and regulations.

1535 (c) It shall be unlawful for an individual, employed as a security guard, to carry a firearm or projectile weapon  
1536 during the course of performing their duties as a security guard, if they have not been issued a commissioned security guard  
1537 license.

1538 (d) It shall be unlawful for any person to hire or employ an individual or for any individual to accept employment,  
1539 in the capacity of a security guard, to carry a firearm or projectile weapon in the course and scope of employment duties  
1540 unless the security guard has been issued a commissioned security guard license.

1541 (e) It shall be unlawful for a commissioned security guard to carry a firearm or projectile weapon unless:

1542 (1) The security guard is engaged in the performance of duties as a security officer or is engaged in traveling  
1543 directly to or from a place of assignment;

1544 (2) The security guard is wearing a distinctive uniform indicating that the person is a security guard;

1545 (3) Such uniform has a distinctive patch that indicates the company by whom the person is employed;

1546 (4) The firearm or projectile weapon is in plain view; and

1547 (5) The firearm or projectile weapon is the type of weapon that the commissioned security guard qualified  
1548 with pursuant to this chapter.

1549 Section 47. Amend § 1329, Title 24 of the Delaware Code by making deletions as shown by strike through and  
1550 insertions as shown by underline as follows:

1551 § 1329. Disciplinary proceedings; appeal.

1552 (a) Grounds. —

1553 Subject to the provisions of this chapter, the Director pursuant to the authority of the Board may impose any of the  
1554 following sanctions (subsection (b) of this section) singly or in combination when it finds a licensee or identification card  
1555 holder is guilty of any offense described herein:

1556 (3) Failure to comply with firearms or projectile weapons requirements pursuant to § 1321 of this title; or

1557 (10) Failure to abide by the Board's firearms or projectile weapons certification and recertification training  
1558 requirements; or

1559 (11) Using a firearms or projectile weapons instructor that has not been approved by the Board; or

1560 Section 48. Amend § 5602, Title 24 of the Delaware Code by making deletions as shown by strike through and  
1561 insertions as shown by underline as follows:

1562 § 5602. Definitions.

1563 As used in this chapter:

1564 (4) “Firearm” means as defined in § 222 of Title 11.

1565 (6) “Projectile weapon” means as defined in § 222 of Title 11.

1566 Section 49. Amend § 5604, Title 24 of the Delaware Code by making deletions as shown by strike through and  
1567 insertions as shown by underline as follows:

1568 § 5604. Duties and responsibilities of the Board.

1569 The Board has the authority to:

1570 (7) Promulgate rules and regulations for commissioned constables to carry and use, while on duty, batons,  
1571 night sticks, chemical spray, conducted electrical weapons, canines, ~~and firearms.~~ firearms, and projectile weapons.

1572 (8) Establish standards and requirements for firearms training and training in the use of force, including the  
1573 use of deadly force, for constables applying to the Board to carry firearms or projectile weapons while on duty.  
1574 Constables who fail to meet the standards for carrying a firearm or projectile weapon or fail to successfully complete  
1575 firearms or projectile weapons training are prohibited from carrying a firearm or projectile weapon while on duty.

#### SYNOPSIS

This Act is the product of the work of the Firearms Definition Task Force (“Task Force”), which was created by this General Assembly under Senate Concurrent Resolution No. 102.

The Task Force found that while a more limited definition of “firearm” that is consistent with the common understanding of the term is required, a more nuanced approach than that taken in House Substitute No. 1 for House Bill No. 224 is also required. As a result, this Act does the following:

- (1) Adopts the definition of “firearm” proposed by House Substitute No. 1 for House Bill No. 224.
- (2) Creates a definition for a new term, “projectile weapon”, defined as those weapons previously included in the definition of a firearm, but which are not within the common understanding of a firearm.
- (3) Makes clear that a “projectile weapon” is a deadly weapon.
- (4) Amends the Criminal Code, criminal procedure provisions of Title 11, the Beau Biden Gun Violence Prevention Act (§ 1448C of Title 11 of the Delaware Code), the protection from abuse proceedings law (§§ 1041 through 1048 of Title 10 of the Delaware Code), the sexual violence protective order law (Chapter 72 of Title 10 of the Delaware Code), the lethal violence protective order law (Chapter 77 of Title 10 of the Delaware Code), and other provisions in Title 6, Title 10, and Title 24 of the Delaware Code to appropriately distinguish between when a law is intended to just apply to a firearm or to a firearm and a projectile weapon.