

SPONSOR: Rep. Spiegelman & Rep. Carson & Sen. Hocker &
Sen. Pettyjohn & Sen. Poore & Sen. Wilson
Rep. Harris; Sens. Buckson, Hoffner, Lawson

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 278
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO REGULATIONS AND PROHIBITIONS CONCERNING GAME AND FISH.

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

Section 1. Amend § 701, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 701. Game animals.

The following shall be considered game animals: Mink, snapping turtle, raccoon, opossum, gray squirrel, otter, muskrat, red fox, ~~hare,~~ rabbit, frog, deer, skunk, weasel, and beaver. The Bryant fox-squirrel, otherwise known as the "sciurus niger branti," shall be protected wildlife.

Section 2. Amend § 704, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 704. Prohibited hunting and trapping devices and methods; confiscation of devices; primitive weapon season.

(f) A muzzle-loading rifle, meaning a single-barrel gun which is loaded with ~~black powder and~~ a projectile through the muzzle, having distinct rifling the full length of the bore, shooting a spherical or conical projectile, ignited by a flint striking a frizzen or by a percussion cap or primer, having a minimum bore of ~~0.42 inches (10.67 mm)~~ .40 inches (10.16 mm), ~~minimum powder charge of 62 grains (4 grams),~~ may be used in the pursuit, taking or attempted taking ("hunting") of protected wildlife, provided:

(1) Such hunting takes place during the primitive weapon season established by the Department of Natural Resources and Environmental Control and is done pursuant to the requirements of law applicable to other means of hunting protected wildlife.

(2) No person engaged in such hunting shall possess or use any multi-projected loads (buck and ball), explosive bullets or any balls smaller than ~~.42~~ 40 caliber.

HR : RTA : AFJ : 0801530074
DLS : HVW : CBM : 5081530186
Released: 05/07/2026 03:29 PM

No weapon may be used for hunting deer during the primitive weapon season other than a muzzle-loading rifle or bow. The Department may permit the use of a single shot muzzle-loading pistol being a minimum ~~.42~~ .40 caliber with a minimum powder charge of 40 grains during the primitive weapons season for deer, when using a muzzle-loading rifle to provide the coup-de-grace, if required.

(g) Except as set forth herein, no person may use a handgun or rifle in the pursuit, taking or attempted taking (hunting) of protected wildlife. A handgun or rifle as described herein may be used for the pursuit, taking and attempted taking (hunting) of deer on privately owned lands situated south of the Chesapeake and Delaware Canal and those lands within the State owned by the State of Delaware so designated for this purpose by the Department of Natural Resources and Environmental Control, and farms permitted by the Department through its deer depredation programs, at its discretion, under the following conditions:

(1) The handgun shall be limited to revolvers and single shot pistols with a minimum barrel length of 5.75 inches and not exceeding 12.5 inches and chambered for and using straight-wall handgun ammunition in ~~.357 to .38~~ .30 to .50 caliber with a cartridge case length of no less than 1.25 inches and a maximum case length of 1.82 ~~-~~inches, with the exclusion of .38 caliber, which shall have a minimum cartridge case length of 1.29 inches; ~~or in .41 caliber to a maximum of .50 caliber and a maximum case length of 1.82 inches;~~

(2) The handgun must be carried openly on a sling or in a holster and not concealed;

(3) The rifle shall be limited to rifles:

a. Using open, metallic/mechanical, optical, or telescopic sights;

b. Chambered for and using straight-walled ammunition as defined in (g)(1) above; and

c. Loaded with no more than 3 cartridges in the chamber and magazine combined.

(4) To be used as follows:

a. A handgun or rifle may be used during a separate ~~7-day~~ season to begin on the first Saturday in January through the second ~~Saturday~~ Sunday following the first Saturday in January; and

b. A handgun or rifle may be used ~~in place of a shotgun~~ during the ~~shotgun~~ firearm deer season(s), or to hunt game animals; and

c. When harvesting deer under a Department deer depredation program.

(h) No person shall operate, provide, sell, use, or offer to operate, provide, sell, or use any computer software or service that allows a person not physically present at a hunt site to remotely control a weapon that could be used to take a live animal or bird by remote operation, including, but not limited to, weapons or devices set up to fire through the use of the Internet or through a remote control device.

(i) Except as otherwise stated, the Department may permit the use of projectile weapons in the hunting of deer, game animals, and game birds.

Section 3. Amend § 712, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 712. ~~Prohibition against~~ Sunday hunting.

~~(a) On Sundays, no person shall hunt or pursue any game animals with any dog or any kind of implement which is capable of killing said game animals, except as provided in subsections (b), (c), (d) and (e) of this section.~~

~~(b) This section shall not be applicable to trapping, training dogs, hunting red foxes with dogs, or participating in commercial game preserve operations in accordance with the provisions of § 572 of this title.~~

~~(c) This section shall not be applicable to deer hunting seasons established by the Department.~~

~~(d) Such Sunday deer hunting may occur on private lands at landowner discretion and on those public lands as may be so designated by and at the discretion of the applicable government agency, which shall inform the public of the location and times Sunday hunting is allowed on their respective public lands. Any government agency designating or changing the designation of such Sunday deer hunting on its public lands shall provide adequate opportunity for public comment prior to designating the location or times of such Sunday deer hunting. For the purposes of this section, "public lands" includes federal, state, county, municipal, or other government-owned lands.~~

~~(e) This section shall not be applicable to the harvesting of deer as permitted by the Department through its deer depredation programs.~~

(a) Hunting or pursuing game birds and game animals shall be permitted on Sundays if:

(1) related to training dogs,

(2) a person is hunting red foxes with dogs,

(3) a person is participating in commercial game preserve operations in accordance with the provisions of §572 of this Title,

(4) within hunting seasons established by the Department for game birds and game animals,

(5) such Sunday hunting occurs on private lands at landowner discretion and on those public lands as may be designated by and at the discretion of the applicable government agency. For the purpose of this section, "public lands" includes federal, state, county, municipal, or other government-owned lands, or

(6) permitted by the Department through its deer depredation programs.

(b) If section (a) of this statute does not apply, then hunting or pursuing game animals or game birds shall not be permitted on Sundays.

Section 4. Amend § 786, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 786. Raccoon and opossum.

(a) No person shall kill any raccoon or opossum, or needlessly destroy, break or interfere with any den or lair of any raccoon or opossum, or set fire to, burn or otherwise mutilate any tree, living or dead, stump or log for the purpose of killing or destroying in any way any raccoon or opossum at any time of the year, between 1 hour before sunrise and 1 hour after sunset.

(b) Any person may trap, hunt with dogs or otherwise take raccoons from any lands during the period as defined by Departmental regulations.

(c) Raccoon and opossum may be legally trapped, statewide, in a box type trap operated in such a way as to confine but not otherwise harm the entrapped raccoon or opossum with a maximum opening dimension not to exceed 195 square inches.

(d) Any person may trap or hunt, with dogs, raccoons with permission of the landowner from any lands in New Castle County or Kent County from the southerly boundary of New Castle County Route 380 and east and southeast of the center line of U.S. Route No. 13, thence following said center line of U.S. Route No. 13 to the point where U.S. Route No. 13 forms a junction with U.S. Route No. 113 and thence along the center line of U.S. Route No. 113 to a line dividing Kent County from Sussex County during any time of the year ~~excepting on Sundays~~; provided, however, that this subsection shall not apply to lands in Kent County lying east of the center line of Rt. 113, north of the Sussex County line and south of the St. Jones River.

(e) Notwithstanding § 704(d) of this title, a ~~.22 caliber~~ rimfire pistol may be used to hunt raccoons and opossums.