SPONSOR: Rep. Griffith & Rep. Baumbach & Rep. Dorsey Walker & Rep. Bush & Sen. Sokola
Reps. Bolden, Heffernan, Longhurst; Sens. Gay, Hansen

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 155
AS AMENDED BY
HOUSE AMENDMENT NO. 3 AS AMENDED BY HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 3
AND
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 4

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 Part E, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1442. Carrying a concealed deadly weapon; class G felony; class D felony.

(a) A person is guilty of carrying a concealed deadly weapon when the person carries concealed a deadly weapon upon or about the person without a license to do so as provided by § 1441 of this title.

(b) Carrying a concealed deadly weapon is a class G felony, unless the deadly weapon is a firearm, in which case it is a class D felony.

(c) It shall be a defense that the defendant has been issued an otherwise valid license to carry a concealed deadly weapon pursuant to terms of § 1441 of this title, where:

(1) The license has expired,

(2) The person had applied for renewal of said license within the allotted time frame prior to expiration of the license, and

(3) The offense is alleged to have occurred while the application for renewal of said license was pending before the court.

(d) It shall be a defense that the defendant complied with § 1456(b).

§ 1456. Unsafe storage of a firearm; class A or B misdemeanor.

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(a) (1) A person is guilty of unsafe storage of a firearm when the person intentionally or recklessly stores or leaves a loaded firearm in a place other than a vehicle within the reach or easy access of an unauthorized person, the unauthorized person obtains the firearm, and all of the following ~~do apply~~ applies:

a. The firearm was not stored in a locked box or container.

b. The firearm was not disabled with a tamper-resistant trigger lock which was properly engaged so as to render the firearm inoperable by a person other than the owner or other lawfully-authorized user.

c. The firearm was not stored in a location that a reasonable person would have believed to be secure from access by an unauthorized person.

d. The unauthorized person did not obtain the firearm as the result of an unlawful entry by any person.

(2) For the purposes of this section:

a. "Stores or leaves" does not mean when the firearm is carried by or under the control of the owner or other lawfully-authorized user.

b. "Unauthorized person" means a child or person prohibited by state or federal law from owning or possessing a firearm.

c. "Locked container" means a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device that when properly engaged to render the firearm inaccessible by any individual other than the owner or an authorized person. "Locked container" does not include the glove compartment of a motor vehicle, unless the glove compartment can be manually locked to render the firearm inaccessible by any individual other than the owner or an authorized person.

(b) ~~[Repealed.]~~ A person is guilty of unsafe storage of a firearm in a vehicle when the person knowingly leaves a firearm unattended in a vehicle, and the firearm is not stored in any of the following:

(1) A locked box or container.

(2) A locked firearms rack that is on a motor vehicle.

(3) Locked in the trunk of the vehicle.

(c) (1) Unsafe storage of a firearm is a class B misdemeanor if paragraphs (c)(2)a., b., or c. of this section do not apply.

(2) Unsafe storage of a firearm is a class A misdemeanor if the unauthorized person does any of the following:

a. Commits or attempts to commit a crime with the firearm.

b. Uses the firearm to inflict serious physical injury or death upon any person, including the unauthorized person.

c. Transfers or attempts to transfer the firearm to another unauthorized person.

(d)(1) Unsafe storage of a firearm in a vehicle under subsection (b) of this section is a class B misdemeanor if paragraphs (d)(2) a.,b., or c. of this section do not apply.

(2) Unsafe storage of a firearm in a vehicle is a class A misdemeanor if an unauthorized person obtains the firearm, and the unauthorized person does any of the following with the firearm:

a. Commits or attempts to commit a crime with the firearm.

b. Uses the firearm to inflict serious physical injury or death upon any person.

c. Transfers or attempts to transfer the firearm to an unauthorized person.

(d) The Superior Court has jurisdiction over an offense under this section.

(e) It is not an offense under this section if the firearm was manufactured in or before the year 1899 or is a replica of such firearm if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition.

(g) It is not a defense to subsection (b) of this section that the defendant has been issued an otherwise valid license to carry a concealed deadly weapon pursuant to terms of § 1441 of this title.