SPONSOR: Rep. Mitchell & Rep. Lynn & Sen. Blevins

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 201

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF FIREARMS, AMMUNITION, AND EXPLOSIVES IN COUNTY BUILDINGS AND POLICE STATIONS BY NON-LICENSED PERSONS.

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

Section 1. Amend § 330, Title 9 of the Delaware Code, by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

(d) Notwithstanding subsection (c) of this section, county governments may adopt ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in police stations and county buildings which contain all of the provisions contained in this subsection. Any ordinance adopted by a county government regulating possession of firearms, ammunition, components of firearms, or explosives in police stations or county 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 county governments relating to possession in police stations or county 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. County governments may establish penalties for any intentional violation of such ordinance as deemed necessary to protect public safety. An ordinance adopted by the county government shall not prevent the following in county buildings or police stations:

(1) possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;

(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;

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(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 the Delaware 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;

(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.

(e) For the purposes of this section, "county building" means a building where a county 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 county owned or leased building, such building shall be considered a county 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 county governments may pass ordinances regulating the possession of firearms, ammunition, components of firearms, and explosives in county buildings and police stations subject to specific requirements. The act further allows counties to establish penalties for violation by ordinance.