



SPONSOR: Sen. Marshall & Rep. Potter

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 253

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIREARM RECOVERY PROGRAMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~Part XIV. Community Firearm Recovery Program.~~ Firearm Recovery Programs.

Section 2. Amend Part XIV, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 105. Community Assault Weapon Recovery Program.

§ 10501. Purpose.

The purpose of this chapter is to provide a mechanism to safely remove unwanted assault weapons from local communities.

§ 10502. Definitions.

For purposes of this chapter:

(1) "Assault long gun" means any of the following or a copy, regardless of the producer or manufacturer:

- a. American Arms Spectre da Semiautomatic carbine.
- b. AK-47 in all forms.
- c. Algimec AGM-1 type semi-auto.
- d. AR 100 type semi-auto.
- e. AR 180 type semi-auto.
- f. Argentine L.S.R. semi-auto.
- g. Australian Automatic Arms SAR type semi-auto.
- h. Auto-Ordnance Thompson M1 and 1927 semi-automatics.
- i. Barrett light .50 cal. semi-auto.
- j. Beretta AR70 type semi-auto.
- k. Bushmaster semi-auto rifle.

24 l. Calico models M-100 and M-900.

25 m. CIS SR 88 type semi-auto.

26 n. Claridge HI TEC C-9 carbines.

27 o. Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle.

28 p. Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2.

29 q. Dragunov Chinese made semi-auto.

30 r. Famas semi-auto (.223 caliber).

31 s. Feather AT-9 semi-auto.

32 t. FN LAR and FN FAL assault rifle.

33 u. FNC semi-auto type carbine.

34 v. F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun.

35 w. Steyr-AUG-SA semi-auto.

36 x. Galil models AR and ARM semi-auto.

37 y. Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3.

38 z. Holmes model 88 shotgun.

39 aa. Avtomat Kalashnikov semiautomatic rifle in any format.

40 bb. Manchester Arms "Commando" MK-45, MK-9.

41 cc. Mandell TAC-1 semi-auto carbine.

42 dd. Mossberg model 500 Bullpup assault shotgun.

43 ee. Sterling Mark 6.

44 ff. P.A.W.S. carbine.

45 gg. Ruger mini-14 tactical rifle.

46 hh. SIG 550/551 assault rifle (.223 caliber).

47 ii. SKS with detachable magazine.

48 jj. AP-74 Commando type semi-auto.

49 kk. Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, and M1A, excluding the M1

50 Garand.

51 ll. Street sweeper assault type shotgun.

52 mm. Striker 12 assault shotgun in all formats.

53 nn. Unique F11 semi-auto type.

oo. Daewoo USAS 12 semi-auto shotgun.
pp. UZI 9mm carbine or rifle.
qq. Valmet M-76 and M-78 semi-auto.
rr. Weaver Arms "Nighthawk" semi-auto carbine.
ss. Wilkinson Arms 9mm semi-auto "Terry".

(2) "Assault pistol" means any of the following or a copy, regardless of the producer or manufacturer:

a. AA Arms AP-9 pistol.
b. Beretta 93R pistol.
c. Bushmaster pistol.
d. Claridge HI-TEC pistol.
e. D Max Industries pistol.
f. EKO Cobra pistol.
g. Encom MK-IV, MP-9, or MP-45 pistol.
h. Heckler and Koch MP5K, MP7, SP-89, or VP70 pistol.
i. Holmes MP-83 pistol.
j. Ingram MAC 10/11 pistol and variations, including the Partisan Avenger and the SWD Cobray.
k. Intratec TEC-9/DC-9 pistol in any centerfire variation.
l. P.A.W.S. type pistol.
m. Skorpion pistol.
n. Spectre double action pistol (Sile, F.I.E., Mitchell).
o. Stechkin automatic pistol.
p. Steyer tactical pistol.
q. UZI pistol.
r. Weaver Arms Nighthawk pistol.
s. Wilkinson "Linda" pistol.

(3) "Assault weapon" means any of the following:

a. An assault long gun.
b. An assault pistol.
c. A copycat weapon.

(4)a. "Copycat weapon" means any of the following:

1. A semiautomatic centerfire rifle that can accept a detachable magazine and has any 2 of the following:

A. A folding stock.

B. A grenade launcher or flare launcher.

C. A flash suppressor.

2. A semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

3. A semiautomatic centerfire rifle that has an overall length of less than 29 inches.

4. A semiautomatic pistol with a fixed magazine that can accept more than 10 rounds.

5. A semiautomatic shotgun that has a folding stock.

6. A shotgun with a revolving cylinder.

(5) "Detachable magazine" means an ammunition feeding device that can be removed readily from a firearm without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.

(6) "Flash suppressor" means a device that functions, or is intended to function, to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.

(7) "Secretary" means the Secretary of the Department of Safety and Homeland Security.

§ 10503. Community Assault Weapon Recovery Program.

(a) The Secretary shall establish and administer a Community Assault Weapon Recovery Program ("Program") to allow a Delaware resident in possession of an assault weapon to relinquish the assault weapon to the Department of Safety and Homeland Security or a participating local law enforcement agency in exchange for a monetary payment established under this section.

(b) The Secretary shall adopt rules to implement the Program, including the following:

(1) That the Program be implemented at locations in regions throughout the State. The Secretary shall coordinate with local law enforcement agencies in implementing the Program.

(2) That the Program permit an individual to relinquish an assault weapon to the Department of Safety and Homeland Security, or a local law enforcement agency participating in the program, in exchange for \$400.

(3) That establishes the method for providing the monetary payment and reimbursing a participating law enforcement agency for payments made to individuals under the Program.

(4) That the Program is subject to the availability of funds appropriated for this specific purpose. This section does not create a right or entitlement in a person to receive a monetary payment under the Program.

114 § 10504. Immunity.

115 Notwithstanding any other law to the contrary, an individual participating in the Program is immune from criminal
116 prosecution under this section if the person is, in good faith, on an immediate direct route to relinquish an assault weapon
117 under this subsection.

118 Section 4. The sum of \$100,000 is appropriated from the General Fund in Fiscal Year 2019 to the Department of
119 Safety and Homeland Security for the purpose of providing compensation under this Act.

120 Section 5. This Act takes effect on January 1, 2019.

SYNOPSIS

This Act creates and funds, in Fiscal Year 2019, a Community Assault Weapon Recovery Program.

Author: Senator Marshall