



Select Delaware Mandatory Minimum Laws

IMPORTANT NOTE: This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.

Drug Offenses*

Code Section	Offense	Mandatory Minimum Sentence
§ 16-4753A	Trafficking in Controlled Substances	
(1)	MARIJUANA 5 – 99 pounds 100 – 499 pounds 500+ pounds	2 Years 4 Years 8 Years
(2)	COCAINE 10 – 49 grams 50 – 99 grams 100+ grams	2 Years 4 Years 8 Years
(3)	OPIATES 2.5 – 9 grams 10 – 49 grams 50+ grams	3 Years 10 Years 25 Years
(4)	METHAMPHETAMINE 5 – 49 grams 50 – 99 grams 100+ grams	2 Years 4 Years 8 Years
(5)	AMPHETAMINE 5 – 49 grams 50 – 99 grams 100+ grams	2 Years 4 Years 8 Years
(6)	PHENYLCYCLIDINE (PCP) 5 – 49 grams 50 – 99 grams 100+ grams	2 Years 4 Years 8 Years
(7)	LYSERGIC ACID (LSD) 50 – 99 doses/5 – 9 liquid mg 100 – 499 doses/10 – 49 liquid mg 500+ doses/50+ liquid mg	2 Years 4 Years 8 Years
(8)	DESIGNER DRUG 25 – 249 doses/5 – 49 grams/5 – 49 ml 250 – 499 doses/50 – 99 grams/50 – 99 ml 500+ doses/100+ grams/100+ ml	2 Years 4 Years 8 Years



Drug Offenses*, cont.

Code Section	Offense	Mandatory Minimum Sentence
§ 16-4753A	Trafficking in Controlled Substances	
(9)	MDMA (Ecstasy) 25 – 249 doses/5 – 49 grams/5 – 49 ml 250 – 499 doses/50 – 99 grams/50 – 99 ml 500+ doses/100+ grams/100+ ml	2 Years 4 Years 8 Years
§ 16-4763(a)(2)	Defendant has a Prior Conviction for Distribution, Trafficking, or Distribution to a Minor, and commits:	
	Manufacture, delivery, or possession with intent to manufacture/deliver a controlled substance or a counterfeit controlled substance (excluding heroin or heroin mixture)	3 Years
	Manufacture, delivery, or possession with intent to manufacture/deliver a controlled substance, a counterfeit controlled substance, a non-narcotic, or any anabolic steroid or any counterfeit substance purporting to be an anabolic steroid	3 Years
	Manufacture, delivery, or possession with intent to manufacture/deliver heroin or heroin mixture	5 Years
	Distributing a Schedule I, II, III, IV or V** non-narcotic drug to a person under the age of 21	7 Years
	Distributing a Schedule I or II** narcotic drug to a person under the age of 21	10 Years
§ 16-4761(a)(3)	Distribution of Schedule I or II** Narcotic to a Child:	
	If the recipient of the narcotic substance is under the age of 16	1 Year
	If the recipient of the narcotic substance is under the age of 14	2 Years
§ 16-4761(a)(4)	Distribution of Schedule I, II, III, IV, or V** Non-narcotic to a Child:	
	If the recipient of the non-narcotic substance is under age of 16	6 Months
	If the recipient of the non-narcotic substance is under age of 14	1 Year
§ 16-4751(d)	Non-addict convicted of manufacture, delivery, or possession with intent to manufacture/deliver a Schedule I, II, III, IV, or V** narcotic or non-narcotic controlled substance or a counterfeit controlled substance:	
	First conviction	6 Years
	Second or subsequent conviction	12 Years

*If the defendant moved to Delaware in order to commit the offense, the sentence must be increased by one year imprisonment.

**For the complete list of Schedules I-V substances, please visit § 16-4714 - § 16-4722. These classifications are available at <http://delcode.delaware.gov/title16/c047/sc02/index.shtml>.

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Weapons Offenses

Code Section	Offense	Mandatory Minimum Sentence
§ 11-1447A(b)	Possession of Firearm during Commission of a Felony -- First or Second Felony Conviction	3 Years, added to the sentencing for the underlying crime
§ 11-1447A(c)	Possession of Firearm during Commission of a Felony -- Third Felony Conviction	5 Years, added to the sentence for the underlying crime
§ 11-1448(f)(1)	Possession or Purchase of a Handgun, Pistol, or Revolver by a Juvenile Over Age 14 - First offense - Second and subsequent offenses	6 months 1 year
§ 11-1448(e)(1)	Possession or Purchase of Firearm by a Prohibited Person†, and the Prohibited Person:	
(a)	Has one prior conviction for a violent felony	1 Year
(b)	Possesses or purchases the firearm within - 10 years of the date of conviction for a violent felony, or - 10 years of the date of termination of incarceration or confinement for that conviction, whichever is later.	3 Years
(c)	Has two or more prior convictions, on separate occasions, for a violent felony	5 Years
§ 11-1448(e)(2)	Possession or Purchase of Firearm by a Prohibited Person† Who has a Prior Conviction for a Violent Felony and Who Negligently Causes Serious Injury or Death to Another Person Through the Use of the Firearm	
(a)	If prohibited person has one prior conviction for a violent felony	4 Years
(b)	If prohibited person causes such injury or death within - 10 years of the date of conviction for a violent felony, or - 10 years of the date of the termination of incarceration or confinement for that conviction, whichever is later.	6 Years
(c)	If the prohibited person has two or more prior convictions, on separate occasions, for a violent felony	10 Years

† A prohibited person is defined at § 11-1448(a).