



SPONSOR: Rep. Smyk & Sen. Ennis & Sen. Lawson
Reps. Collins, Dukes, Mitchell, Outten, Spiegelman,
Wilson; Sen. Pettyjohn

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 124

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

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

Section 1. Amend § 1444, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1444 Possessing a destructive weapon; class E felony.

(a) A person is guilty of possessing a destructive weapon when the person sells, transfers, buys, receives or has possession of a bomb, bombshell, firearm silencer, sawed-off shotgun, machine gun or any other firearm or weapon which is adaptable for use as a machine gun.

(b) ~~Possessing a destructive weapon is a class E felony.~~ This section does not apply to any of the following:

(1) ~~members of the military forces or to~~ Members of the Armed Forces of the United States or the National Guard who are duly authorized to carry a weapon of the type described.

(2) ~~members~~ Members of a police force in this State who are duly authorized to carry a weapon of the type ~~described;~~ described.

(3) ~~nor shall the provisions contained herein apply to authorized and certified (by an accredited state enforcement agency) state and federal wildlife biologists possessing~~ State and federal wildlife biologists who are authorized and certified by an accredited state enforcement agency to possess firearm silencers for the purposes of wildlife disease or wildlife population ~~control, or control.~~

(4) ~~persons~~ Persons possessing machine guns for scientific or experimental research and development purposes, which machine guns have been duly registered ~~under the National Firearms Act of 1968 (26 U.S.C. § 5801 et seq.); the~~ National Firearms Act, 26 U.S.C. Chapter 53.

(5) Manufacturers, importers, and dealers of destructive weapons, and their employees, who are properly licensed and qualified under the Gun Control Act, 18 U.S.C. Chapter 44, and the National Firearms Act, 26 U.S.C. Chapter 53, when possession and storage of the destructive weapon is safely conducted according to industry standards to minimize the

22 risk of theft or injury and when related to the examination, demonstration, purchase, delivery, or sale of the destructive
23 weapon to or from persons permitted to own or possess destructive weapons.

24 (c) For the purposes of this section:

25 (e) (1) ~~The term "shotgun" as used in this section~~ "Shotgun" means a weapon designed or redesigned, made or
26 remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the
27 explosive in a fixed shotgun shell to fire through a smooth bore or rifle barrel either a number of projectiles (ball shot) or a
28 single projectile for each pull of the trigger.

29 (2) ~~The term "sawed-off shotgun" as used in this section~~ "Sawed-off shotgun" means a shotgun having 1 or more
30 barrels less than 18 inches in length or any weapon made from a ~~shotgun~~ (whether shotgun, whether by alteration,
31 ~~modification or otherwise)~~ modification, or otherwise, if such weapon as modified has an overall length of less than 26
32 inches.

33 (d) Possessing a destructive weapon is a class E felony.

SYNOPSIS

Importers, manufacturers and dealers of "destructive weapons" are licensed and regulated under Federal law. Under existing Delaware law, importers, manufacturers and dealers of destructive weapons are not permitted to deliver them to purchasers in Delaware who are otherwise permitted to own such weapons, such as military or police forces. This Bill will permit properly licensed importers, manufacturers and dealers to possess and store destructive weapons in this State and engage in activities associated with the sale and delivery of such weapons to (or from) qualified purchasers.

All other changes made by this Act are technical corrections to conform the existing law to the guidelines of the Delaware Legislative Drafting Manual.