



SPONSOR: Sen. Lawson & Rep. Ramone
Sens. Ennis, Pettyjohn, Richardson, Wilson; Reps.
Briggs King, Postles, Spiegelman

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 219

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BOMBS, INCENDIARY DEVICES,
MOLOTOV COCKTAILS, AND EXPLOSIVE DEVICES.

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

1 Section 1. Amend § 1338, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1338. Bombs, incendiary devices, Molotov ~~cocktails~~cocktails, and explosive devices; class D ~~felony~~felony;
4 class C felony; class B felony; class A felony.

5 (a) For purposes of this ~~section the following definitions shall be made applicable:~~section:

6 (1)a. “Civil disorder event” means a public disturbance involving acts of lawlessness or violence by an
7 assemblage of 3 or more individuals, which causes an immediate danger or results in injury to another individual or
8 damage to the property of another individual, business, or public entity.

9 b. “Civil disorder event” includes a riot under § 1302 of this title involving 3 or more individuals.

10 (1)~~(2)~~ “Incendiary device” means any item designed to ignite by hand, chemical ~~reaction~~reaction, or by
11 spontaneous combustion and is not designed for any lawful purpose or use whatsoever, or any lawful purpose or use
12 has been or is terminated.

13 (2)~~(3)~~ “Molotov cocktail” means a makeshift incendiary bomb made of a breakable container filled with
14 ~~flammable liquid~~ a combustible substance and provided with a wick composed of any substance capable of bringing
15 flame into contact with the ~~liquid~~ combustible substance.

16 (b)~~(1)~~ Whoever ~~A person who~~ manufactures, transfers, uses, ~~possesses~~possesses, or transports any bomb,
17 incendiary device, Molotov ~~cocktail~~cocktail, or device designed to explode or produce uncontained combustion with intent
18 to cause bodily harm or damage to any property or thing ~~shall be~~is guilty of a class D felony.

19 (2) A person who manufactures, transfers, or possesses a bomb, incendiary device, Molotov cocktail, or
20 device designed to explode or produce uncontained combustion during a civil disorder event is guilty of a class C
21 felony.

22 (3) A person who throws, launches, or otherwise uses an ignited or otherwise activated bomb, incendiary
23 device, Molotov cocktail, or device designed to explode or produce uncontained combustion during a civil disorder
24 event is guilty of a class B felony.

25 (4) A person who throws, launches, or otherwise uses an ignited or otherwise activated bomb, incendiary
26 device, Molotov cocktail, or device designed to explode or produce uncontained combustion during a civil disorder
27 event and injures another person as a result is guilty of a class A felony.

28 (c) Any other provision of this Criminal Code notwithstanding, any person over 16 years old who violates this
29 section may be prosecuted as an adult ~~pursuant to~~ under §§ 1010 and 1011 of Title 10.

30 (d) In any prosecution under subsection (b)(1) of this section, it is prima facie evidence of intent to cause bodily
31 harm or damage to any property or thing if the accused had possession of the device prescribed by this section.

SYNOPSIS

While Delaware has, for the most part, escaped the extreme actions of mobs experienced elsewhere, and enjoyed the benefits of mostly peaceful exercise of First Amendment rights by people seriously expressing a perceived need for change, other jurisdictions have been faced with situations where a lack of sufficient legal tools have impeded the ability of authorities to adequately protect both public and private property as well as the lives of the innocent.

This Act is one of 4 Acts designed to address those weaknesses and to ensure that should they be needed, Delawareans will be properly and appropriately protected. The Acts provide the courts, law enforcement, and prosecutors with additional tools with which to deal with destructive and dangerous conduct during times of civil disorder.

Specifically, this Act enhances the existing law by making it a crime to do the following:

(1) Unlawfully manufacture, transfer, or possess, during a civil disorder event, a bomb, incendiary device, Molotov cocktail, or device designed to explode or produce uncontained combustion.

(2) Throw, launch, or otherwise use an ignited or otherwise activated bomb, incendiary device, Molotov cocktail, or device designed to explode or produce uncontained combustion during a civil disorder event.

(3) Throw, launch, or otherwise use an ignited or otherwise activated bomb, incendiary device, Molotov cocktail, or device designed to explode or produce uncontained combustion during a civil disorder event and injure another person.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Lawson