



Written by [Jack Kenny](#) on February 22, 2013

## Joe Biden's Shotgun Advice Could Get His Wife Jailed

Asked whether the Obama administration's proposed gun laws hinder self-defense, Vice President Joe Biden disclosed Wednesday the advice he has given his wife about the use of a shotgun at the Bidens' Wilmington, Delaware, home. But, noted Steven Nelson on [USNews.com](#), if Dr. Jill Biden follows her husband's advice, she could find herself on the wrong side of Delaware law.



Biden was fielding questions about the Obama administration's proposed gun regulations during a Facebook "chat" hosted by *Parents* magazine when one of the e-mailed questions put to the vice president had to do with self-defense for women and whether the restrictions proposed by the president would leave people unable to defend themselves, even in their own homes. Biden, who heads the administration's task force on gun violence, said the proposed ban on "assault weapons" and high-capacity magazines would not impair the defense of hearth and home. He recommended a shotgun for that purpose, noting that he keeps two shotguns and the ammunition for them in a locked cabinet in his home. Said Biden:

Get a double-barreled shotgun. Have the shells in the 12 gauge shotgun. And I promise you — as I told my wife — we live in an area that's in the woods and somewhat secluded. I said, "Jill, if there's ever a problem, just walk out on the balcony here, walk out and put that double-barrel shotgun and fire two blasts outside the house. I promise you whoever is coming in is not going to. "You don't need an AR-15. It's harder to aim, it's harder to use and in fact, you don't need 30 rounds to protect yourself. Buy a shotgun. Buy a shotgun.

But Delaware law forbids the discharge of a firearm in the situation Biden described unless the danger is clearly and imminently life threatening. Nelson quoted a Wilmington police sergeant who said city residents may not fire at mere trespassers.

"On your property you can't just shoot someone," said the sergeant, who did not want to be identified. "You have to really feel that your life is being threatened." John Garey, a defense attorney and former deputy attorney general for Delaware, said the action described by Biden could result in several criminal charges, including aggravated menacing, a felony, and first-degree reckless endangerment.

"In Delaware you have to be in fear of your life to use deadly force," Garey told [USNews.com](#). "There's



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nothing based on [Biden's] scenario alone" indicating a reason to fear imminent death, he said. Delaware law does not permit the use of deadly force to protect one's property, he added.

Tom Shellenberger, a lawyer who serves as a spokesman for the Delaware State Sportsmen's Association, told the news magazine that in addition to the felony charges, following Biden's advice could lead to prosecution for "Discharge of a firearm within 15 yards of a road (7 Del.C. § 719), a misdemeanor," and "Violation of the residential dwelling safety zone as set forth in 7 Del.C. § 723, also a misdemeanor." Aside from the criminal liabilities, the vice president's recommendation is bad advice for personal safety reasons, Shellenberger said.

"Not only does blasting blindly away put innocent persons at risk, it also tells the bad guys where you are and that you are armed," he said. "In most circumstances, it might be better if that comes as a surprise to the bad guys."

USNews.com reported that a satellite image of the Bidens' home shows the nearest neighbor's house is 100 feet away. On the other side of the house, but further away, is a school with outdoor sports facilities. J.D. Tuccille, writing on [Reason.com](#), said that under the vice president's scenario, Jill Biden "has just fired two loads of shot in the air, where gravity will soon take control and bring them back down to Earth — potentially on somebody's head.

"And, since hypothetical frightened Jill Biden has just fired two shells into the air from a double-barreled shotgun, she is now disarmed, and has to reload before she can defend herself."

Concerning the legal issues, Nelson suggested in his USNews.com report that the vice president, an attorney and member of the Delaware bar, would be well advised to consult another lawyer in the family.

"Vice President Joe Biden," wrote Nelson, "might want to have a talk with his son, Delaware Attorney General Beau Biden, before he makes another statement about guns."



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