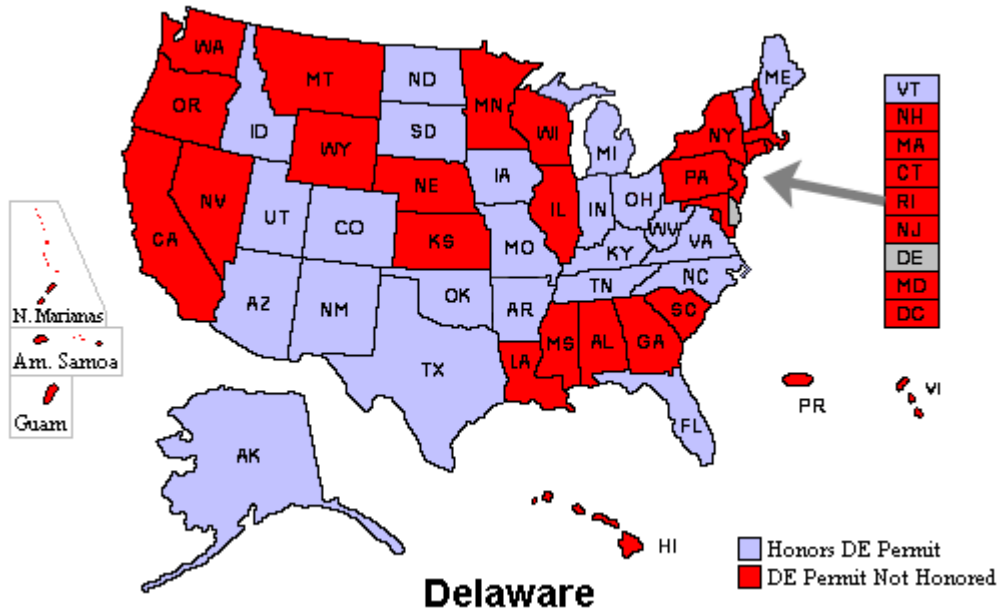


# Delaware

May Issue

Must Inform Officer: **NO**



## Links

[State CCW Site](#)

State CCW Pamphlet

[CCW Application](#)

[Application Instructions](#)

[State Ref. Questionnaire](#)

[State Statutes](#)

[State Admin Rules](#)

[State Reciprocity Info](#)

[State Attorney General](#)

[Secretary of State](#)

Last Updated: 11/2/11

## Permits/Licenses This State Honors

Alaska	Arkansas	Arizona	Colorado	Florida
Kentucky	Maine	Michigan	Missouri	New Mexico
North Carolina	North Dakota	Ohio	Oklahoma	Tennessee
Texas	Utah	Virginia	West Virginia	

## Delaware Honors Non-Resident Permits/Licenses From the States They Honor.

### How to Apply for A Permit

#### Instructions

#### New Applications For A License To Carry A Concealed Deadly Weapon (Delaware Residents Only)

In order for your application for a license to carry a concealed deadly weapon to be processed, the following steps must be completed:

1. Arrange with a newspaper of general circulation in your County to have your application published once, at least (10) days before the filing of your application with the Court. Obtain an affidavit from the newspaper company stating that this requirement has been met, and attach it to your application. PLEASE NOTE: Newspaper selection must have a circulation of at least 35% of the population in your zip code. Be sure to use your whole name - no initials - and your home address.
2. Arrange to be fingerprinted. Fingerprinting by Appointment Only.  
Appointments are **ONLY** Tuesday & Thursday noon to 6:30 p.m.  
You will be given the address of the Delaware State Police Troop to report to at the time you are given an appointment.  
For an appointment call: (302)739-2528 or 1-800-464-4357

Payment by certified check, money order, business check or credit card for exact amount only.

**\* No Cash Or Personal Checks Accepted\***  
**Picture Id Required**

Fingerprints must be taken within 30 days of filing application.

3. Have the reference questionnaires completed by five (5) citizens from the County in which you reside.
4. Complete the attached questionnaire and have it notarized. (The Prothonotary Office will notarize a document for a \$1.00 fee)
5. Include two (2) 1½ x1½ color passport-style photographs of the applicant, taken within the six-month period immediately preceding the filing of the application.
6. Include the statutory filing fee of \$65.00. Cash, money order or personal check, made payable to "PROTHONOTARY" will be accepted. (Credit cards are accepted in Kent County ONLY)
7. New applications may be filed at any time. You must file the original set and a complete copy of all the documents. (DUPLICATE COPY) You may hand deliver your application to the Prothonotary's Office or, if all the requirements are met, mail to the Prothonotary Office in the County in which you are applying:

New Castle County Prothonotary Office  
CCDW Permit  
500 N. King Street, Suite 1500  
Wilmington, DE 19801-3704

Kent County Prothonotary Office  
38 The Green  
Dover, DE 19901

Sussex County Prothonotary Office  
1 The Circle, Suite 2  
Georgetown, DE 19947

You may be contacted by a representative of the Attorney General's Office for a personal interview. If you have any questions, please contact:

New Castle County	302-255-0556
Kent County	302-739-3184
Sussex County	302-854-6959

Following review of you application by the Attorney General's Office and the Court, you will receive written notification as to whether your application has been denied or approved. If your application is approved, you must now complete an Approved Gun Course. For exact details of what the course must include see [11 Del. C. § 1441](#). Upon completion of the course please submit our Certificate - certified by the Instructor and notarized to the Court. Your new CCDW permit will be issued following receipt verification of the gun course

November 2008

Reference Questionnaire can be downloaded ["Here"](#)

New permits will be valid for 3 years and renewals will be valid for 5 years with the passage of HB 258. Cost will go up to \$65.00. The new law was signed by the governor in early February 2010.

Application for Retired Law Enforcement Officers can be downloaded ["Here"](#)

## Non-Resident Permits

Delaware does not issue Non-Resident Permits/Licenses.

## Places Off-Limits Even With A Permit/License

### Carrying Of a Firearm Is Prohibited In

- Federal Buildings
- State approved "SLOTS"
- The 3 slot machine Casinos located in each of the 3 counties.
- Courthouses, police stations, prisons and other detention facilities' (Del. Code §1256 & §1258).
- State/National Forest (Del. Regulation 3.400.8.8).
- Wildlife Management Areas (Del. Regulation 7.8.3.4.1).
- State Parks (Del. Regulation 7.9000.24.3, enforced by §4704(4)).

### State Admin Rules

#### [Title 14 Education](#)

#### [1100 Transportation](#)

#### [1105 School Transportation](#)

9.15 Weapons of any kind are not permitted on a school bus.

### Title 7 Natural Resources and Environmental Control

#### 3900 Wildlife

#### [8.3.4 Firearms on Division Areas.](#)

**8.3.4.1** It shall be unlawful for any person to possess a firearm on lands or waters administered by the Division from March 1 through August 31, except as authorized by the Director in writing.

**8.3.4.2** It shall be unlawful for any person to possess a rifled firearm of any description at any time on those lands bordering the Chesapeake and Delaware Canal and licensed to the Department by the Government of the United States for wildlife management purposes, except that muzzleloaders and shotguns with rifle barrels may be used during deer seasons when it is lawful to use those firearms.

**8.3.4.3** It shall be unlawful for any person to discharge any firearm on lands or waters administered by the Division on Sunday, except in areas designated by the Director or with a permit from the Director.

**8.3.4.4** It shall be unlawful for any person to discharge any firearm on lands or waters administered by the Division for any purpose, including target shooting, other than to hunt during an open season, under conditions approved by the Director and specified on the current wildlife area map.

**8.3.5** Dikes. It shall be unlawful for any person to be in possession of any firearm on any dike administered by the Division, unless such person is temporarily crossing a dike at a ninety degree angle or traversing a dike to reach a Division authorized deer stand location during a deer firearms hunting season.

## Do "No Gun Signs" Have the Force of Law?

**"NO"**

"Handgunlaw.us highly recommends that you not enter a place that is posted "No Firearms" no matter what the state laws read/mean on signage. We recommend you print out the [No Guns = No Money Cards](#) and give one to the owner of the establishment that has the signage." As responsible gun owners and upholders of the 2nd Amendment we should also honor the rights of property owners to control their own property even if we disagree with them."

"No Firearm" signs in Delaware have no force of law unless they are posted on property that is specifically mentioned in State Law as being off limits to those with a Permit/License to Carry. If you are in a place not specifically mentioned in the law that is posted and they ask you to leave, you must leave. If you refuse to leave then you are breaking the law and can be charged. Even if the property is not posted and you are asked to leave you must leave. Always be aware of the possibility that responding Police Officers who may have been called without your knowledge and may not know the laws on trespass etc. could arrest you even if you are within the law.

## Carry In State Parks/State & National Forests/WMA/Road Side Rest Areas

### Carry Allowed in these Areas:

**State Parks: NO** (Del. Regulation 7.9000.24.3, enforced by §4704(4)).

**State/National Forests: NO** State Forest Regs 3.400.8.0

**WMA's: NO** Div. Fish/Wildlife Regs 7.8.3.4.1

**Road Side Rest Areas: YES**

## RV/Car Carry Without A Permit/License

### Title 11

Crimes and Criminal Procedure

Delaware Criminal Code

**Chapter 5.** Specific Offenses

**Subchapter VII.** Offenses Against Public Health, Order and Decency

**Subpart A.** Riot, Disorderly Conduct and Related Offenses

**Note: Must be clearly visible**

### § 1442. Carrying a Concealed Deadly Weapon; Class G Felony; Class E Felony.

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 § 1441 of this title.

Carrying a concealed deadly weapon is a class G felony, unless the accused has been convicted within the previous 5 years of the same offense, in which case it is a class E felony. (11 Del. C. 1953, § 1442; 58 Del. Laws, c. 497, § 1; 59 Del. Laws, c. 547, § 13; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1.)

### § 1443. Carrying a Concealed Dangerous Instrument; Class a Misdemeanor.

(a) A person is guilty of carrying a concealed dangerous instrument when the person carries concealed a dangerous instrument upon or about the person.

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(b) It shall be a defense that the defendant was carrying the concealed dangerous instrument for a specific lawful purpose and that the defendant had no intention of causing any physical injury or threatening the same.

(c) For the purposes of this section, disabling chemical spray, as defined in § 222 of this title, shall not be considered to be a dangerous instrument.

(d) Carrying a concealed dangerous instrument is a class A misdemeanor. (11 Del. C. 1953, § 1443; 58 Del. Laws, c. 497, § 1; 59 Del. Laws, c. 547, § 14; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 374, § 6.)

**Note:** You can't carry a concealed Firearm in a vehicle but if it is on the seat or dash then it is legal. Do not put it under the seat or in the Glove Box/Console. That is concealed. The Dash is best.

## State Preemption

### **Title 22: Chpt. 8: Subchpt. VI: § 835. Amendments Prohibited.**

(6) Prohibit, restrict or license ownership, transfer, possession or transportation of firearms or components of firearms or ammunition, except that the discharge of a firearm may be regulated; provided that any regulation or ordinance incorporates the justification defenses as found in Title 11 of the Delaware Code. Nothing contained herein shall be construed to invalidate existing municipal ordinances.

## Deadly Force Laws

### **Title 11. Crimes and Criminal Procedure**

#### **Part 1. Delaware Criminal Code.**

#### **Chapter 4. Defenses to Criminal Liability.**

§ 461. Justification - A defense.

§ 462. Same - Execution of public duty.

§ 463. Justification - Choice of evils.

§ 464. Justification - Use of force in self-protection.

§ 465. Same - Use of force for the protection of other persons.

§ 466. Same - Use of force for the protection of property.

§ 467. Same - Use of force in law enforcement.

§ 468. Same - Use of force by persons with special responsibility for care, discipline or safety of others.

§ 469. Justification - Person unlawfully in dwelling.

§ 470. Provisions generally applicable to justification.

§ 471. Definitions relating to justification.

§ 475. Immunity as an affirmative defense.

## Knife Laws State/Cities

To access State/Local Knife Laws Click [“Here”](#)

## Carry in Restaurants That Serve Alcohol

**YES**

**Note:** A “YES” above means you can carry into places like described below. “NO” means you can't. Handgunlaw.us definition of “Restaurant Carry” is carry in a restaurant that serves alcohol. Places like Friday's, Chili's or Red Lobster. This may or may not mean the bar or the bar area of a restaurant. But you can carry your firearm into a restaurant that serves alcohol and sit and eat without consuming. Handgunlaw.us recommends you not sit at the Bar or in the Bar area of such restaurants. In some states it is illegal to be in the Bar area of such restaurants. Handgunlaw.us believes you should never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm. If you want further info on carrying in places that serve alcohol check your state laws.

## Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws

### New Castle County, DE

#### [Sec. 22.03.009.](#) - Stun Guns and Taser Guns.

**A.** It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell, purchase or possess a stun gun or taser gun.

**B.** The term "stun gun," as used in this Section, means any battery-powered, pulsed electrical device of high voltage and low or no amperage which, when pressed against a person, can disrupt the central nervous system and cause temporary loss of voluntary muscle control of such person.

**C.** The term "taser gun," as used in this Section, means any device contained in a package which permits it to be hand held, containing an electrical supply unit, and into which an expendable plastic cassette may be inserted and which operates by shooting or projecting a ball, net or dart carrying fine wires from the package to the target and which, upon hitting a person, can send out current capable of disrupting the person's nervous system in such a manner as to render the person incapable of functioning normally.

**D.** Exempt from this Section shall be any law enforcement officer while performing his or her lawful duties within this County and those selling to any law enforcement officer while performing his or her lawful duties within this County.

**E.** A conviction of violation of this Section shall be punishable as provided in [Section 1.01.009](#) of this Code.

(Ord. No. 98-050, § 1(22-69), 5-26-1998)

## LEOSA State Information

[Delaware LEOSA Information](#)

[Delaware LEOSA From the AG 2007](#)

[Delaware LEOSA From the AG 2009](#)

[Delaware LEOSA State Guidelines](#)

## Attorney General Opinions/Court Cases

Handgunlaw.us can find no AG Opinions or Court Cases concerning the carrying of firearms. This does not mean there are no AG Opinions or Court Cases. We could just not find any.

## Airport Carry/Misc. Information

**Airport Carry:** No laws found.

**Training Valid for:** No laws found.

**Time Period to Establish Residency:** Reside in Jurisdiction

**Minimum Age for Permit/License:** 18

**Permit/License Info Public Information:** **NO** Title 11 Chpt. 5 Subchpt. VII Subpart A - 1441 (b) The Prothonotary of the county in which any applicant for a license files the same shall cause notice of every such application to be published once, at least 10 days before the next term of the Superior Court. The publication shall be made in a newspaper of general circulation published in the county. In making such publication it shall be sufficient for the Prothonotary to do the same as a list in alphabetical form stating therein simply the name and residence of each applicant respectively.

**State Fire arm Laws:** 11-5-VII-1441 thru 1459

**State Deadly Force Laws:** 11-4-461 thru 475

**State Knife Laws:** 11-2-222

**Chemical/Electric Weapons Laws:** 11-5-VII-1443

**Body Armor Laws:** 11-5-VII-1449

**Does Your Permit Cover Other Weapons Besides Firearms?** **YES** § 1441

**Is carrying of a Concealed Firearm with Permit/License for Defensive Purposes Only While Hunting Legal?** ? Not While Bow Hunting Deer. It is now legal to hunt deer with a handgun during any shotgun deer season. The Handgun must be used in place of a shotgun. You cannot carry both in the field at the same time. Unsure at other times. DE F&W Hunting & Trapping Guide.

## Notes

### What Does DE Consider A Loaded Firearm?

TITLE 7

Conservation

Game, Wildlife and Dogs

Chapter 7. Regulations And Prohibitions Concerning Game And Fish

Subchapter I. General Provisions

**§ 708. Loaded Firearms Prohibited in or on Motor Vehicles, Motorboats or Farm Machinery.**

No person shall have a loaded shotgun or rifle in that person's possession in, against or on any automobile, other vehicle, any piece of farm machinery, motorboat while under power, sailboat while under power, or have any ammunition in the magazine or chamber of such shotgun or rifle except when it is otherwise lawful to hunt crippled migratory birds from a motorboat as permitted by federal law.

## Permit/License Image

Delaware counties issue Licenses and each county may have a different format.



This image has been digitally assembled from 2 or more images. It may not be 100% accurate but gives a good representation of the actual Permit/License.

## Updates to this Page

- 3/31/09 – Maine now honors a DE Permit
- 4/16/09 - Additional LEOSA link Added
- 5/4/09 – State Park carry changed to NO.
- 7/8/09 – DE now honors VA
- 8/19/09 - All Links checked and repaired if needed.
- 11/20/09 – DE signs Reciprocity Agreement with WV
- 12/22/09 – School Bus Carry added to Places off Limits. Permit Info Public updated.
- 2/10/10 – Cost and term of permit/license updated. LEOSA Link Added
- 3/7/10 – Places Off Limits Updated with Law citations.
- 3/26/10 – Link to Application Instructions Added
- 8/11/10 - Links checked.
- 9/7/10 – DE & SC Signed Reciprocity Agreement.
- 10/2/10 – Note added to RV/Car Carry Section.
- 1/1/11 – IA now Honors DE. Notes Section Added.
- 1/18/11 – Format Repairs
- 1/20/11 – DE removed SC as a state they would honor.
- 2/18/11 – Stun Gun/Taser Law for New Castle County Added.
- 4/5/11 –All Links Checked.
- 4/14/11 – Places Off Limits updates with info and link to Natural Resources and Environmental Control Regulations. Info on Carrying while Hunting Added.
- 8/15/11 – LEOSA State Guidelines Link Added.
- 9/9/11 – All Links Checked and Repaired if Needed.
- 11/2/11 – DE Now Honors New Mexico