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S. McBride, Sokola, Townsend

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 124
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OR PURCHASE OF DEADLY WEAPONS BY PERSONS PROHIBITED.

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

Section 1. Amend § 1448(a), Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1448. Possession and purchase of deadly weapons by persons prohibited; penalties.

(a) Except as otherwise provided in this section, the following persons are prohibited from purchasing, owning, possessing, or controlling a deadly weapon or ammunition for a firearm within the State:

(1) Any person ~~having~~ who has been convicted in this State or ~~elsewhere~~ other jurisdiction of a felony or a crime of violence involving physical injury to another person, whether or not armed with or ~~having in possession~~ while possessing any weapon during the commission of ~~such~~ the felony or crime of ~~violence;~~ violence.

(3) Any person who has been convicted for the unlawful use, possession or sale of a narcotic, dangerous drug or central nervous system depressant or stimulant as those terms were defined prior to the effective date of the Uniform Controlled Substances Act in June 1973 or of a narcotic drug or controlled substance as defined in Chapter 47 of ~~Title 16;~~ Title 16.

(4) Any person who, as a juvenile, has been adjudicated as delinquent for conduct which, if committed by an adult, would constitute a felony, ~~unless and~~ until that person ~~has reached their twenty-fifth birthday;~~ reaches the age of 25.

(5) Any juvenile, if ~~said~~ the deadly weapon is a handgun, unless ~~said~~ the juvenile possesses ~~said~~ the handgun for the purpose of engaging in lawful hunting, instruction, sporting or recreational activity while under the direct or indirect supervision of an adult. For the purpose of this subsection, a "handgun" shall be defined as any pistol, revolver or other firearm designed to be readily capable of being fired when held in 1 ~~hand;~~ hand.

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(6) Any person who knows that the person is subject to a Family Court protection from abuse order ~~(other than an ex parte order)~~, but only for so long as ~~that~~ the order remains in effect ~~or is not vacated or otherwise terminated~~, except that this paragraph shall not apply to a contested order issued solely upon § 1041(1)d., e., or h. of Title 10, or any combination ~~thereof;~~ thereof.

(7) Any person who has been convicted in any court of any misdemeanor crime of domestic violence. For purposes of this paragraph, the term "misdemeanor crime of domestic violence" means any misdemeanor offense that:

a. Was committed by a member of the victim's family, as "family" is defined in § 901 of Title 10 (regardless, however, of the state of residence of the parties); by a former spouse of the victim; by a person who cohabited with the victim at the time of or within 3 years prior to the offense; by a person with a child in common with the victim; or by a person with whom the victim had a substantive dating relationship, as defined in § 1041 of Title 10, at the time of or within 3 years prior to the ~~offense; and~~ offense,

b. Is an offense as defined under § 601, § 602, § 603, § 611, § 614, § 621, § 625, § 628A, § 763, § 765, § 766, § 767, § 781, § 785 or § 791 of this title, or any similar offense when committed or prosecuted in another ~~jurisdiction; or~~ jurisdiction.

(8) Any person who, knowing that he or she is the defendant or co-defendant in any criminal case in which that person is alleged to have committed any felony under the laws of this State, the United States or any other state or territory of the United States, becomes a fugitive from justice by failing to appear for any scheduled court proceeding pertaining to such felony for which proper notice was provided or attempted. It is no defense to a prosecution under this paragraph that the person did not receive notice of the scheduled court proceeding.

(12) Any person who knows that the person is the subject of an outstanding arrest warrant, or post-arrest charges or an active indictment or information, for any felony under the laws of this State, the United States, or any other state or territory of the United States, or for a misdemeanor crime of domestic violence under § 1448(a)(7) of this title, is prohibited from purchasing a firearm.