SPONSOR: Rep. Longhurst & Rep. Heffernan & Rep. Baumbach & Rep. Potter & Sen. McDowell & Sen. Townsend
Reps. Bentz, Brady, Jaques, J. Johnson, Keeley, Kowalko, Matthews, Mitchell, Osienski, Schwartzkopf; Sens. Cloutier, Henry, Lavelle, Lopez, Sokola

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 300

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

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

Section 1. Amend Section 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 any of the following:

(1) ~~a~~ A bomb~~;~~.

(2) A bombshell~~;~~.

(3) A firearm silencer~~;~~.

(4) A sawed-off shotgun~~;~~.

(5) A machine gun or any other firearm or weapon which is adaptable for use as a machine gun.

(6) A trigger crank, bump-fire device, or any part, combination of parts, component, device, attachment, or accessory that is designed or functions to accelerate the rate of fire of a semiautomatic rifle but not convert the semiautomatic rifle into a machine gun.

(b) Possessing a destructive weapon is a class E felony. This section does not apply to members of the military forces or to members of a police force in this State duly authorized to carry a weapon of the type described; nor shall the provisions contained herein apply to authorized and certified (by an accredited state enforcement agency) state and federal wildlife biologists possessing firearm silencers for the purposes of wildlife disease or wildlife population control, or 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.).

(c) The term "shotgun" as used in this section means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each

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

SYNOPSIS

This bill makes it a crime to sell, transfer, buy, receive or possess a trigger crank or bump-fire device designed to accelerate the rate of fire of a semiautomatic rifle, making such weapon function more like an automatic weapon. A bump stock was used by the gunman in Las Vegas in October 2017. Violation of this provision is a Class E felony.