



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

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

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:

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

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

(a) As used in this section:

(1) "Constable" means as licensed under Chapter 56 of Title 24.

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

(3) "Police officer" means as defined in § 8401 of this title.

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

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

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

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

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

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

(1) A police officer.

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

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

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

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

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

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

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

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

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

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

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

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

SYNOPSIS

This Act removes private schools from the Safe School Zone law enacted last year, Chapter 175 of Volume 84 of the Laws of Delaware (House Bill No. 201, 152nd General Assembly).

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

Author: Senator Pettyjohn