



SPONSOR: Rep. Mitchell & Sen. Ennis
Reps. Bolden, Q. Johnson, Longhurst, Miro, Osienski,
Ramone, D. Short; Sen. Henry

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 73

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF FIREARMS
BY PROHIBITED PERSONS.

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

1 Section 1. Amend Section 1448(e)(1), Title 11 of the Delaware Code by making insertions as shown by
2 underlining as follows:

3 (e)(1) Notwithstanding any provision of this section or Code to the contrary, any person who is a
4 prohibited person as described in this section and who knowingly possesses, purchases, owns or controls a firearm or
5 destructive weapon while so prohibited shall receive a minimum sentence of:

6 a. One year at Level V, if the person has previously been convicted of a violent felony;

7 b. Three years at Level V, if the person does so within 10 years of the date of conviction for any
8 violent felony or for any offense set forth in this section or the date of termination of all periods of incarceration or
9 confinement imposed pursuant to said conviction, whichever is the later date; or

10 c. Five years at Level V, if the person has been convicted on 2 or more separate occasions of any
11 violent felony or for any offense set forth in this section.

12 Section 2. Amend Section 1448(e)(3), Title 11 of the Delaware Code by making insertions as shown by
13 underlining as follows:

14 (3) Any sentence imposed pursuant to this subsection shall not be subject to the provisions of § 4215 of
15 this title. For the purposes of this subsection, "violent felony" means any felony so designated by § 4201(c) of this title, or
16 any offense set forth under the laws of the United States, any other state or any territory of the United States which is the
17 same as or equivalent to any of the offenses designated as a violent felony by § 4201(c) of this title, or any adjudication of
18 delinquency for conduct, which if committed by an adult, would constitute a violent felony.

SYNOPSIS

This Act will help deter the illegal possession of firearms by dangerous criminals by increasing the penalties imposed upon persons convicted of violating the crime of Possession of a Firearm by a Person Prohibited. Adults convicted of illegally possessing a firearm after having been previously adjudicated delinquent as a juvenile for acts constituting a violent felony will receive a one year minimum mandatory prison sentence, and persons prohibited from legally possessing a deadly weapon who are convicted of illegally possessing a firearm within 10 years of a prior conviction or adjudication of delinquency for a violent felony, or for illegally possessing a deadly weapon, will receive a three year minimum mandatory prison sentence.