



SPONSOR: Sen. Sokola

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE AMENDMENT NO. 2
TO
HOUSE BILL NO. 451

AMEND House Bill No. 451, as amended, on line 14 by deleting “underline.” and inserting in lieu thereof “underline as follows:”.

FURTHER AMEND House Bill No. 451, as amended, on line 17 by inserting “possesses, ~~sells or~~ sells, or in any manner” after “officer,” and before “has control” therein.

FURTHER AMEND House Bill No. 451, as amended, by deleting line 1 of House Amendment No. 6 to House Bill No. 451 and inserting in lieu thereof the following:

“AMEND House Bill No. 451 on line 19 by inserting “gun, paintball gun,” after “BB” and before “or air gun” therein.”.

FURTHER AMEND House Bill No. 451, as amended, on line 19 by deleting “~~BB shot; .177 caliber shot. or~~” after “larger than a” therein and inserting in lieu thereof “~~BB shot; or~~ .177 caliber shot.”.

FURTHER AMEND House Bill No. 451, as amended, on line 20 by inserting “(a)” after “paragraph” and before “(1)” therein.

FURTHER AMEND House Bill No. 451, as amended, on line 26 by deleting “over the age of 21” and inserting in lieu thereof “21 years of age or older”.

FURTHER AMEND House Bill No. 451, as amended, on line 27 by deleting “~~child person under 18~~ 21” after “transfers to a” therein and inserting in lieu thereof “~~child under 18~~ person under 21”.

FURTHER AMEND House Bill No. 451, as amended, on line 29 by inserting “of this title” after “1448” and before the period therein.

FURTHER AMEND House Bill No. 451, as amended, by inserting after line 31 and before line 32 the following:

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

FURTHER AMEND House Bill No. 451, as amended, on line 35 by inserting “(a)” after “paragraph” and before “(5)” therein.

FURTHER AMEND House Bill No. 451, as amended, by inserting after line 35 and before line 36 the following:

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

FURTHER AMEND House Bill No. 451, as amended, by deleting “either” on line 3 of House Amendment No. 8 to House Bill No. 451 and inserting in lieu thereof “any”.

FURTHER AMEND House Bill No. 451, as amended, by inserting the following after line 8 and before line 9 of House Amendment No. 8 to House Bill No. 451:

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

FURTHER AMEND House Bill No. 451, as amended, by inserting the following after line 54:

“e. Paragraph (a)(5) of this section does not apply to the possession or control of a firearm by a person 18 years of age or older.

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

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

(g) In addition to the penalties set forth in subsection (f) of this ~~section herein~~, section, a person who is a prohibited person as described in paragraph (a)(5) of this section and who is 14 years of age or ~~older~~ older, but not yet 18 years of age, shall, upon conviction of a first offense, be required to view a film ~~and/or~~ or slide presentation depicting the damage and destruction inflicted upon the human body by a projectile fired from a gun, and shall be required to meet with, 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 Division of Youth Rehabilitative Service, with the cooperation of the Division of Forensic Science and the ~~Violent Crimes Compensation Board~~, Victims’ Compensation Assistance Program, shall be responsible for the implementation of this subsection.

53 Section 2. If a provision of this Act, or the application of this Act to a person or circumstance, is held invalid, the
54 provisions of this Act are severable if the invalidity does not affect the other provisions of this Act, or applications of this
55 Act, that can be given effect without the invalid provision or invalid application of this Act.

56 Section 3. Sections 1445(a)(6) and 1448(a)(5)e. of Title 11, as contained in this Act, expire 3 years after the date
57 of enactment of this Act.”.

SYNOPSIS

This Amendment does all of the following:

(1) Permits a child under 18 years of age to possess a firearm under the direct supervision of a person 21 years of age or older. This provision sunsets 3 years from the date of enactment of this Act.

(2) For 3 years from the date of enactment of this Act, permits a person at least 18 years of age, but not yet 21 years of age, to possess or control a firearm.

(3) Permits a person under the age of 21 to possess or control a firearm for the purpose of transporting the firearm to the location of a lawful hunting, instruction, sporting, or recreational activity.

(4) Makes necessary updates to the sentencing provisions of § 1448 of Title 11 based on the Act.

(5) Includes a severability clause.

(6) Corrects drafting errors in the bill and amendments to ensure proper codification, including inserting current law omitted from the bill.

Author: Senator Sokola