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Reps. Bentz, Chukwuocha, Cooke, Freel, Griffith, K. Johnson, Kowalko, Matthews, Minor-Brown, Morrison, Osinski, K. Williams; Sens. Gay, S. McBride, Paradee, Sturgeon

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 451

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FIREARMS.

1 WHEREAS, in 1968, federal law established that a buyer must be at least 21 years old for all handgun purchases;  
2 and

3 WHEREAS, the federal government recognized over 50 years ago that it was reasonable to place a restriction on  
4 young people purchasing firearms for their safety and the safety of our communities; and

5 WHEREAS, there is conclusive scientific research that shows the human brain is still developing in young adults  
6 aged 18 to 21 which impacts their decision making, self-control, aggressive impulses, and risk-taking behaviors; and

7 WHEREAS, the Statistical Analysis Center's Delaware Shootings reports for the previous 3 years shows that the  
8 most common age for shooters was between 18 to 21 which represents 33% of all shooters in 2020, 29% in 2019, and 32%  
9 in 2018; and

10 WHEREAS, the age to purchase any alcohol and tobacco products in Delaware is 21 years old.

11 NOW, THEREFORE:

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

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

15 § 1445 Unlawfully dealing with a dangerous weapon; unclassified misdemeanor; Class E or G felony.

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

17 (1) The person, who is not a qualified law-enforcement officer, has control of any of the following:

18 a. A weapon which by compressed air or by spring discharges or projects a pellet, slug or bullet, except a  
19 BB or air gun which does not discharge or project a pellet or slug larger than a ~~BB shot;~~ .177 caliber shot. ~~or~~

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

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

25 (3) Being a parent, the person permits the person's child under 16 years of age to have possession of a ~~firearm~~  
26 ~~or a BB or air gun or spear gun unless under the direct supervision of an adult~~; a person over the age of 21. ~~or~~

27 (4) The person sells, gives or otherwise transfers to a child person under 18 21 years of age a firearm or  
28 ammunition for a firearm, unless ~~the person is that child's parent or guardian~~, or unless the person first receives the  
29 ~~permission of said parent or guardian~~; or permitted by § 1448.

30 (5) The person sells, gives or otherwise transfers a firearm to any person knowing that said person intends to  
31 commit any felony, class A misdemeanor or drug related criminal offense while in possession of said firearm.

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

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

36 § 1448. Possession and purchase of deadly weapons by persons prohibited; penalties.

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

39 (5) ~~Any juvenile, person under the age of 21, if the deadly weapon is a handgun, unless the juvenile possesses~~  
40 ~~the handgun for the purpose of engaging in lawful hunting, instruction, sporting or recreational activity while under the~~  
41 ~~direct or indirect supervision of an adult. For the purpose of this subsection, a "handgun" shall be defined as any pistol,~~  
42 ~~revolver or other firearm designed to be readily capable of being fired when held in 1 hand.~~

43 a. Paragraph (a)(5) of this section shall not apply to the purchase, owning, possession, or control of the  
44 following deadly weapons:

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

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

47 3. Deadly weapons other than firearms if the person is 18 years of age or older.

48 b. Paragraph (a)(5) of this section shall not apply to any of the following persons 18 years of age or older:

49 1. An active member of the Armed Forces of the United States.

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

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

52                   c. Paragraph (a)(5) of this section shall not apply to any person under the age of 21 who possesses or  
53                   controls a firearm for the purpose of engaging in lawful hunting, instruction, sporting, or recreational activity  
54                   while under the direct supervision of a person 21 years of age or older.

#### SYNOPSIS

This bill makes a person under the age of 21 prohibited from purchasing, owning, possessing, or controlling a firearm or ammunition of a firearm except under limited circumstances. Those circumstances are if the person is 18 years of age or older and an active member of the Armed Forces, a qualified law-enforcement officer, or has a license to carry a concealed deadly weapon. The Act does not apply to shotguns and shotgun ammunition, muzzle-loading rifles, and deadly weapons other than firearms, thus allowing those persons who are 18 to 21 years of age to purchase, own, control or possess such deadly weapons. Persons under the age of 21 may possess or control a firearm for the purpose of engaging in lawful hunting, instruction, sporting, or recreational activity while under the direct supervision of a person 21 year of age or older. This bill also makes changes to § 1445 of Title 11—Unlawfully dealing with a dangerous weapon to be consistent with the changes made to § 1448 of Title 11. In addition, the bill only criminalizes the control of a weapon which by compressed air or by spring discharges or projects a pellet, slug, or bullet by a person who is not a qualified law enforcement officer if such pellet, slug, or bullet is larger than .177 caliber shot.