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

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 72

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE UNLAWFUL CARRYING OF A CONCEALED WEAPON.

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

Section 1. Amend § 1442, Title 11 of the Delaware Code by making insertions as shown by underlining 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) Notwithstanding any provision of this section or this Code to the contrary, any person convicted of carrying a concealed deadly weapon when the deadly weapon is a firearm shall receive a minimum sentence of one year at Level V.

(d) 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.

SYNOPSIS

This Act will establish a one year minimum mandatory prison sentence to be imposed upon any person convicted of unlawfully carrying a concealed firearm.

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