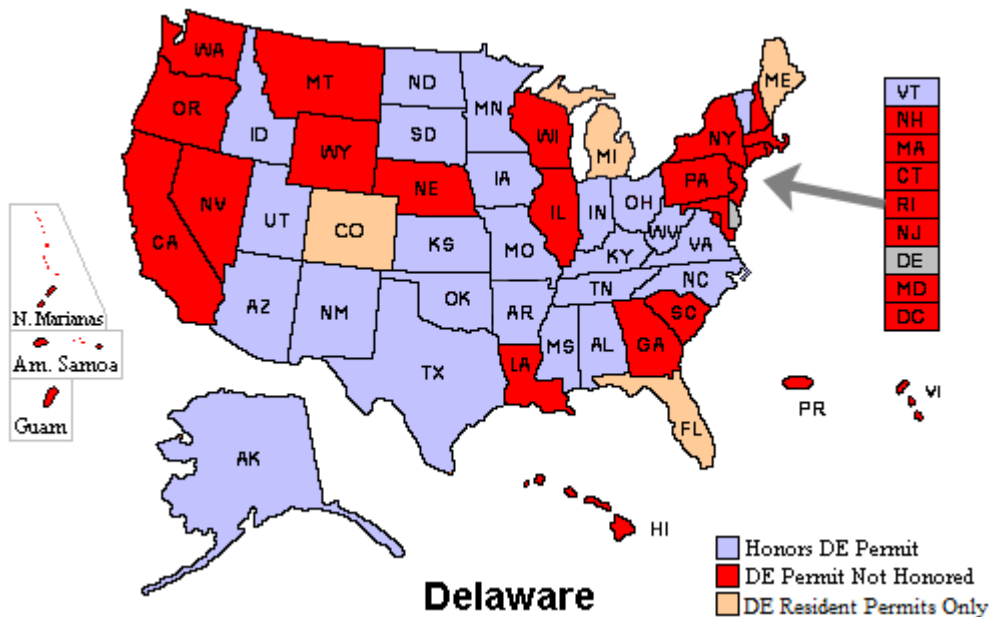


# Delaware

May Issue

Must Inform Officer Immediately: **NO**

(See Must Inform Section Below)



[Delaware CCW Links](#)

[State CCW Site](#)

[DE License to Carry Statutes](#)

[CCW Application](#)

[Application Instructions](#)

[State Ref. Questionnaire](#)

[State Statutes](#)

[State Admin Rules](#)

[State Reciprocity Info](#)

[State Attorney General](#)

[Secretary of State](#)

**Last Updated: 2/28/18**

**Note:** [Alaska](#), [Arizona](#), [Kansas](#), [Maine](#), [Mississippi](#), [Missouri](#), [New Hampshire](#), [Vermont](#) and [West Virginia](#) have “Permitless Carry.” Anyone who can legally possess a firearm may carry it concealed in those states without a Permit/License. Check each states page for more information and any restrictions that may apply.

[Idaho](#), [North Dakota](#) and [Wyoming](#) have “Permitless Carry” for their Residents only.

## Permits/Licenses This State Honors Listed Below

Alaska	Arkansas	Arizona	Colorado	Florida
<b>Idaho<sup>1</sup></b>	Kansas	Kentucky	Maine	Michigan
Missouri	New Mexico	North Carolina	<b>North Dakota<sup>1</sup></b>	Ohio
Oklahoma	<b>South Dakota<sup>1</sup></b>	Tennessee	Texas	Utah
West Virginia				

Idaho<sup>1</sup> – Delaware only honors the Idaho Enhanced Permit.  
North Dakota<sup>1</sup> – Delaware only honors the North Dakota Class 1 Permit.  
South Dakota<sup>1</sup> – Delaware only honors the South Dakota Enhanced Permit.

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

## Reciprocity/How This State Honors Other States Permit/Licenses

**Title 11 Chapter 5 Subchapter VII**  
**[§ 1441](#). License to Carry Concealed Deadly Weapons.**

(j) Notwithstanding any other provision of this Code to the contrary, the State of Delaware shall give full faith and credit and shall otherwise honor and give full force and effect to all licenses/permits issued to the  
[www.handgunlaw.us](http://www.handgunlaw.us)

citizens of other states where those issuing states also give full faith and credit and otherwise honor the licenses issued by the State of Delaware pursuant to this section and where those licenses/permits are issued by authority pursuant to state law and which afford a reasonably similar degree of protection as is provided by licensure in Delaware. For the purpose of this subsection "reasonably similar" does not preclude alternative or differing provisions nor a different source and process by which eligibility is determined. Notwithstanding the forgoing, if there is evidence of a pattern of issuing licenses/permits to convicted felons in another state, the Attorney General shall not include that state under the exception contained in this subsection even if the law of that state is determined to be "reasonably similar." The Attorney General shall communicate the provisions of this section to the Attorneys General of the several states and shall determine those states whose licensing/permit systems qualify for recognition under this section. The Attorney General shall publish on January 15th of each year a list of all States which have qualified for reciprocity under this subsection. Such list shall be valid for one year and any removal of a State from the list shall not occur without 1 year's notice of such impending removal. Such list shall be made readily available to all State and local law-enforcement agencies within the State as well as to all then-current holders of licenses issued by the State of Delaware pursuant to this Section.

## 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. Fingerprints must be taken within 45 days of filing application. Fingerprinting by Appointment Only. Appointments are ONLY Tuesday & Thursday noon to 6:30 p.m. For an appointment call: (302)739-2528 You will be given the address of the Delaware State Police Troop to report to at the time you are given an appointment. You may want to verify payment methods at the time you schedule your interview.
3. Have the reference questionnaires completed by five (5) citizens from the County in which you reside.
4. Complete the application and have it notarized.
5. Include two (2) 1 1/2 x 1 1/2 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.
7. New applications may be filed at any time. You must file the original set and a complete copy of all the documents. (DUPLICATE
8. 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 reside:

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

Kent County  
Kent County Prothonotary Office  
38 The Green  
Dover, DE 19901

Sussex County  
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 302-255-0690      Kent County 302-739-3184      Sussex County 302-854-6959

Following review of your 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\(3\)](#). Upon completion of the course please submit a notarized certification of satisfactory completion of the firearm training course. If you can not complete the course within 90 days of the approval of your gun permit, please submit proof that you have enrolled in the course.

If a certification or proof of enrollment is not filed with the Court within 90 days of the approval of your gun permit, we will assume you no longer want to obtain a gun permit. In order to obtain a gun permit, you will have to start the process over.

**Age to Apply      18 Years of Age.**

**Title 11 Subchpt. VII Chpt 5 [§ 1441](#). License to carry concealed deadly weapons.**

(a) A person of full age and good moral character desiring to be licensed to carry a concealed deadly weapon for personal protection

**Title 1 - Chapter 3 [§ 301](#) Rules of construction and definitions.**

The rules of construction and the definitions set forth in this chapter shall be observed in the construction of this Code and all other statutes, unless such construction would be inconsistent with the manifest intent of the General Assembly, or repugnant to the Code or to the context of the same statute.

**Title 1 - Chapter 3 [§ 302](#) Definitions.**

In the construction of this Code and of all other statutes of this State, unless the context requires a different meaning:

(3) "Full age" means the age of 18 years or older.

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

## Non-Resident Permits

### Title 11 Chapter 5 Subsection VII

#### § 1441. License to carry concealed deadly weapons.

(k) The Attorney General shall have the discretion to issue, on a limited basis, a temporary license to carry concealed a deadly weapon to any individual who is not a resident of this State and whom the Attorney General determines has a short-term need to carry such a weapon within this State in conjunction with that individual's employment for the protection of person or property. Said temporary license shall automatically expire 30 days from the date of issuance and shall not be subject to renewal, and must be carried at all times while within the State. However, nothing contained herein shall prohibit the issuance of a 2nd or subsequent temporary license. The Attorney General shall have the authority to promulgate and enforce such regulations as may be necessary for the administration of such temporary licenses. No individual shall be issued more than 3 temporary licenses.

(l) All applications for a temporary license to carry a concealed deadly weapon made pursuant to subsection (k) of this section shall be in writing and shall bear a notice stating that false statements therein are punishable by law.

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

**Note:** See Preemption Section for carry in Police Stations and County/City Buildings. I can find nothing in the DE State Statutes or the DE Administrative Rules stating Slot/Casinos are off limits.

### Carrying Of a Firearm Is Prohibited In

- Federal Buildings
- State approved "SLOTS"
- Courthouses, police stations, prisons and other detention facilities' (Title 11 [§ 1256](#) & [§ 1258](#)).
- Wildlife Management Areas (Del. Regulation [7.8.3.4.1](#)).

### State Admin Rules

#### Title 14 Education

#### 1100 Transportation

#### 1150 School Transportation

#### 10.15 Weapons of Any Kind Are Not Permitted On A School Bus.

**Note:** The Delaware Supreme [Court Ruled](#) on 12/7/17 that the DNREC could not ban legally carried firearms in State Parks and State Forests. That ruling doesn't mention other properties under the Dept. of Natural Resources and Environmental Control only State Parks and Forests. The below Admin Rule would apply to other properties in the Division not covered by the ruling such as Wildlife Areas.

### Title 7 Natural Resources and Environmental Control

#### 3000 Division of Fish and Wildlife

#### 3900 Wildlife

#### 8.0 General Rules and Regulations Governing Land and Waters Administered by the Division

#### 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.

### **State Parks and State Forests Emergency Regulations.**

**26 December 2017 Valid for 120 days with a 60 day extension allowable.** The Dept of Natural Resources and Environmental Control has released [Emergency Regulations](#) for carrying firearms in State Parks and State Forests due to a Delaware Supreme Court Ruling. The main part of the ruling states there are designated places that are off limits but then states those with a **Resident Delaware Permit** can carry there. Then goes on to state that anyone not prohibited under [§ 1448](#), which is a listing of persons prohibited from possessing firearms, can carry anywhere else in the park. This would be open carry. Handgunlaw.us does not know if these restrictions would apply to non-residents with permit/licenses Delaware honors to carry in those "Designated Areas." Handgunlaw.us recommends you read the [Emergency Regulations](#) and use caution if a non-resident. This will be updated when permanent rules are adopted on this issue.

**Dover** (Dover has this ordinance about carrying in city parks. All that I am hearing is this ordinance was Grandfathered and is in effect. Use Caution. )

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For Federal Restrictions on Firearms see the [USA Page](#).

### **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.

## Must Inform Officer Immediately on Contact By Law?

**“NO”**

### Title 11 Chapter 19. Subchapter I

#### § 1902. Questioning and Detaining Suspects.

(a) A peace officer may stop any person abroad, or in a public place, who the officer has reasonable ground to suspect is committing, has committed or is about to commit a crime, and may demand the person's name, address, business abroad and destination.

(b) Any person so questioned who fails to give identification or explain the person's actions to the satisfaction of the officer may be detained and further questioned and investigated.

(c) The total period of detention provided for by this section shall not exceed 2 hours. The detention is not an arrest and shall not be recorded as an arrest in any official record. At the end of the detention the person so detained shall be released or be arrested and charged with a crime.

Code 1935, § 5343-B; 48 Del. Laws, c. 304; 11 Del. C. 1953, § 1902; 56 Del. Laws, c. 152, § 1; 70 Del. Laws, c. 186, § 1.;

#### § 1903. Searching Questioned Person for Weapon.

A peace officer may search for a dangerous weapon any person whom the officer has stopped or detained to question as provided in § 1902 of this title, whenever the officer has reasonable ground to believe that the officer is in danger if the person possesses a dangerous weapon. If the officer finds a weapon, the officer may take and keep it until the completion of the questioning, when the officer shall either return it or arrest the person. The arrest may be for the illegal possession of the weapon.

Code 1935, § 5343C; 48 Del. Laws, c. 304; 11 Del. C. 1953, § 1903; 70 Del. Laws, c. 186, § 1.;

**Note:** I can find nothing in Delaware law that states you must carry your permit/license on your person. Handgunlaw.us recommends you always carry your issued permit when carrying your legal firearm. I have been informed by a Firearms Instructor in DE that the DE AG has stated if you are carrying you must have your permit on you.

## Carry In State Parks//WMA/Road Side Rest Areas & St. /Nat. Forests

### Carry Allowed in these Areas:

**State Parks:** **YES** Per [DE Supreme CT Ruling](#) See Emergency Regs in Places Off Limits.

**State/Nat. Forests:** **YES** Per [DE Supreme Ct Ruling](#) See Emergency Regs in Places Off Limits.

**State Wildlife Areas:** **NO** Title 7 - Wildlife - General Rules and Regulations – [3900- 8.3.4](#)

**Road Side Rest Areas:** **YES**

## RV/Car Carry Without a Permit/License

### Title 11 Chapter 5. Subchapter VII.

**Note: Must be clearly visible**

## Subpart A.

### **§ 1442 Carrying a concealed deadly weapon; class G felony; class D 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 deadly weapon is a firearm, in which case it is a class D felony.

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.

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; 77 Del. Laws, c. 313, §§ 1, 6;

### **§ 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.

(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.

## **Open Carry (Without a Valid Permit/License)**

Open Carry is legal in Delaware but from all I can find out not a common practice. Places as listed in the "Places Off Limits" above apply to those who open carry. See the "RV/Car Carry Without a Permit" section for carrying in a vehicle. Delaware has preemption but some Cities and Counties that had Laws/Ordinances concerning the carrying of firearms were grandfathered when preemption was passed. It is up to you to know the local Laws/Ordinances. The Minimum age for Open Carry is 18.

In some states Open Carry is forbidden in places where those with a valid permit/license can carry. This is not the last word on Open Carry in this state. Check at [www.opencarry.org](http://www.opencarry.org) or go to Google and type in State Name Open Carry or Open Carry State Name for a search for open carry info in this state. Check with the [State's RKBA](#) Organization/s. Also see "Attorney General Opinions/Court Cases" Section for any written opinions/Cases on Open Carry.

## **State Preemption**

### **Title 22: Chpt. 8: Subchpt. VI:**

#### **§ 835. Amendments Prohibited.**

(a) This chapter shall not permit the amending of a municipal charter so as to:

(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.

**Title 9: Chpt. 3: Subpart II**

**§ 330 General powers and duties.**

(a) The county government of each county shall:

- (1) Except as otherwise provided by law, have the direction, management and control of the business and finances of the respective counties; and
- (2) Have full and complete jurisdiction over all matters and things now or hereafter vested by law in the county governments of the respective counties, or in, or appertaining to, the office of the county governing officials of each county; and
- (3) Have and exercise every power, privilege, right and duty which belongs and appertains to the county governments of the respective counties, or to the office of the county governing officials of the county; and
- (4) Have the power and authority to impose and collect by ordinance a tax upon the transfer of real property situate within unincorporated areas of the county, subject to the conditions and limitations provided in § 8102 of this title.

(b) The county governments of the several counties shall take care that:

- (1) The affairs of the respective counties are administered with efficiency and economy; and
- (2) The officers and employees of the counties, chosen and appointed by the county governments, shall faithfully perform the duties imposed upon them.

(c) The county governments shall enact no law or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or components of firearms or ammunition except that the discharge of a firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title 11 of the Delaware Code.

(d) Notwithstanding subsection (c) of this section, county governments may adopt ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in police stations and county buildings which contain all of the provisions contained in this subsection. Any ordinance adopted by a county government regulating possession of firearms, ammunition, components of firearms, or explosives in police stations or county buildings shall require that all areas where possession is restricted is clearly identified by a conspicuous sign posted at each entrance to the restricted area. The sign may also specify that persons in violation may be denied entrance to the building or be ordered to leave the building. Any ordinance adopted by county governments relating to possession in police stations or county buildings shall also state that any person who immediately foregoes entry or immediately exits such building due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating the ordinance. County governments may establish penalties for any intentional violation of such ordinance as deemed necessary to protect public safety. An ordinance adopted by the county government shall not prevent the following in county buildings or police stations:

- (1) possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;
- (2) law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition or explosives;
- (3) law enforcement agencies conducting firearms safety and training programs;



- (4) law enforcement agencies from conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;
- (5) compliance by persons subject to protection from abuse court orders;
- (6) **carrying firearms and ammunition by persons who hold a valid license pursuant to either § 1441 or §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self-defense or defense of others;**
- (7) officers or employees of the United States duly authorized to carry a concealed firearm;
- (8) agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

(e) For the purposes of this section, “county building” means a building where a county government entity meets in its official capacity or containing the offices of elected officials and of public employees actively engaged in performing governmental business but excluding any parking facility; provided, however, that if such building is not a county owned or leased building, such building shall be considered a county building for the purposes of this section only during the time such government entity is meeting in or occupying such a building.

**Title 22 § 111 Limitation on firearm regulations.**

(a) The municipal governments shall enact no law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or components of firearms or ammunition except that the discharge of a firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title 11. Nothing contained herein shall be construed to invalidate municipal ordinances existing before July 4, 1985, and any ordinance enacted after July 4, 1985, is hereby repealed. Notwithstanding the provisions of this section to the contrary, the City of Wilmington may, in addition to the nature and extent of regulation permitted by this section, enact any law or ordinance governing the possession or concealment of a paintball gun within its corporate limits as it deems necessary to protect the public safety.

(b) Subsection (a) notwithstanding, municipal governments may adopt ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in police stations and municipal buildings which contain all of the provisions contained in this subsection. Any ordinance adopted by a municipal government regulating possession of firearms, ammunition, components of firearms, or explosives in police stations or municipal buildings shall require that all areas where possession is restricted is clearly identified by a conspicuous sign posted at each entrance to the restricted area. The sign may also specify that persons in violation may be denied entrance to the building or be ordered to leave the building. Any ordinance adopted by municipal governments relating to possession in police stations or municipal buildings shall also state that any person who immediately foregoes entry or immediately exits such building due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating the ordinance. Municipal governments may establish penalties for any intentional violation of such ordinance as deemed necessary to protect public safety. An ordinance adopted by the municipal government shall not prevent the following in municipal buildings or police stations:

- (1) possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;
- (2) law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition or explosives;
- (3) law enforcement agencies conducting firearms safety and training programs;
- (4) law enforcement agencies from conducting firearm or ammunition public safety programs, donation,

amnesty, or any other similar programs in police stations or municipal buildings;

- (5) compliance by persons subject to protection from abuse court orders;
- (6) **carrying firearms and ammunition by persons who hold a valid license pursuant to either § 1441 or §1441A of Title 11 of this Code so long as the firearm remains concealed except for inadvertent display or for self-defense or defense of others;**
- (7) officers or employees of the United States duly authorized to carry a concealed firearm; or
- (8) agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

(c) For the purposes of this subsection, “municipal building” means a building where a municipal government entity meets in its official capacity or containing the offices of elected officials and of public employees actively engaged in performing governmental business but excluding any parking facility; provided, however, that if such building is not a municipally owned or leased building, such building shall be considered a municipal building for the purposes of this section only during the time such government entity is meeting in or occupying such a building.

## 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 or Red Lobster unless posted with “No Gun Signs.” 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)

### Wilmington, DE

#### Sec. 36-161. - Stun Guns, etc.

- (a)** It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell, or possess a converted tear gas gun, stun gun or taser gun.
- (b)** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1)** Converted tear gas gun means a tear gas gun which has been altered to fire a projectile with sufficient force to cause death or physical injury.
  - (2)** Stun gun 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.
  - (3)** Taser gun means any device contained in a package which permits it to be handheld, 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.
- (c)** Any law enforcement officer while performing his lawful duties within the city shall be exempted from the effect of this section. For purposes of this section, the term "law enforcement officer" shall include police

officers, the attorney general, the attorney general's deputies and investigators, the sheriff, and the sheriff's deputies, prison guards, constables and bailiffs.

(d) A conviction of violation of this section shall be punishable by a fine of not less than \$500.00 and not more than \$2,500.00 or by both such fine and imprisonment not exceeding six months. The minimum sentence of \$500.00 fine shall not be subject to suspension or reduction for any reason. (Ord. No. 92-053(sub 1), § 26(j)(4)(39-19.4), 7-2-92) State law reference— Possession, sale, etc., of martial arts throwing star, 11 Del. C. § 1453.

## Newark, Delaware

### Sec. 31-5. - Stun Guns and Taser Guns.

(a) It shall be unlawful for any person within the limits of the city to possess, wear, carry or knowingly transport 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) This section shall not apply to any law enforcement officer while performing his or her lawful duties within the city.

(e) This section shall not apply to any person who possesses, wears, carries or transports a stun gun or taser gun on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases.

## LEOSA State Information

[Delaware LEOSA Information](#)

[Delaware LEOSA Information 2](#)

[Delaware LEOSA State Guidelines](#)

[DE Dept of Correction LEOSA Policy](#)

DE LEOSA Statutes Title 11 [§ 1441A](#) & [§ 1441B](#)

See the LEOSA Section on the [USA Page](#) at Handgunlaw.us for more LEOSA Information.

## Attorney General Opinions/Court Cases

[DE Supreme Court – Carrying Weapons in Your Home Without a Permit/License to Carry](#)

[DE Supreme Court – Carry Outside the Home and On Public Housing Grounds](#) (3/18/14)

[DE Superior Court – Banning Carry in State Parks and Forests Constitutional](#) (12/16)

[DE Supreme Court –Overturned Ban on Carrying in State Parks/Forests.](#) (12/2017)

## 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 **BUT (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 Reciprocity/How They Honor Other States Statute:** Title 11 Chpt. 5 Subchpt. VII § 1441.

**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** Title 11-5-VII- § 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.

## State Emergency Powers

**Title 20 Chapter 31. Subchapter III.**  
**§ 3115 Authority of the Governor**

**(b)** In performing the duties of the Governor under this chapter, the Governor may issue, amend and rescind all necessary executive orders, emergency orders, proclamations and regulations, which shall have the force and effect of law.

## Title 20 Chapter 31. Subchapter III.

### § 3116. Powers.

The Governor may issue separate levels of driving restrictions throughout the State based on the severity of conditions in any given area within the State; and

(13) Take such other actions as the Governor reasonably believes necessary to help maintain life, health, property or public peace.

(c) During an emergency or disaster:

(1) Nothing contained in this section shall be construed as granting the power to suspend or limit the right of law abiding citizens to keep and bear arms for defense of self, family, home and State as guaranteed by Article I, § 20 of the Delaware Constitution; and

(2) Nothing contained in this section shall prevent law-abiding citizens, during such emergency or disaster, from taking reasonable steps to safeguard their arms from destruction, looting or theft, including but not limited to their removal of such items from areas of danger to locations of relative safety.

**Note:** Federal Law can apply if the state is receiving monetary and/or other assistance from the Federal Government. See [US Code 42-5207](#) for Federal Law as it applies to States of Emergencies. The state quoted code may also not be all of the law on Emergency Powers held by the state. You should read the entire code on Emergency Powers etc for this state by following the link to the state code.

### **Minimum Age for Possessing and Transporting of Handguns.**

Delaware 18 Y/O Title 11, Chapter 5 Subchapter VII, Subpart A, [§ 1445](#)

This is the minimum age for possessing and transporting a handgun unloaded and secured in a vehicle without any type of permit/license to carry firearms.

Some states (and counties) require Firearms Identification Cards, and/or registration.

**Note:** In some states Possession and Transportation CAN be very restrictive in that you can ONLY possess and transport a handgun to and from a Shooting Range, Gun Shop, property you own or other places you can legally possess a handgun. Some states do not have this restriction. This is not the last word on possession and transporting of handguns in this, or any other state. Study your state law further for more information. See “RV/Car Carry” Section Above for more information

### **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

### [Archive of Previous Updates 1](#)

**2/1/17** – All Links Checked and Repaired if Needed.

**2/15/17** – DE Only Honors the North Dakota Class 1 Permit.

**2/24/17** – New Hampshire Added as Permitless Carry State to List of States Under Map at Top of Page.

**5/25/17** – Note In Must Inform Officer Section with supplied DE Instructor Info. Same for age to obtain permit in Airport Carry/Misc Section.

**8/20/17** – All Links Checked.

**11/20/17** - DE LEOSA Statutes Title 11 § 1441A & § 1441B Added To LEOSA Section. Statute Links Updated.

**12/8/17** – DE Supreme Court Ruling on Carry in State Parks/Forests Upheld Added to AG Opinions/Ct Case Section. State Parks/Forests Removed From Places Off Limits Section.

**12/15/17** – Note Added in Places Off Limits on DNREC Properties in Respect to Recent DE Supreme Ct. Ruling.

**1/2/18** – Emergency Administrative Rules for Carrying in St Parks/Forests Added to Places Off Limits Section.

**2/10/18** – All Links Checked.

**2/18/18** – Delaware Now Honors Kansas.

**2/28/18** – Age to Apply Info Added to How to Apply Section.