SPONSOR: Sen. Sokola & Sen. Townsend & Sen. Lockman & Rep. Osienski & Rep. Schwartzkopf & Rep. Longhurst & Rep. Mitchell
Sens. Gay, S. McBride, Paradee, Pinkney, Sturgeon; Reps. Baumbach, Heffernan, Kowalko, Lynn, Matthews, Minor-Brown

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 8
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 1

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 makes, sells, transfers, buys, ~~receives~~ receives, or has possession of any of the following:

(1) A bomb.

(2) A bombshell.

(3) A firearm silencer.

(4) A sawed-off shotgun.

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

(6) A bump ~~stock or~~ stock, trigger ~~crank~~ crank, or rapid fire 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. "Rapid fire device" means a part, kit, tool, accessory, or device that increases the rate of fire of a semi-automatic firearm to a rate of fire that mimics the rate of fire of a machine gun.

~~b.~~ c. "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.

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(b)(1) Possessing a destructive weapon listed in paragraphs (a)(1) through (a)(5) 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) 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) For purposes of this section:

(1)a. "Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

b. "Machine gun" includes the frame or receiver of a machine gun, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if the parts are in the possession or under the control of a person.

(2) ~~The term "shotgun" as used in this section~~ "Shotgun" means a weapon designed or redesigned, ~~made~~ 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.

(3) ~~The term "sawed-off shotgun" as used in this section~~ "Sawed-off shotgun" means a shotgun having 1 or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, ~~modification~~ modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

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

(e)(1) Any destructive weapon as defined in paragraph (a)(6) 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) of this section.

(f) [Repealed.]