SPONSOR: Rep. Longhurst & Rep. Heffernan & Rep. Baumbach & Rep. Potter & Sen. McDowell & Sen. Townsend
Reps. Bentz, Brady, Jaques, J. Johnson, Keeley, Kowalko, Matthews, Mitchell, Osienski, Schwartzkopf; Sens. Cloutier, Henry, Lavelle, Lopez, Sokola

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 300
AS AMENDED BY
HOUSE AMENDMENT NO. 1 AS AMENDED BY HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 2
AND
SENATE AMENDMENT NO. 4
AND
HOUSE AMENDMENT NO. 4
AND
HOUSE AMENDMENT NO. 5 AS AMENDED BY HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 5
AND
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 5

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

(1) ~~a~~ 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 trigger crank device.

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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. “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.

(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) The term "shotgun" as used in this section means a weapon designed or redesigned, 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. The term "sawed-off shotgun" as used in this section 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 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 (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.

Section 2. 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.

(e)(1) The Secretary of the Department of Safety and Homeland Security (“DSHS”) shall establish and administer a compensation program for Delaware residents only to allow a Delaware resident in possession of a destructive weapon

under paragraph (a)(6) of this section to relinquish the destructive weapon to DSHS or a participating local law enforcement agency in exchange for a monetary payment established under this subsection.

(2) The Secretary of DSHS shall adopt rules to implement the compensation program, including the following:

a. That the compensation program be implemented between July 1, 2018, and June 30, 2019, at locations in regions throughout the State. The DSHS shall coordinate with local law enforcement agencies in implementing the program.

b. That the compensation program allow an individual to relinquish a destructive weapon listed under paragraph (a)(6) of this section to DSHS, or a local law enforcement agency participating in the program, in exchange for a compensation in the following amounts:

1. $100 for each bump stock device.

2. $15 for each trigger crank.

c. That establishes the method for providing the monetary payment and reimbursing a participating law enforcement agency for payments made to individuals under the compensation program.

d. That the compensation program is subject to the availability of funds appropriated for this specific purpose. This subsection does not create a right or entitlement in a person to receive a monetary payment under the compensation program.

(3) The Secretary of DSHS shall submit a report to the General Assembly by December 30, 2019, providing the results of the compensation program, including the number of bump stocks and trigger cranks relinquished to law enforcement by county and the total amount expended under the program.

Section 3. Section 1 of this Act shall take effect 120 days after its enactment into law except that Section 1 of this Act shall take immediate effect as to the sale, transfer, purchase or receipt of a bump stock or trigger crank.

Section 4. The sum of $15,000 is appropriated from the General Fund in Fiscal Year 2019 for the purpose of providing compensation under the provisions of Section 2 of this Act.

Section 5. Section 2 of this Act takes effect on July 1, 2018.

Section 6. Section 2 of this Act expires January 1, 2020.