

CHAPTER 426
FORMERLY
HOUSE BILL NO. 217

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO LAW ENFORCEMENT PROCEDURE WITH RESPECT TO FIREARMS AND FIREARM RELATED EVIDENCE.

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

Section 1. Amend Part V, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 81

§ 8101. Declaration of policy.

It shall be the policy of this State for its various law enforcement agencies to fully employ electronic technology and interjurisdictional information and analysis sharing programs to deter and solve gun crimes.

§8102. Procedure for certain seized, recovered firearms, shell casings.

(a) Whenever a law enforcement agency seizes or recovers a firearm that was unlawfully possessed, used for any unlawful purpose, recovered from the scene of a crime, is reasonably believed to have been used or associated with the commission of a crime, or is acquired by the agency as an abandoned or discarded firearm, the agency shall:

(1) Transmit and receive information relating to that firearm with the National Crime Information Center System;

(2) Transmit and receive information relating to that firearm to the United States Alcohol, Tobacco, Firearms, and Explosives E-Trace System; and

(3) Arrange for every such firearm to be test-fired as soon as may be practicable and the results of that test-firing be forthwith submitted to the National Integrated Ballistics Identification Network to determine whether the firearm is associated or related to a crime, criminal event, or any individual associated or related to a crime or criminal event or reasonably believed to be associated or related to a crime or criminal event.

(b) Whenever a law enforcement agency recovers any spent shell casing at a crime scene or has reason to believe that the recovered spent shell casing is related to or associated with the commission of a crime or the unlawful discharge of a firearm, the agency shall, as soon as may be practicable, submit the ballistics information to the National Integrated Ballistics Identification Network.

(c) The Department of Safety and Homeland Security, in cooperation with the Department of Justice, shall develop and promulgate a statewide standard protocol for the recovery and forensic processing of firearms and firearm related evidence where such firearm was unlawfully possessed, used for any unlawful purpose, recovered from the scene of a crime, or reasonably believed to have been used or associated with the commission of a crime.

Approved September 14, 2016