



SPONSOR: Rep. Spiegelman & Rep. Carson & Sen. Pettyjohn
Reps. Harris, Hensley, Morris, D. Short, Yearick; Sens.
Buckson, Paradee, Wilson

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 427
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES INVOLVING DEADLY WEAPONS AND DANGEROUS INSTRUMENTS.

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

Section 1. Amend § 1445, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1445. Unlawfully dealing with a dangerous weapon; unclassified misdemeanor; Class E or G felony.

(a) A person is guilty of unlawfully dealing with a dangerous weapon when:

(3) Being a parent, the person permits the person's child under 16 years of age to have possession of a BB gun or projectile weapon, unless under the direct supervision of a person 21 years of age or older.

a. Notwithstanding any provision of this title to the contrary, direct supervision of a person who is 16 or 17 years of age and in possession of a BB gun or projectile weapon while target practicing is not required if all of the following apply:

1. A parent or guardian permits the person who is 16 or 17 years of age to have possession of a BB gun or projectile weapon

2. The person who is 16 or 17 years of age has completed an approved basic hunter education course under §§ 501 and 506 of Title 7.

b. Notwithstanding any provision of this title to the contrary, direct supervision of a person who is 16 or 17 years of age and in possession of a BB gun or projectile weapon while hunting, as "hunt" is defined under § 101 of Title 7, is not required if all of the following apply:

1. A parent or guardian permits the person who is 16 or 17 years of age to have possession of a BB gun or projectile weapon

2. The person who is 16 or 17 years of age has completed an approved basic hunter education course under §§ 501 and 506 of Title 7.

3. The person who is 16 or 17 years of age has been issued, and is digitally or physically in possession of a valid hunting license issued by the Department of Natural Resources and Environmental Control.

(d) The Superior Court has exclusive jurisdiction over a violation of ~~paragraphs~~ paragraph (a)(3) and ~~(a)(6)~~ [repealed] of this section.

Section 2. Amend § 1448, 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:

(5) Any person under the age of 21.

c. This paragraph (a)(5) shall not apply to any person under the age of 21 who does any of the following:

1. Possesses or controls a firearm or a projectile weapon for the purpose of engaging in lawful hunting, instruction, sporting, or recreational activity while under the direct supervision of a person 21 years of age or older.

a. Notwithstanding any provision of this title to the contrary, direct supervision of a person who is 16 or 17 years of age and in possession of a firearm or projectile weapon or ammunition for a firearm while target practicing is not required if all of the following apply:

1. A parent or guardian permits the person who is 16 or 17 years of age to have possession of a firearm or projectile weapon or ammunition for a firearm.

2. The person who is 16 or 17 years of age has completed an approved basic hunter education course under §§ 501 and 506 of Title 7.

b. Notwithstanding any provision of this title to the contrary, direct supervision of a person who is 16 or 17 years of age and in possession of a firearm or projectile weapon or ammunition for a firearm while hunting, as "hunt" is defined under § 101 of Title 7, is not required if all of the following apply:

1. A parent or guardian permits the person who is 16 or 17 years of age to have possession of a firearm or projectile weapon or ammunition for a firearm.

2. The person who is 16 or 17 years of age has completed an approved basic hunter education course under §§ 501 and 506 of Title 7.

3. The person who is 16 or 17 years of age has been issued, and is digitally or physically in possession of a valid hunting license issued by the Department of Natural Resources and Environmental Control.

Section 2. This Act shall not invalidate any municipality's authority to regulate the discharge of a BB gun, projectile weapon, or firearm within the municipality's jurisdiction.