



SPONSOR: Rep. Matthews & Rep. K. Williams & Sen. Walsh
Reps. Griffith, Kowalko, Lynn, Osienski

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 292

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 § 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 bomb.

(2) A bombshell.

(3) A firearm silencer.

(4) A sawed-off or short barreled shotgun, which is not registered with the Bureau of Alcohol, Tobacco, Firearms and Explosives by the person who possesses, sells, transfers, buys, or receives it.

(5) A short-barreled rifle, which is not registered with the Bureau of Alcohol, Tobacco, Firearms and Explosives by the person who possesses, sells, transfers, buys, or receives it.

~~(5)~~ (6) A machine gun or any other firearm or weapon which is adaptable for use as a machine gun.

~~(6)~~ (7) A bump stock or trigger crank device.

a. "Bump stock" means an after-market device that increases the rate of fire achievable with a semi-automatic rifle by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger.

b. "Trigger crank" means an after-market device designed and intended to be added to a semi-automatic rifle as a crank operated trigger actuator capable of triggering multiple shots with a single rotation of the crank.

(b) (1) Possessing a destructive weapon listed in paragraphs (a)(1) through ~~(a)(5)~~ (a)(6) of this section 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.).

(2) A person who is convicted of only having possession of a destructive weapon listed under paragraph ~~(a)(6)~~ (a)(7) of this section commits the following:

a. A class B misdemeanor for a first offense.

b. A class E felony for a second or subsequent offense.

(c) As used in this section:

(1) “Registered with the Bureau of Alcohol, Tobacco, Firearms and Explosives” means registered on the National Firearms Registration and Transfer Record maintained by the Secretary of Treasury which includes the identification of the firearm, the date of the registration, and identification and address of person entitled to possess the firearm.

(2) “Rifle” 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 metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

~~(3) The term “sawed-off shotgun” as used in this section~~ “Sawed-off shotgun” and “Short-barreled shotgun” mean 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.

(4) “Short-barreled rifle” means a rifle that has or originally had a buttstock and has a barrel or barrels of less than 16 inches in length.

~~(5) The term “shotgun” as used in this section~~ “Shotgun” 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.

~~(d)~~ (e) The Superior Court has exclusive jurisdiction over offenses under this section.

~~(e)~~ (f) (1) Any destructive weapon as defined in paragraph ~~(a)(6)~~ (a)(7) of this section shall be relinquished to a law-enforcement agency of this State and may be destroyed by the law-enforcement agency 30 days after relinquishment.

(2) Relinquishment to a law-enforcement agency is not a transfer or evidence of possession under paragraph ~~(a)(6)~~ (a)(7) of this section.

SYNOPSIS

This bill criminalizes the possession, sale, transfer, purchase, or receipt of a short-barreled shotgun and short-barreled rifle which is not registered with the Bureau of Alcohol, Tobacco, Firearms and Explosives. While it is currently illegal under federal law to possess or build such weapons without registration and payment of the tax, it is not illegal under Delaware law. This bill makes the possession, purchase, receipt or sale of such weapons a Class E violent felony punishable by up to 5 years in jail.