SPONSOR: Rep. Mitchell & Sen. Blevins

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 192

AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF FIREARMS, AMMUNITION, AND EXPLOSIVES IN MUNICIPAL BUILDINGS AND POLICE STATIONS BY NON-LICENSED PERSONS.

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

Section 1. Amend § 111, Title 22 of the Delaware Code, by making insertions as shown by underlines as follows:

(a) The municipal governments shall enact no law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or components of firearms or ammunition except that the discharge of a firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title 11. Nothing contained herein shall be construed to invalidate municipal ordinances existing before July 4, 1985, and any ordinance enacted after July 4, 1985, is hereby repealed. Notwithstanding the provisions of this section to the contrary, the City of Wilmington may, in addition to the nature and extent of regulation permitted by this section, enact any law or ordinance governing the possession or concealment of a paintball gun within its corporate limits as it deems necessary to protect the public safety.

(b) Subsection (a) notwithstanding, municipal governments may adopt ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in police stations and municipal buildings which contain all of the provisions contained in this subsection. Any ordinance adopted by a municipal government regulating possession of firearms, ammunition, components of firearms, or explosives in police stations or municipal buildings shall require that all areas where possession is restricted is clearly identified by a conspicuous sign posted at each entrance to the restricted area. The sign may also specify that persons in violation may be denied entrance to the building or be ordered to leave the building. Any ordinance adopted by municipal governments relating to possession in police stations or municipal buildings shall also state that any person who immediately foregoes entry or immediately exits such building due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating the ordinance. Municipal governments may establish penalties for any intentional violation of such ordinance as deemed necessary to protect public safety. An ordinance adopted by the municipal government shall not prevent the following in municipal buildings or police stations: (1) possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;

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(2) law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition or explosives; (3) law enforcement agencies conducting firearms safety and training programs; (4) law enforcement agencies from conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police stations or municipal buildings; (5) compliance by persons subject to protection from abuse court orders; (6) carrying firearms and ammunition by persons who hold a valid license pursuant to either § 1441 or §1441A of Title 11 of this Code so long as the firearm remains concealed except for inadvertent display or for self-defense or defense of others; (7) officers or employees of the United States duly authorized to carry a concealed firearm; or (8) agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

(c) For the purposes of this subsection, "municipal building" means a building where a municipal government entity meets in its official capacity or containing the offices of elected officials and of public employees actively engaged in performing governmental business but excluding any parking facility; provided, however, that if such building is not a municipally owned or leased building, such building shall be considered a municipal building for the purposes of this section only during the time such government entity is meeting in or occupying such a building.

SYNOPSIS

This act establishes that municipal governments may pass ordinances regulating the possession of firearms, ammunition, components of firearms, and explosives in municipal buildings and police stations subject to specific requirements. The act further allows municipalities to establish penalties for violation by ordinance.