SPONSOR: Rep. Schwartzkopf & Rep. Longhurst & Rep. Potter & Sen. McBride & Sen. McDowell
Reps. Baumbach, Bentz, Bolden, Brady, Heffernan, Jaques, J. Johnson, Kowalko, Lynn, Mitchell, Mulrooney, Paradee, B. Short, Viola; Sens. Hansen, Henry, Marshall, Sokola, Townsend

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 330

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

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

Section 1. Amend § 1445, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline.

§ 1445 Unlawfully dealing with a dangerous weapon; unclassified misdemeanor.

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

(1) The person possesses, sells or in any manner has control of:

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

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

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

(3) Being a parent, the person permits the person's child under 16 years of age to have possession of a firearm 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

(4) The person ~~sells,~~ gives or otherwise transfers without compensation to a ~~child~~ person under ~~18~~ 21 years of age a firearm or ammunition for a firearm, unless the person is ~~that child's~~ the parent or guardian~~,~~of the person under 21 years of age, or unless the person first receives the permission of said parent or guardian; or

(5) The person sells, gives or otherwise transfers to a person under 21 years of age a firearm or ammunition for a firearm unless the person under 21 years of age:

HD : NSW : TEH
0401490112
Released: 03/13/2018 03:32 PM

a. Is over 18 years of age and an active member of the Armed Forces of the United States or a qualified law-enforcement officer as defined in § 1441A of this Title; or

b. Is over 18 years of age and the firearm is a shotgun as defined in § 1444(c) of this Title or a muzzle-loading rifle as defined in § 704(f) of Title 7 or the ammunition is for a shotgun or muzzle-loading rifle; or

c. Has a license to carry a concealed deadly weapon pursuant to § 1441 of this Title.

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

Except for subsection (6), for purposes of this section, a firearm means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by force of any explosion or other form of combustion.

Unlawfully dealing with a firearm or dangerous weapon is an unclassified misdemeanor, unless the person is convicted under paragraph (4) of this section, in which case it is a class G felony, or unless the person is convicted under paragraph (5) or (6) of this section, in which case it is a class E felony.

SYNOPSIS

This bill changes the age of a person to whom another person can sell, give or transfer a firearm or ammunition for a firearm from 18 to 21. However, this bill permits a person to sell, give or transfer a firearm or ammunition for a firearm to a person under 21 years of age if the person under 21 is an active member of the United States Armed Forces or a law-enforcement officer or possesses a license to carry a concealed deadly weapon. The prohibition against the sale or transfer of a firearm to a person under 21 does not apply if that person is over 18 and the firearm is a shotgun or muzzle-loading rifle or if the ammunition is for such weapons. This bill does permit the transfer of a firearm or ammunition to a person under 21 so long as such transfer is without compensation and the person transferring is the parent or guardian of the person under 21 or has the permission of the parent or guardian. This bill increases the age from 18-21 for the person who must directly supervise a child under the age of 16 who is in possession of a firearm, BB, air, or spear gun.