



SPONSOR: Sen. Pettyjohn & Rep. Dukes
Sens. Buckson, Hocker, Lawson, Richardson, Wilson;
Reps. Collins, Hilovsky, Yearick

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 224

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POSSESSION OF A FIREARM IN A SAFE SCHOOL ZONE.

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

1 Section 1. Amend § 1457A, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1457A. Possession of a firearm in a Safe School Zone; class E felony.

4 (a) As used in this section:

5 (5) "Safe School Zone" means all of the following:

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

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

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

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

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

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

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

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

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

25 (8) An employee of a private school who is a holder of a valid license to carry concealed deadly weapons
26 under § 1441 of this title and who is designated by the employee's private school employer to provide security on the
27 premises and who is in possession of a firearm on the employee's private school employer's premises.

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

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

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

32 (3) When engaged in lawful hunting, firearm instruction, or firearm-related sports on public lands, other than
33 those belonging to a public or private-school.

34 (f) ~~In the event that~~ If an elementary or secondary school student possesses a firearm in a Safe School Zone, in
35 addition to any other penalties contained in this section, the student shall be expelled by the local school board or charter
36 school board of directors for a period of not less than 180 days unless otherwise provided for in federal or state law. The
37 local school board or charter school board of directors may, on a case-by-case basis, modify the terms of the expulsion to
38 less than 180 days.

SYNOPSIS

This Act exempts an employee of a private school from the Safe School Zone law if the employee is designated by the employee's private school employer to provide security for the school and the employee holds a Delaware concealed carry permit.

This Act also makes technical corrections to conform to existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Pettyjohn