



SPONSOR: Rep. Miro & Sen. Henry;
Reps. Spence, Keeley

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE BILL NO. 240

AN ACT TO AMEND TITLES 11 AND 22 OF THE DELAWARE CODE RELATING TO STUN GUNS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1 Section 1. Amend § 222, Title 11 of the Delaware Code, by re-designating paragraphs (25) through (28) thereof as paragraphs
2 (26) through (29) respectively, and by inserting therein a new paragraph (25) as follows:

3 “(25) ‘Stun gun’ means any dangerous instrument or other device that emits an electrical
4 charge or current intended to temporarily or permanently disable a person. Based on its
5 design, a ‘stun gun’ may also be considered a firearm.”

6 Section 2. Amend Chapter 5, Title 11 of the Delaware Code, by inserting a new section within Subpart E of Subchapter VII
7 thereof as follows:

8 “§ 1440. Unlawful possession of a stun gun; penalty.

9 (a) It is unlawful for any person who is under the age of 21, or who is prohibited from possessing or purchasing a
10 deadly weapon pursuant to § 1448 of this title, to possess or purchase a stun gun in this State.

11 (b) Any person convicted of the unlawful possession of a stun gun is guilty of a misdemeanor and shall be subject
12 to a fine of not more than \$7,500 and a sentence of imprisonment at level V not to exceed 18 months.”

13 Section 3. Amend § 111, Title 22 of the Delaware Code, by inserting the words “or stun” between the word “paintball” and the
14 word “gun” as they appear in the last sentence thereof.

15 Section 4. This Act shall not apply to the possession of a stun gun by a law enforcement officer in the course of the
16 performance of his or her official duties.

SYNOPSIS

This Act prohibits the possession and purchase of stun guns in this State by any person who is under the age of 21, or who is prohibited from purchasing or possessing a deadly weapon pursuant to 11 Del. C. § 1448. This Act also grants the City of Wilmington authority to regulate the possession and concealment of stun guns within its corporate limits. Finally, this Act does not apply to the possession of a stun gun by a law enforcement officer in the course of the performance of his or her official duties.