



SPONSOR: Rep. Romer & Sen. Sokola
Reps. K. Johnson, Morrison, Baumbach; Sens. Gay,
Hansen

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 311

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO A SAFE SCHOOL ZONE.

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

Section 1. Amend § 1457A, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1457A. Possession of a firearm in a Safe School Zone; class E felony.

(a) As used in this section:

(1) "Commissioned security guard" means as defined in § 1302 of Title 24.

(~~1~~) (2) "Constable" means as licensed under Chapter 56 of Title 24.

(2) (~~3~~) "Firearm" means as defined in § 222 of this title and includes a destructive weapon as defined in § 1444(a) and (c) of this title and includes BB guns.

(~~3~~) (4) "Police officer" means as defined in § 8401 of this title.

(~~4~~) (5) "Safe School Zone" means all of the following:

a. Any building, structure, athletic field, sports stadium or real property owned, operated, leased or rented by any public or private school including any ~~kindergarten~~ kindergarten, elementary, secondary, ~~or vocational-technical school~~, vocational-technical school, college or university.

b. Any motor vehicle owned, operated, leased, or rented by any public or private school including any kindergarten, elementary, secondary, ~~or vocational-technical school~~, vocational-technical school, college or university.

(b) Any person who knowingly possesses a firearm while in or on a Safe School Zone shall be guilty of the crime of possession of a firearm in a Safe School Zone.

(c) Subsection (b) of this section shall not apply to any of the following:

(1) A police officer.

(2) A ~~constable~~ constable, or commissioned security guard, employed by a school district, college, or university, who is acting in an official capacity within a Safe School Zone.

(3) An active-duty member of the United States Armed Forces or Delaware National Guard who is acting in an official capacity within a Safe School Zone.

(4) A holder of a valid license to carry concealed deadly weapons under § 1441 but only if the firearm is in a vehicle.

(5) Employees of the Department of Services for Children, Youth, and Their Families who are authorized by the Secretary of the Department to carry a firearm while acting in the employee's official capacity.

(6) Probation and parole officers acting within the officer's official capacity.

(d) Subsection (b) of this section does not apply to the possession of a firearm in any of the following circumstances:

(1) On private property not part of school grounds.

(2) A firearm in a locked container or locked firearms rack that is in or on a motor vehicle.

(3) When engaged in lawful hunting, firearm instruction, or firearm-related sports on public lands, other than those belonging to a public or private school.

(e) A person who violates this section is guilty of a class E felony.

(f) In the event that an elementary or secondary school student possesses a firearm in a Safe School Zone, in addition to any other penalties contained in this section, the student shall be expelled by the local school board or charter school board of directors for a period of not less than 180 days unless otherwise provided for in federal or state law. The local school board or charter school board of directors may, on a case-by-case basis, modify the terms of the expulsion to less than 180 days.

SYNOPSIS

In many states acts of violence have been committed with the use of firearms on college and university campuses that have resulted in both injury and death to students and faculty. This Act adds post-secondary colleges and universities to the Safe School Zone criminal offense so that any person who knowingly possesses a firearm, as defined in Title 11, while in or on a college or university facility or campus may be charged with this additional offense. The same exceptions set forth in the statute will apply to a college or university. This Act also adds commissioned security guards to the categories of individuals who may possess a firearm while acting in their official capacity within a Safe School Zone. A person convicted under this section will be guilty of a Class E felony. This Act also makes a technical correction to conform existing law to the standards of the Delaware Legislative Drafting Manual.