



Delaware

Summary of State Firearms Law

Last updated March 6, 2012

Overview

In its publication [*Gun Laws Matter: A Comparison of State Firearms Laws and Statistics*](#), LCAV ranked each state based on a review of state laws in 25 different firearm-related policy areas. Delaware ranked 18th out of 50 – having enacted a modest amount of gun violence prevention laws. Among other things, Delaware:

- Requires retail [firearms dealers to obtain a state license](#);
- Requires firearms dealers to conduct [background checks](#) and [maintain records of the dealer's employees](#) (employees prohibited from purchasing or possessing guns are barred from selling firearms);
- Prohibits [domestic violence](#) misdemeanants and persons subject to a domestic violence order of protection from purchasing or possessing firearms; and
- Requires licensed dealers to conduct a background check on [a private sale](#) if the seller so requests it for a prospective purchaser.

Delaware does **not**, however:

- Require a background check prior to [the transfer of a firearm between private parties](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#) or [large capacity ammunition magazines](#);
- [License](#) firearm owners;
- Require the [registration of firearms](#);
- Limit the [number of firearms](#) that may be purchased at one time;
- Impose a [waiting period](#) on firearm purchases; or
- Regulate [unsafe handguns](#).

Delaware Statistics

Gun Deaths in Delaware

Delaware ranks 32th among the states in number of gun deaths per capita. In 2009, 76 people died from firearm-related injuries in Delaware.¹

Crime Guns in Delaware

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [Delaware](#) supplied the 23rd highest number of crime guns to other states per capita. Delaware imports more crime guns than it exports.²

Number of Federally Licensed Firearms Dealers in Delaware

There are 118 federally licensed firearms dealers and pawnbrokers in Delaware.³

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2009, for National, Regional, and States (RESTRICTED)*, at http://webappa.cdc.gov/sasweb/ncipc/dataRestriction_inj.html. (Jan. 2012).

² For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

³ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Feb. 2012), at <http://www.atf.gov/about/foia/ffl-list.html>.

State “Right to Bear Arms” in Delaware

The Delaware Constitution provides for the keeping and bearing of arms, but permits broad firearm-related regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms in Delaware

Delaware has preempted most areas of local firearms regulation. See [State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

Persons Prohibited from Firearm Possession

Delaware Prohibited Purchasers Generally

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Similarly, Delaware prohibits the purchase, ownership, possession or control of a firearm or ammunition by any person:

- Convicted in any jurisdiction of a felony or a crime of violence involving physical injury to another;
- Committed for a mental disorder to any hospital, mental institution or sanitarium, unless such person can demonstrate that he or she is no longer prohibited from possessing a firearm;
- Convicted of the unlawful use, possession or sale of a narcotic, dangerous drug or central nervous system depressant or stimulant as those terms were defined prior to the effective date of the Uniform Controlled Substances Act in June 1973, or of a narcotic drug or controlled substance as defined by Delaware's Uniform Controlled Substances Act;⁴
- Who, while a juvenile, was adjudicated as delinquent for conduct which, if committed by an adult, would constitute a felony, unless and until that person has reached his or her 25th birthday;
- Who is a juvenile, for handguns only (unless the juvenile possesses the handgun for lawful hunting, instruction, sporting or recreational activity while under the direct or indirect supervision of an adult);
- Subject to a Family Court protective order (other than an ex parte order), but only for so long as that order remains in effect or is not vacated or otherwise terminated;⁵
- Convicted in any court of any misdemeanor crime of domestic violence; or
- Who knows that he or she is the defendant or co-defendant in a criminal case in which he or she is alleged to have committed a felony under federal law or the law of any state, and

⁴ See Del. Code Ann. tit. 16, chapter 47.

⁵ This provision does not apply to a contested order issued solely upon Del. Code Ann. tit. 10, § 1041(1)(d), (e), or (h), or any combination thereof.

who becomes a fugitive from justice by failing to appear for any court proceeding pertaining to that felony for which proper notice was provided or attempted.⁶

Any person prohibited solely as the result of a conviction for an offense which is not a felony is not prohibited from purchasing, owning, possessing or controlling a firearm or ammunition if five years have elapsed from the date of his or her conviction.⁷

Delaware also prohibits any person from selling deadly weapons (including handguns) “made especially for the defense of one’s person” to an intoxicated person.⁸

Firearms transfers by private sellers (non-firearms dealers) are not subject to background checks in Delaware, although federal and state purchaser prohibitions still apply. See the [Delaware Private Sales](#) section.

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

⁶ Del. Code Ann. tit. 11, § 1448(a).

⁷ Del. Code Ann. tit. 11, § 1448(d).

⁸ Del. Code Ann. tit. 24, §§ 901, 903.

Minimum Age to Purchase / Possess Firearms in Delaware

Delaware prohibits the purchase, ownership or possession of a handgun by a “juvenile” except for the purposes of engaging in lawful hunting, instruction, sporting or recreational activity while under the direct or indirect supervision of an adult.⁹ There is no minimum age to possess long guns under Delaware or federal law.

Delaware law prohibits the sale of a handgun or other deadly weapon “made especially for the defense of one’s person” to a person under age 21.¹⁰ Delaware also prohibits the sale or transfer of any firearm or ammunition to a person under age 18 unless the transferor is the minor’s parent or guardian or a person who first receives permission from the minor’s parent or guardian.¹¹

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

⁹ Del. Code Ann. tit. 11, § 1448(a)(5). The term “juvenile” is not defined under Delaware law, although state law notes that any person who attains age 18 is deemed to be of full legal age for “all purposes whatsoever.” Del. Code Ann. tit. 1, § 701.

¹⁰ Del. Code Ann. tit. 24, §§ 901, 903.

¹¹ Del. Code Ann. tit. 11, § 1445(4).

Domestic Violence and Firearms in Delaware

(This section was last updated January 18, 2011.)

Firearm Prohibitions for Domestic Violence Misdemeanants

Delaware prohibits the purchase, ownership, possession or control of any firearm or ammunition by any person who has been convicted in any court of any misdemeanor crime of domestic violence.¹² “Misdemeanor crime of domestic violence” means any misdemeanor offense that:

- Was committed by a:
 - Member of the victim’s family¹³ (regardless, however, of the state of residence of the parties);
 - Former spouse of the victim;
 - Person who co-habited with the victim at the time of the offense; or
 - Person with a child in common with the victim; and
- Is an offense specifically defined under the Delaware Code.¹⁴

Delaware only prohibits firearm purchase or possession by domestic violence misdemeanants for five years following conviction.¹⁵

Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders

Delaware prohibits the purchase, ownership, possession or control of any firearm or ammunition by any person subject to a Family Court protection from abuse order (other than an ex parte order), but only for so long as that order remains in effect or is not vacated or otherwise terminated.¹⁶

Removal or Surrender of Firearms When Domestic Violence Restraining/Protective Orders Are Issued

Delaware authorizes, but does not require, courts to issue protective orders that direct the abuser to surrender all firearms in his or her possession. As part of a protective order, the court may

¹² Del. Code Ann. tit. 11, § 1448(a)(7).

¹³ The term “family” is defined Del. Code Ann. tit. 10, § 901(12).

¹⁴ These prohibited offenses are listed under Delaware Code Ann. Title 11 §§ 601, 602, 603, 611, 614, 621, 625, 628, 763, 765, 766, 767, 781, 785 or 791, or any similar offense when committed or prosecuted in another jurisdiction.

¹⁵ Del. Code Ann. tit. 11, § 1448(d).

¹⁶ Del. Code Ann. tit. 11, § 1448(a)(6). This provision does not apply to a contested order issued solely upon Del. Code Ann. tit. 10, § 1041(1)(d), (e), or (h), or any combination thereof.

order that the respondent temporarily relinquish all the firearms he or she owns to the sheriff, constable or a police officer, and may order that the respondent refrain from purchasing or receiving additional guns for the duration of the order.¹⁷

Delaware courts issuing protective orders also may direct law enforcement to, forthwith, search for and seize a respondent's firearms upon a showing by the petitioner of the order that respondent has firearms in his or her possession, and:

- The petitioner can describe, with sufficient particularity, the type and location of the firearm or firearms; and
- Respondent has used or threatened to use a firearm against the petitioner, or the petitioner expresses a fear that the respondent may use a firearm against the petitioner.¹⁸

Delaware makes no provisions for the removal or surrender of firearms at the scene of a domestic violence incident.

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

¹⁷ Del. Code Ann. tit. 10, § 1045(a)(8).

¹⁸ Del. Code Ann. tit. 10, § 1045(a)(11).

Disarming Prohibited Persons in Delaware

(This section was last updated January 18, 2011.)

The only laws in Delaware requiring the surrender or removal of firearms from persons who have become prohibited from possessing them are those addressing domestic violence abusers subject to protective orders. See the [Delaware Domestic Violence & Firearms](#) section for further information.

Sales & Transfers

Delaware Background Checks

Federal law requires federally licensed firearms dealers (but not private sellers) to initiate a background check on the purchaser prior to sale of a firearm. Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal National Instant Criminal Background Check System (“NICS”) database. (Note that state files are not always included in the federal database.)

Delaware is not a point of contact state for firearm purchaser background checks. In Delaware, all firearms transfers by licensed dealers are processed directly through the FBI, which enforces the federal purchaser prohibitions referenced above.¹⁹ Delaware provides, however, that a licensed firearms dealer may not sell, transfer, or deliver any firearm to another person (without a dealer’s license) until the dealer has conducted a background check.²⁰ In 2011, Delaware passed a law requiring the state’s Department of Safety and Homeland Security to adopt regulations relating to compliance with NICS.²¹

See *Regulating Guns in America: Background Checks* for a comprehensive discussion of this issue.

¹⁹ Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited Mar. 2, 2012).

²⁰ Del. Code Ann. tit. 11, §1448(a). This requirement does not apply to certain antique or replica firearms, shotguns, the return of a firearm by a licensed pawnbroker to the person who pawned it, or a person who holds a valid concealed deadly weapons permit. Del. Code Ann. tit. 11, § 1448A(d).

²¹ Del. Code Ann. tit. 11, §1448A(k). See 78 Del. Laws, c. 137, § 13.

Mental Health Reporting in Delaware

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”²² No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Delaware requires every person in “responsible charge” of an institution housing persons declared not guilty by reason of insanity, declared incompetent to stand trial for criminal offenses, or involuntarily committed for mental illness, to transmit to the Delaware State Bureau of Identification (SBI) the names, dates of birth and social security numbers of all such adults.²³ The institutions must also submit to SBI the names and photographs of such persons who are to be discharged from these institutions.²⁴ Delaware also authorizes the same reporting to NICS.²⁵

Delaware requires the Delaware Psychiatric Center and any other hospital for the care and treatment of mentally ill individuals²⁶ to submit to SBI, and to NICS as required by federal law, the name, date of birth and Social Security number of any adult who is involuntarily committed to such facility.²⁷

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Delaware Background Checks](#) section and the section entitled [Delaware Prohibited Purchasers Generally](#).

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

²² [18 U.S.C. § 922\(d\)\(4\)](#).

²³ Del. Code Ann. tit. 11, § 8509.

²⁴ *Id.*

²⁵ *Id.*

²⁶ For the definition of “mental hospital,” see Del. Code Ann. tit. 16, § 5001(4).

²⁷ Del. Code Ann. tit. 16, § 5161(b)(13), (14).

Multiple Purchases / Sales of Firearms in Delaware

Delaware does not impose restrictions on purchases or sales of multiple firearms.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

Retention of Sales / Background Check Records in Delaware

Licensed dealers in Delaware are required to keep and maintain a record of all deadly weapons sales, including the date of the sale, the name and address of the purchaser, the number and kind of deadly weapons purchased, the age of the purchaser, and the picture identification used.²⁸ The record must be kept at the dealer's place of business and be open for inspection by any judge, justice of the peace, police officer, constable or other peace officer of the state "at all times."²⁹

Delaware's State Bureau of Identification (SBI) is required to prepare an annual report, which must include but is not limited to the number of background check inquiries made during the current year and prior calendar year, as well as the number of inquiries resulting in a determination that the potential purchaser or transferee was prohibited from possessing firearms during the current year and prior calendar year.³⁰

See [*Regulating Guns in America: Retention of Firearm Sales and Background Check Records*](#) for a comprehensive discussion of this issue.

²⁸ Del. Code Ann. tit. 24, § 904(a).

²⁹ *Id.*

³⁰ Del. Code Ann. tit 11, § 1448A(h).

Delaware Waiting Periods

Delaware has no law imposing a waiting period prior to purchase of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

Gun Dealers & Other Sellers

Delaware Dealer Regulations

Any person seeking to engage in the business of selling deadly weapons “made especially for the defense of one’s person,” which specifically includes handguns, must acquire a “special license to sell deadly weapons.”³¹ The license is valid until the first day of June following the license’s issuance.³² An application fee of \$50 must accompany an application for a license to conduct such business or an application for renewal of such license.³³

Prior to transferring any firearm, a dealer must, conduct a background check of the potential purchaser or transferee.³⁴ See the [Delaware Background Checks](#) section for further information.

Firearms Dealer Recordkeeping

Dealers are required to keep and maintain a record of all deadly weapons sales, including the date of the sale, the name and address of the purchaser, the number and kind of deadly weapons purchased, the age of the purchaser, and the picture identification used.³⁵ The record must be kept at the place of business and be open for inspection by any judge, justice of the peace, police officer, constable or other peace officer of the state “at all times.”³⁶

Employee Background Checks

Dealers must keep a list of all current employees, conduct annual criminal background checks on these employees,³⁷ and maintain a record of the results of the employee background checks.³⁸ The employee lists and background check records are considered confidential but must be open for inspection by state or local law enforcement. Dealers must not knowingly allow any employee who is prohibited from possessing a deadly weapon under state law to sell or transfer a deadly weapon.³⁹

Voluntary Private Sale Background Checks

Licensed dealers also are required to facilitate the transfer of a firearm at the request of any unlicensed seller by conducting a background check on the prospective buyer.⁴⁰ Both the unlicensed seller and prospective purchaser must appear together at the licensed dealer’s place of business to complete the background check and transaction.⁴¹ The sale cannot proceed if the

³¹ Del. Code Ann. tit. 24, § 901.

³² Del. Code Ann. tit. 24, § 902.

³³ *Id.*

³⁴ Del. Code Ann. tit. 11, § 1448A(a).

³⁵ Del. Code Ann. tit. 24, § 904(a).

³⁶ *Id.*

³⁷ As per the background check procedures outlined under Del. Code Ann. tit. 11, § 1448A.

³⁸ Del. Code Ann. tit. 24, § 904(b).

³⁹ *Id.*

⁴⁰ Del. Code Ann. tit. 24, § 904A(b).

⁴¹ *Id.*

prospective buyer is prohibited from possessing, purchasing or owning a firearm under state law. Failure or refusal by the dealer to facilitate the transfer of a firearm pursuant to these procedures is adequate cause to suspend the dealer's license for up to 30 days per occurrence.⁴²

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

⁴² *Id.*

Private Sales in Delaware

Private firearms transfers (*i.e.*, transfers by non-firearms dealers) are not subject to a background check requirement in Delaware, although federal and state purchaser prohibitions still apply. See the [Delaware Background Checks](#) and [Delaware Prohibited Purchasers Generally](#) sections.

Licensed gun dealers are required to facilitate the transfer of a firearm when any unlicensed seller requests that the licensed dealer conduct a background check on the prospective buyer.⁴³ Both the unlicensed seller and prospective purchaser must appear together at the licensed dealer's place of business to complete the background check and transaction. The transfer cannot proceed if the prospective buyer is prohibited from possessing, purchasing or owning a firearm under state law.⁴⁴

Delaware prohibits any person from selling deadly weapons (including handguns) "made especially for the defense of one's person" to anyone under age 21 or any intoxicated person.⁴⁵ Delaware otherwise prohibits selling, giving, or otherwise transferring a firearm or ammunition to a minor under age 18 unless the transferor is the child's parent or guardian or a person who first receives permission from the minor's parent or guardian.⁴⁶

In addition, Delaware prohibits the transfer of a firearm to any person knowing that the recipient intends to commit any felony, Class A misdemeanor or drug related criminal offense with the firearm.⁴⁷

Delaware prohibits furnishing a deadly weapon to any person committed to the jurisdiction of the State Department of Corrections.⁴⁸

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

⁴³ Del. Code Ann. tit. 24, § 904A(b).

⁴⁴ Del. Code Ann. tit. 24, § 904A(b).

⁴⁵ Del. Code Ann. tit. 24, §§ 901, 903.

⁴⁶ Del. Code Ann. tit. 11, § 1445(4).

⁴⁷ Del. Code Ann. tit. 11, § 1445(5).

⁴⁸ Del. Code Ann. tit. 11, § 6562A(3).

Delaware Gun Shows

Delaware has no laws regulating gun shows.

See the [Delaware Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

Delaware Immunity Statutes

(This section was last updated January 18, 2011.)

Compliance with the background check provisions of Delaware Code Annotated Title 11, § 1448A is a complete defense to any claim or cause of action under Delaware law for liability for damages arising from the importation or manufacture, or subsequent sale or transfer of a firearm shipped or transported in interstate or foreign commerce to a person convicted in any court of a crime punishable by imprisonment for a term exceeding one year.⁴⁹

Delaware law also provides that:

No shooting range or hunting operation...shall be or become a nuisance, private or public, by any changed conditions in or about the locality thereof after the same has been in operation for more than 1 year if the operation or the change did not constitute a nuisance from the date the shooting range or hunting operation began or the date the change in the operation began. Likewise, a shooting range or hunting operation which fully complied with local zoning requirements when operations first began shall not be deemed to be non-compliant based upon zoning requirements which have subsequently changed since the initial commencement of operations.⁵⁰

This section does not apply, however, when:

- A nuisance results from the negligent or improper operation of the shooting range or hunting operation;
- There has been a significant and fundamental change in the hunting operation or operation of the shooting range;
- The shooting range or hunting operations do not conform to federal, state or local health or zoning requirements; or
- The shooting range or hunting operations are conducted in a negligent or unlawful manner.⁵¹

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

⁴⁹ Del. Code Ann. tit. 11, § 1448A(c).

⁵⁰ Del. Code Ann. tit. 10, § 8142(c).

⁵¹ Del. Code Ann. tit. 10, § 8142(b), (d).

Gun Owner Responsibilities

Licensing of Gun Owners or Purchasers in Delaware

Delaware has no law requiring gun owners or purchasers to obtain a license.

See [*Regulating Guns in America: Licensing of Gun Owners or Purchasers*](#) for a comprehensive discussion of this issue.

Registration of Firearms in Delaware

Delaware does not require the registration of firearms.

Delaware requires every law enforcement officer of the state and of any political subdivision to transmit to the SBI the fingerprints, photographs and other data prescribed by the SBI's Director of all individuals applying for a permit to buy or possess "illegal weapons or firearms," as well as copies of any reports required to be made by pawnshops, second-hand dealers and dealers in weapons to the Director of SBI.⁵²

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

⁵² Del. Code Ann. tit. 11, § 8507(a)(3), (5).

Reporting Lost or Stolen Firearms in Delaware

Delaware does not require firearms owners to report the loss or theft of a firearm.

See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

Firearms in Public Places

Concealed Weapons Permitting in Delaware

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Delaware is a “may issue” state, meaning that the Superior Court in the county where the applicant resides has discretion in determining whether or not to issue a concealed deadly weapons license to an applicant. Delaware prohibits carrying a concealed deadly weapon upon or about the person without a license.⁵³

A “person of full age⁵⁴ and good moral character desiring to be licensed to carry a concealed deadly weapon for personal protection or the protection of the person’s property may be licensed to do so” if the person:

- Applies in writing to the Prothonotary of the county in which the applicant resides, at least 15 days before the next term of the Superior Court, stating that he or she seeks a license to carry a concealed deadly weapon for personal protection or protection of property, or both;
- Files with his or her application a certificate signed by five respectable citizens of the county in which the applicant resides, stating that the applicant is "of full age, sobriety and good moral character," has a good reputation for peace and good order, and that possession of a concealed deadly weapon by the applicant is necessary for the protection of the applicant or the applicant’s property, or both;
- Verifies his or her application by oath or affirmation in writing before a state-authorized officer, and states in writing that the applicant’s certificate and recommendations were read to or by its five signers and that the signatures are authentic; and
- For an applicant’s initial license only, files a notarized certificate signed by a firearms training instructor or other authorized representative noting that the applicant has satisfied state firearms training requirements (see the Firearms Safety Training subsection below for further information).⁵⁵

The Prothonotary of the county in which an application for a license is filed must provide notice of the application by way of publication in a newspaper of general circulation published in the county at least 10 days before the next term of the Superior Court.⁵⁶

In addition, the Prothonotary must provide the Superior Court all applications for licenses, and the court, at its discretion, may hear evidence and arguments for and against an application.⁵⁷

⁵³ Del. Code Ann. tit. 11, §§ 1442.

⁵⁴ Full age is defined as 18 years or older. See Del. Code Ann. tit. 1, § 701.

⁵⁵ Del. Code Ann. tit. 11, § 1441(a)(1)-(3).

⁵⁶ Del. Code Ann. tit. 11, 1441(b).

Delaware's Attorney General also has discretion to issue, on a limited basis, a temporary license to carry concealed a deadly weapon to any individual who is not a Delaware resident, and whom the Attorney General determines has a short-term need to carry a weapon within the State in conjunction with that individual's employment for the protection of person or property.⁵⁸

The fee for an application for a license to carry a concealed deadly weapon is \$65.⁵⁹ Notwithstanding any other law or regulation, any license issued under these provisions is void and automatically repealed if the license holder becomes prohibited from owning, possessing or controlling a deadly weapon under state law.⁶⁰

Firearm Safety Training

An applicant for a concealed deadly weapon must file, with an initial license only, a notarized certificate signed by an instructor or authorized representative of a sponsoring agency, school, organization or institution certifying that the applicant: 1) has completed a firearms training course which contains at least the minimum training elements (listed below); and 2) is sponsored by a federal, state, county or municipal law enforcement agency, college, nationally recognized organization that customarily offers firearms training or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training.⁶¹

Firearms training courses must include instruction regarding:

- Knowledge and safe handling of firearms;
- Safe storage of firearms and child safety;
- Knowledge and safe handling of ammunition;
- Safe storage of ammunition and child safety;
- Safe firearms shooting fundamentals;
- Federal and state laws pertaining to the lawful purchase, ownership, transportation, use and possession of firearms;
- State laws pertaining to the use of deadly force for self-defense; and
- Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.

⁵⁷ Del. Code Ann. tit. 11, § 1441(c), (d).

⁵⁸ Del. Code Ann. tit. 11, § 1441(k).

⁵⁹ Del. Code Ann. tit. 11, § 1441(a)(4). Additional application and background check requirements are detailed under Del. Code Ann. tit. 11, § 1441.

⁶⁰ Del. Code Ann. tit. 11, § 1441(m).

⁶¹ Del. Code Ann. tit. 11, § 1441(a)(3).

Delaware also requires that applicants complete live fire shooting exercises on a range, including the expenditure of a minimum of 100 rounds of ammunition, and receive instruction identifying ways to develop and maintain firearm shooting skills.⁶²

Duration & Renewal

An initial license to carry a concealed deadly weapon is valid for three years.⁶³

Renewals are valid for a period of five years. Renewal applicants must file an affidavit stating that the carrying of a concealed deadly weapon remains necessary for personal protection or protection of the person's property, or both, and the person possesses all the requirements for the issuance of a license. The Superior Court, upon good cause presented to it, may inquire into the renewal request and deny the same for good cause shown. The fee for renewal is \$65.⁶⁴

Disclosure or Use of Information

Every law enforcement officer of the state and of any political subdivision must transmit to the Delaware State Bureau of Identification (SBI) the fingerprints, photographs and other data prescribed by SBI's Director for all individuals applying for a permit to carry concealed deadly weapons.⁶⁵ Records which disclose the identity or address of any person holding a permit to carry a concealed deadly weapon are not considered public records under Delaware's Freedom of Information Act, and thus are not generally subject to public disclosure.⁶⁶ All records relating to concealed deadly weapon permits shall be available to bona fide law-enforcement officers, however.⁶⁷

Reciprocity

Delaware's Attorney General is required to publish on January 15th of each year a list of all states which have qualified for reciprocity of concealed weapon licenses/permits from Delaware.⁶⁸ The list of states with which Delaware has established reciprocity can be found on the [Delaware Department of Justice's Concealed Deadly Weapons Reciprocity page](#).

Delaware gives full faith and credit to all state-authorized licenses/permits issued to the citizens of other states where the issuing states also give full faith and credit to licenses issued by Delaware, and where those licenses/permits afford a "reasonably similar degree of protection" as is provided by licensure in Delaware.⁶⁹ The term "reasonably similar" does not preclude alternative or differing provisions nor a different source and process by which eligibility is determined. If there is evidence of a pattern of issuing licenses/permits to convicted felons in another state, however, the Attorney General must not include that state on the list even if the

⁶² *Id.*

⁶³ Del. Code Ann. tit. 11, § 1441(a)(5).

⁶⁴ *Id.*

⁶⁵ Del. Code Ann. tit. 11, § 8507(a)(3).

⁶⁶ Del. Code Ann. tit. 29, § 10002(g)(11).

⁶⁷ *Id.*

⁶⁸ Del. Code Ann. tit. 11, § 1441(j).

⁶⁹ Del. Code Ann. tit. 11, § 1441(j).

law of that state is determined to be “reasonably similar.” The list is valid for one year and any removal of a state from the list may not occur without one year’s notice of such impending removal.⁷⁰

⁷⁰ *Id.*

Open Carrying in Delaware

Delaware does not prohibit the [open carrying of firearms](#) in public.

Location Restrictions

Guns in Vehicles in Delaware

(This section was last updated January 18, 2011.)

Delaware prohibits the possession of loaded rifles or shotguns in, against or on any vehicle, piece of farm machinery, motorboat while under power or sailboat while under power. Delaware also prohibits having any ammunition in the magazine or chamber of a rifle or shotgun in these locations.⁷¹

Delaware's "Safe School and Recreation Zone" law prohibits any juvenile from possessing a firearm in any motor vehicle owned, operated, leased or rented by any public or private school, college or university.⁷²

⁷¹ Del. Code Ann. tit. 7, § 708. Long guns may be transported in these vehicles if unloaded, however.

⁷² Del. Code Ann. tit. 11, § 1457(a), (b), (c)(2). A state administrative regulation also prohibits weapons of any kind on a school bus. 14-1100 Del. Code Regs. § 9.15.

Guns in Schools in Delaware

Delaware prohibits any juvenile from possessing a firearm or other deadly weapon while in or on a “Safe School and Recreation Zone.”⁷³

Delaware prohibits any person from committing any of the following state offenses in or on a “Safe School and Recreation Zone:”

- Carrying a concealed deadly weapon, including a concealable firearm (state law does not exempt concealed weapons permit holders from this prohibition);
- Possessing a destructive weapon; or
- Possession and purchase of deadly weapons by a person prohibited from such activities.⁷⁴

A “Safe School and Recreation Zone” is defined as:

- Any building, structure, athletic field, sports stadium or real property owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary or vocational-technical school, or any college or university, within 1,000 feet thereof;
- Any motor vehicle owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary or vocational-technical school, or any college or university; or
- Any building or structure owned, operated, leased or rented by any county or municipality, or the state, or any board, agency, commission, department, corporation or other entity thereof, or any private organization, which is utilized as a recreation center, athletic field or sports stadium.⁷⁵

Affirmative defenses to these prohibitions include:

- Weapons possessed pursuant to an authorized course of school instruction, or for the purpose of engaging in any school-authorized sporting or recreational activity;⁷⁶ or
- That the prohibited conduct took place entirely within a private residence, and that no person under age 18 was present in such private residence at any time during the commission of the offense.⁷⁷

⁷³ Del. Code Ann. tit. 11, § 1457(a).

⁷⁴ Del. Code Ann. tit. 11, § 1457(a), (b).

⁷⁵ Del. Code Ann. tit. 11, § 1457(c).

⁷⁶ Del. Code Ann. tit. 11, § 1457(f).

⁷⁷ Del. Code Ann. tit. 11, § 1457(g).

In Delaware, any elementary or secondary school student who possesses a firearm or other deadly weapon in a “Safe School and Recreation Zone” shall be expelled by the local school board or charter school board of directors for a period of not less than 180 days unless otherwise provided for in federal or state law. The local school board or charter school board of directors may, on a case by case basis, modify the terms of the expulsion.⁷⁸

Delaware requires certain institutions of higher learning to publish rules and regulations governing the possession and use of firearms on campus by employees, students and visitors.⁷⁹

See [LCAV's policy page on Guns in Schools](#) for further information.

⁷⁸ Del. Code Ann. tit. 11, § 1457(j)(5). For state administrative regulations implementing the federal Gun Free Schools Act, [20 U.S.C. § 7151](#), see 14-600-603 Del. Code Regs. §§ 1.0 – 3.0.

⁷⁹ Del. Code Ann. tit. 14, § 9004(b)(6).

Other Delaware Location Restrictions

Delaware prohibits knowingly and unlawfully introducing contraband into a detention facility.⁸⁰ The state also prohibits a person confined in a detention facility from knowingly and unlawfully making, obtaining, or possessing contraband.⁸¹ In addition, Delaware prohibits furnishing a deadly weapon to any person committed to the jurisdiction of the State Department of Corrections.⁸²

Delaware has no statutes prohibiting firearms in the following places, although administrative regulations may apply:

- Parks;
- Hospitals;
- Places of worship;
- Bars or restaurants where alcohol is served;
- Sports arenas;
- Gambling facilities; or
- Polling places.

⁸⁰ Del. Code Ann. tit. 11, § 1256(1). Contraband is defined by Del. Code Ann. tit. 11, § 1258(3) to include firearms.

⁸¹ A "detention facility" is any place used to confine a person charged with or convicted of an offense or pursuant to court order. Del. Code Ann. tit. 11, § 1258.

⁸² Del. Code Ann. tit. 11, § 6562A(3).

Consumer & Child Safety

Delaware Design Safety Standards for Handguns

Delaware does not specifically regulate junk guns or unsafe firearms.

See [*Regulating Guns in America: Design Safety Standards for Handguns*](#) for a comprehensive discussion of this issue.

Locking Devices in Delaware

Delaware prohibits a parent, guardian or other person legally charged with the care or custody of a child less than 18 years old from knowingly, intentionally or with criminal negligence contributing to or failing to prevent the unlawful possession or purchase of a firearm by a juvenile.⁸³ A defendant may raise as an “absolute” defense to charges for violation of this provision that he or she: 1) had a lock on the trigger of the firearm and did not tell or show the juvenile where the key to the trigger lock was kept; or 2) locked the firearm in a key or combination locked container and did not tell or show the juvenile where the key was kept or what the combination was.⁸⁴

Delaware does not require a locking device to accompany the sale of a firearm, although [federal law](#) applies, and no state statutes require firearm owners to affirmatively lock their weapons.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

⁸³ Del. Code Ann. tit. 11, § 603. A juvenile is a person less than 18 years of age. Del. Code Ann. Del. Code Ann. tit. 1, § 701.

⁸⁴ Del. Code Ann. tit. 11, § 603.

Personalized / Owner-Authorized Firearms in Delaware

Delaware does not require firearms to be personalized.

See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

Child Access Prevention in Delaware

Delaware prohibits a parent, guardian or other person legally charged with the care or custody of a child less than 18 years old from knowingly, intentionally or with criminal negligence contributing to or failing to prevent the unlawful possession or purchase of a firearm by a juvenile.⁸⁵ A defendant may raise as an “absolute” defense to charges for violation of this provision that he or she: 1) had a lock on the trigger of the firearm and did not tell or show the juvenile where the key to the trigger lock was kept; or 2) locked the firearm in a key or combination locked container and did not tell or show the juvenile where the key was kept or what the combination was.⁸⁶

In addition, Delaware prohibits any person from allowing a minor access to a firearm when the person intentionally or recklessly stores or leaves a loaded firearm within the reach or easy access of a minor, and where the minor obtains the firearm and uses it to inflict serious physical injury or death upon the minor or any other person.⁸⁷ If an adult is prosecuted under this section, he or she may raise the following affirmative defenses:

- The firearm was stored in a locked box or container or in a location which a reasonable person would have believed to be secure from access to a minor;
- The minor obtained the firearm as the result of an unlawful entry by any person; or
- The serious physical injuries or death to the minor or any other person resulted from a target accident, sport shooting accident or hunting accident.⁸⁸

A parent is criminally liable for “unlawfully dealing with a dangerous weapon” when he or she permits his or her child under age 16 to possess a firearm unless under the direct supervision of an adult.⁸⁹

State administrative regulations may also govern the storage of firearms in specific locations in Delaware.

See [*Regulating Guns in America: Child Access Prevention*](#) for a comprehensive discussion of this issue.

⁸⁵ Del. Code Ann. tit. 11, § 603. A juvenile is a person less than 18 years of age. Del. Code Ann. Del. Code Ann. tit. 1, § 701.

⁸⁶ Del. Code Ann. tit. 11, § 603.

⁸⁷ Del. Code Ann. tit. 11, § 1456(a).

⁸⁸ Del. Code Ann. tit. 11, § 1456(b).

⁸⁹ Del. Code Ann. tit. 11, § 1445(3).

Classes of Weapons / Ammunition

Assault Weapons in Delaware

Delaware has no law regulating assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

Large Capacity Ammunition Magazines in Delaware

Delaware has no law regulating large capacity ammunition magazines.

See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

Fifty Caliber Rifles in Delaware

Delaware has no law regulating fifty caliber firearms.

See [*Regulating Guns in America: Fifty Caliber Rifles*](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms in Delaware

(This section was last updated January 18, 2011.)

Delaware prohibits any person from selling, transferring, purchasing, receiving or possessing a “destructive weapon,” including any machine gun or firearm that is adaptable for use as a machine gun.⁹⁰ This prohibition does not apply to: 1) members of the U.S. military or a police force in Delaware duly authorized to carry a machine gun; or 2) persons possessing machine guns for scientific or experimental research and development purposes, which firearms have been duly registered under the National Firearms Act of 1968 ([26 U.S.C. § 5801 et seq.](#)).⁹¹

Federal law generally allows the possession of machine guns manufactured prior to May 19, 1986 so long as they are registered.

See [LCAV's policy page on Machine Guns](#) for further information.

⁹⁰ Del. Code Ann. tit. 11, § 1444(a).

⁹¹ Del. Code Ann. tit 11, § 1444(b).

Non-Powder Guns in Delaware

(This section was last updated January 18, 2011.)

Delaware prohibits the possession, sale or control of any weapon that, by compressed air, discharges or projects a pellet, slug or bullet, except a B.B. or air gun that is not capable of discharging or projecting a pellet or slug larger than a B.B. shot.⁹² Furthermore, the state prohibits transferring in any manner a B.B. or air gun or B.B. shot to a child under age 16, unless the transferor is the child's parent or guardian or someone with the permission of the child's parent or guardian.⁹³ The state also prohibits allowing a child under age 16 to possess a B.B. or air gun unless under the direct supervision of an adult.⁹⁴

No person may possess a B.B. gun in a state-designated "Safe School and Recreation Zone."⁹⁵

See [*Regulating Guns in America: Non-Powder Guns*](#) for a comprehensive discussion of this issue.

⁹² Del. Code Ann. tit. 11, § 1445(1)(a).

⁹³ Del. Code Ann. tit. 11, § 1445(2).

⁹⁴ Del. Code Ann. tit. 11, § 1445(3).

⁹⁵ Del. Code Ann. tit. 11, § 1457(a), (b), (i).

Ammunition Regulation in Delaware

Persons Prohibited from Purchasing/Possessing Ammunition

Delaware prohibits the purchase, ownership, possession or control of ammunition by the same categories of persons who are ineligible to purchase or possess firearms under state law.⁹⁶ See the [Delaware Prohibited Purchasers Generally](#) section for these prohibited categories.

Minimum Age to Purchase/Possess Ammunition

Delaware prohibits the transfer of ammunition to persons under age 18, unless the person transferring the ammunition is the minor's parent or guardian or first receives the permission of the minor's parent or guardian.⁹⁷

Delaware does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers;
- Require a license to purchase or possess ammunition; or
- Prohibit the possession, transfer or use of armor-piercing or other unreasonably dangerous ammunition, although the [federal prohibition on certain kinds of armor-piercing ammunition](#) applies.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

⁹⁶ Del. Code Ann. tit. 11 § 1448.

⁹⁷ Del. Code Ann. tit. 11, § 1445(4).

Crime Gun Investigation

Microstamping/Ballistic Identification in Delaware

Delaware has no laws regarding firearm microstamping or ballistic identification.

See [Regulating Guns in America: Ballistic Identification](#) and LCAV's policy page on [Firearm Microstamping](#) for comprehensive discussions of these issues.

Trafficking

(This section was last updated January 18, 2011.)

Delaware prohibits any person from purchasing or obtaining a firearm on behalf of a person not qualified to legally purchase, own or possess a gun, or for the purpose of selling, giving or otherwise transferring a firearm to a person not legally qualified to purchase, own or possess a firearm.⁹⁸

Furthermore, Delaware prohibits selling, transferring, giving, lending, or otherwise furnishing a firearm to a person knowing that the person is prohibited from possessing a firearm under state law.⁹⁹

Delaware prohibits any person from knowingly transporting, shipping, possessing or receiving any firearm with the knowledge that the importer's or manufacturer's serial number has been removed, obliterated or altered in a manner that has disguised or concealed the identity or origin of the firearm.¹⁰⁰ This prohibition only applies to firearms manufactured prior to 1973.¹⁰¹

In addition, Delaware prohibits any licensed firearms dealer, manufacturer, importer or employee thereof from willfully and intentionally requesting a criminal history record check from NICS for any purpose other than compliance with background checks for gun purchases, or disseminating any criminal history record information to any person other than the subject of such information.¹⁰²

Finally, Delaware imposes a felony upon any person who, in connection with the purchase, transfer, or attempted purchase or transfer of a firearm, willfully and intentionally makes any materially false oral or written statement, or willfully and intentionally furnishes or exhibits any false identification intended or likely to deceive the dealer.¹⁰³

⁹⁸ Del. Code Ann. tit. 11, § 1455.

⁹⁹ Del. Code Ann. tit. 11, § 1454.

¹⁰⁰ Del. Code Ann. tit. 11, § 1459(a).

¹⁰¹ Del. Code Ann. tit. 11, § 1459(b).

¹⁰² Del. Code Ann. tit. 11, § 1448A(e).

¹⁰³ Del. Code Ann. tit. 11, § 1448A(f).

State Links

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Baltimore Field Division \(DE, MD\)](#)

[State of Delaware Department of Justice](#)