



SPONSOR: Sen. Poore & Rep. Romer

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 334

AN ACT TO AMEND TITLE 11 AND TITLE 28 OF THE DELAWARE CODE RELATING TO THE UNLAWFUL DISCHARGE OF FIREARMS.

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

1 Section 1. Amend Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1447B. Unlawful Discharge of Firearm; penalties.

4 (a) No person shall discharge any firearm within 100 yards of an occupied dwelling, house, or residence, or any
5 barn, stable or any other building used in connection therewith, without the specific advance permission of the owner or
6 tenant, unless:

7 (1) The discharge occurs into an area with a natural or artificial barrier sufficient in height, length, width,
8 and depth, and made of sufficient material to prevent the fired projectile from going over, around, under, or passing
9 through the barrier.

10 (b) No person shall discharge any projectile from archery equipment, where the distance is 50 yards from an
11 occupied dwelling, house, or residence, or any barn, stable or any other building used in connection therewith, without the
12 specific advance permission of the owner or tenant

13 (c) Nothing contained within this section is applicable to the discharge of a firearm associated with lawful hunting or
14 trapping activities as these activities are regulated pursuant to Title 7 § 723.

15 (d) The unlawful discharge of a firearm pursuant to this section is a Class A misdemeanor.

16 (e) This section shall not apply to lands designated as training areas by the Department of Natural Resources, the
17 Delaware National Guard, the Department of Corrections, or other law enforcement agency which are primarily used for
18 the training of firearms and firearm safety.

19 (f) Nothing contained within this section is intended to prohibit or limit any incorporated area within this State
20 from adopting more restrictive firearm discharge limitations.

21 (g) The Superior Court has exclusive jurisdiction over a violation of this section.

22 Section 2. Amend § 903, Title 28 of the Delaware Code by making deletions as shown by strike through and
23 insertions as shown by underline as follows:

24 § 903. ~~Shooting galleries; regulations; penalties.~~

25 (a) ~~No person shall keep a gallery or booth or other convenience for the purpose of target shooting or other trials of~~
26 ~~skill by the use of firearms within the borders of any town or city, or within 300 yards of any road or public passway,~~
27 ~~within this State, or at any place of public resort, unless the gallery or booth or other convenience is enclosed with walls not~~
28 ~~less than 10 feet in height and not less than 4 inches in thickness sufficient to prevent ball or shot from the firearms from~~
29 ~~escaping from or passing through the gallery or booth.~~

30 (b) ~~No person apparently under the influence of intoxicating liquor, a person with a mental disability or otherwise~~
31 ~~incapacitated shall be allowed by such keeper to participate in the target shooting or other trials of skill by the use of~~
32 ~~firearms in such gallery, booth or other convenience.~~

33 (c) ~~Whoever violates this section, shall be fined not less than \$50, nor more than \$200, ¹/₂ of which shall go to the~~
34 ~~person informing and the other ¹/₂ to the General Fund of this State, and in default of the payment of the fine shall be~~
35 ~~imprisoned for not less than 1 nor more than 3 months.~~

SYNOPSIS

This bill amends Chapter 5, Title 11 of the Delaware Code related to the unlawful discharge of firearms within the State. The bill recognizes the potential danger of such discharges which occur during target shooting and other related firearm skill events when in proximity to neighboring residences and businesses, thereby increasing the risk of injury or death. The bill includes language to allow discharge of firearms under certain conditions, including the use of an artificial or natural barrier, allows for less required distance for archery equipment, and exempts lands designated as training areas by the Department of Natural Resources, the Delaware National Guard, the Department of Corrections, or other law enforcement agency which are primarily used for the training of firearms and firearm safety. This bill is consistent with safety zone language associated with legal hunting as stated in Title 7 of the Delaware Code § 723.

This bill also repeals § 903 of Title 28 of the Delaware Code related to the regulation of shooting galleries.

Author: Senator Poore