

CHAPTER 313
FORMERLY
HOUSE BILL NO. 226
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES
AND CRIMINAL PROCEDURE.

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

Section 1. Amend §1442, Title 11 of the Delaware Code by striking the phrase “unless the accused has been convicted within the previous 5 years of the same offense, in which case it is a class E felony” and by substituting in lieu thereof the phrase “unless the deadly weapon is a firearm, in which case it is a class D felony”.

Section 2. Amend §4201, Title 11 of the Delaware Code by striking the phrase “Carrying a Concealed Deadly Weapon (Subsequent Offense)” and by substituting in lieu thereof the phrase “Carrying a Concealed Deadly Weapon (Firearm Offense)”.

Section 3. Amend §6703, Title 11 of the Delaware Code by striking the phrase “carrying a concealed dangerous instrument; carrying a concealed deadly weapon (second offense)” and by substituting in lieu thereof the phrase “carrying a concealed deadly weapon (firearm offense)”.

Section 4. Amend §1457, Title 11 of the Delaware Code by renumbering paragraph (j)(4) as paragraph (j)(5) and by inserting a new paragraph (j)(4) as follows:

“(4) If the underlying offense is a class D felony, the crime shall also be a class D felony.”.

Section 5. Amend §1457(b)(1), Title 11 of the Delaware Code by striking the phrase “class E felony” as it appears therein and substituting in lieu thereof the phrase “class D felony”.

Section 6. Amend §1442, Title 11 of the Delaware Code by adding thereto a new paragraph at the end of the section to read as follows:

“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.”.

Approved June 29, 2010