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Longhurst, Lynn, Minor-Brown, Mitchell, Osienski,
Schwartzkopf; Sens. Gay, Hansen, Sokola

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 275

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE LOSS OR THEFT OF A
FIREARM.

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

1 Section 1. Amend § 1461, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1461. Report of loss, theft of firearm.

4 (a) Any owner of a firearm, defined in § 222 of this title, shall report the loss or theft of the firearm within 7 days
5 after the discovery of the loss or theft to either:

6 (1) The law-enforcement agency having jurisdiction over the location where the loss or theft of the firearm
7 occurred; or

8 (2) Any State Police troop.

9 (b) Whoever is convicted of a violation of this section shall:

10 (1) For the first offense, be guilty of a violation and be subject to a civil penalty of not less than \$75 nor more
11 than \$100.

12 (2) For a second offense committed at any time after the sentencing or adjudication of a first offense, be guilty
13 of a ~~violation and be subject to a civil penalty of not less than \$100 nor more than \$250.~~ Class A misdemeanor. The
14 Superior Court has exclusive jurisdiction over offenses under this section.

15 (3) For a third or subsequent offense committed at any time after the sentencing or adjudication of a second
16 offense, be guilty of a class G felony.

SYNOPSIS

This bill increases the penalties for a second offense of a firearm owner's failure to report the loss of theft of a
firearm pursuant to the statute from just a civil penalty to a Class A misdemeanor, which is punishable by a fine of up to
\$2,300 and incarceration of up to 1 year.