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

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 311
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2
AND
SENATE AMENDMENT NO. 1

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 Subchapter VII, Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 1457B. Possession of firearm in a College or University Safe Zone; class A misdemeanor.

(a) As used in this section:

(1) a. "College or University Safe Zone" means all of the following:

1. Any building, structure, athletic field, sports stadium or real property owned, operated, leased, or rented by any public or private college or university.

2. Any motor vehicle owned, operated, leased, or rented by any public or private college or university.

b. "College or University Safe Zone" does not include state or locally owned or maintained roads, streets, and pedestrian routes and bike paths pertaining to those roads or streets, running through or adjacent to premises or property owned, operated, or controlled by any public or private college or university, which are open full time to public vehicular traffic.

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

(3) "Constable" means a person licensed under Chapter 56 of Title 24.

(4) "Firearm" means as defined in § 222 of this title and includes a destructive weapon as defined in § 1444 of this title and includes a BB gun.

(5) "Police officer" means as defined in § 8401 of this title.

(6) "Qualified law-enforcement officer" means as defined in § 1441A of this title.

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(7) "Qualified retired law-enforcement officer" means as defined in § 1441B of this title.

(b) Any person who knowingly possesses a firearm while in or on a College or University Safe Zone is guilty of the crime of possession of a firearm in a College or University Safe Zone.

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

(1) A police officer.

(2) A qualified law-enforcement officer who is acting in an official capacity.

(3) A constable or commissioned security guard employed by a college or university who is acting in an official capacity.

(4) An active-duty member of the United States Armed Forces or Delaware National Guard who is acting in an official capacity.

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

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

(7) A probation and parole officer acting within the officer's official capacity.

(8) A qualified retired law-enforcement officer.

(9) An individual who has written authorization to possess a firearm from the college or university administration or a designated representative of the college or university administration.

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

(1) Possession of a firearm if the firearm is in a locked container or locked firearms rack that is in or on a motor vehicle.

(2) When engaged in lawful hunting, firearm instruction, or firearm-related sports at a time, place, and manner authorized by a college or university.

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

(f) The Superior Court has jurisdiction of an offense under this section.

Section 2. If a provision of this Act or the application of this Act to a person or circumstance is held invalid, the provisions of this Act are severable if the invalidity does not affect the other provisions of this Act that can be given effect without the invalid provision or the application of this Act that can be given effect without the invalid application.

Section 3. This Act takes effect on January 1, 2025.