

§ 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 within the reach or easy access of an unauthorized person, the unauthorized person obtains the firearm, and **all** of the following do apply:

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.

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

b. "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)

[Repealed.]

(c)

(1) Unsafe storage of a firearm is a class B misdemeanor if paragraphs (c)(2)a., b., or c. of this section do not apply.

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

a. Commits or attempts to commit a crime with the firearm.

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

c. Transfers or attempts to transfer the firearm to another unauthorized person.

(d) The Superior Court has jurisdiction over an offense under this section.

(e) It is not an offense under this section if the firearm was manufactured in or before the year 1899 or is a replica of such firearm if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition.

History:

Amended by Laws 2019, ch. 35, s 1, eff. 6/6/2019.
69 Del. Laws, c. 360, §1; 70 Del. Laws, c. 186, §1.;