

HB 155 -- Redline

HA 3 to HB 155 to Bill Text -- AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES INVOLVING DEADLY WEAPONS AND DANGEROUS INSTRUMENTS.

Deletions ~~struck~~ · Insertions underlined

Griffith ~~HOUSE OF Rep.~~ REPRESENTATIVES 152nd GENERAL ASSEMBLY HOUSE AMENDMENT NO.

~~3~~Baumbach ~~TO HOUSE Rep.~~ BILL NO.

~~155~~Dorsey ~~AMEND Walker House & Bill Rep.~~ No.

~~155~~Bush ~~by & adding Sen.~~ after line 30 and before line 31 the following:

~~"c.~~Sokola Reps.

~~"Locked~~Bolden, container"~~Heffernan, means Longhurst; a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device that when properly engaged to render the firearm inaccessible by any individual other than the owner or an authorized person.~~

~~"Locked~~Sens. container" does not include the glove compartment of a motor vehicle."

FURTHER ~~Gay, AMEND Hansen House~~HOUSE Bill OF No. REPRESENTATIVES 152nd GENERAL ASSEMBLY HOUSE BILL NO.

~~155 by AN deleting ACT line TO 43 AMEND in TITLE its 11 entirety OF and THE inserting DELAWARE in CODE lieu~~RELATING thereof TO the OFFENSES following INVOLVING and DEADLY redesignating WEAPONS accordingly: AND DANGEROUS INSTRUMENTS.

~~"(d)(1) BE Unsafe IT storage ENACTED of BY a THE firearm GENERAL in ASSEMBLY a OF vehicle THE under STATE subsection OF (b) DELAWARE: of this section is a class B misdemeanor if paragraphs (d)(2) a., b., or c.~~ Section 1.

Amend Part E, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 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 Sec. 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) 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 Sec. 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.

(d) It shall be a defense that the defendant complied with Sec. 1456(b).

Sec. 1456.

Unsafe storage of a firearm;

class A or B misdemeanor.

(a) (1) A person is guilty of unsafe storage of a firearm when the person intentionally or recklessly stores or leaves a loaded firearm in a place other than a vehicle within the reach or easy access of an unauthorized person, the unauthorized person obtains the firearm, and all of the following do apply applies:

a.

The firearm was not stored in a locked box or container.

b.

The firearm was not disabled with a tamper-resistant trigger lock which was properly engaged so as to render the firearm inoperable by a person other than the owner or other lawfully-authorized user.

c.

The firearm was not stored in a location that a reasonable person would have believed to be secure from access by an unauthorized person.

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The unauthorized person did not obtain the firearm as the result of an unlawful entry by any person.

(2) For the purposes of this section:

a.

"Stores or leaves" does not mean when the firearm is carried by or under the control of the owner or other lawfully-authorized user.

b.

"Unauthorized person" means a child or person prohibited by state or federal law from owning or possessing a firearm.

(b) [Repealed.] A person is guilty of unsafe storage of a firearm in a vehicle when the person knowingly leaves a firearm unattended in a vehicle, and the firearm is not stored in any of the following:

(1) A locked box or container.

(2) A locked firearms rack that is on a motor vehicle.

(3) Locked in the trunk of the vehicle.

(c) (1) Unsafe storage of a firearm is a class B misdemeanor if paragraphs (c)(2)a., b., or c.

(2) Unsafe storage of a firearm ~~in a vehicle~~ is a class A misdemeanor if the unauthorized person does any of the ~~following~~following: with a firearm:

Uses the firearm to inflict serious physical injury or death upon any person, including the unauthorized person.

Transfers or attempts to transfer the firearm to ~~an~~another unauthorized ~~person.~~person.

~~FURTHER~~(3) ~~AMEND~~Unsafe House storage Bill of No. a firearm in a vehicle under subsection (b) is a class A misdemeanor.

~~155(d) byThe deletingSuperior linesCourt 47has andjurisdiction 48over inan theiroffense entiretyunder andthis insertingsection. in lieu thereof the following.~~

~~"(f)(e) ParagraphIt (b)is ofnot an offense under this section doesif notthe applyfirearm towas manufactured in or before the year 1899 or is a holderreplica of asuch validfirearm licenseif tothe carryreplica concealedis deadlynot weaponsdesigned underor Sec. redesigned 1441, for using rimfire or conventional centerfire fixed ammunition.~~

~~"(f) It is not a defense to subsection (b) of this section that the defendant has been issued an otherwise valid license to carry a concealed deadly weapon pursuant to terms of Sec.?1441 of this title.~~

SYNOPSIS This ~~amendment~~bill definesmakes "~~lockedthe container~~"unsafe forstorage purposes of Housea Billfirearm No. in a vehicle a class A misdemeanor if the person knowingly leaves a firearm unattended in a vehicle and the firearm is not stored in a locked box or container, a firearms rack that is on the motor vehicle, or locked in the trunk.

~~155.~~This bill also provides that compliance with unsafe storage of a firearm in a vehicle is a defense to carrying a concealed deadly weapon.

~~This amendment makes the penalties for unsafe storage of a firearm in the vehicle in subsection (b) of the section the same as unsafe storage of a firearm in subsection (a) of the section.~~

~~This amendment also clarifies that the provisions of unsafe storage of a firearm in vehicle does not apply to holders of a valid license to carry concealed deadly weapons.~~

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