



SPONSOR: Sen. Bonini
Sens. Ennis, Hocker, Lawson, Pettyjohn; Rep. Collins

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 266

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE GUN OWNERS' BILL OF RIGHTS.

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

1 Section 1. Amend Subchapter XI, Chapter 25, Title 6 of the Delaware Code by making deletions as shown by
2 strike through and insertions as shown by underline as follows:

3 Subchapter XI. ~~Cumulative Remedies and Enhanced Penalties~~ Gun Owners' Bill of Rights.

4 § 2598. ~~Violation of order or injunction; penalty. Short title.~~

5 This subchapter may be cited as the "Gun Owners' Bill of Rights".

6 § 2599. Purpose.

7 The purpose of this subchapter is to safeguard the law-abiding citizen who owns one or more firearms against
8 unfair and discriminatory business practices and to foster and encourage the fair and equitable treatment of those
9 Delawareans who legally own and possess firearms for legitimate and lawful purposes.

10 § 2599A. Definitions.

11 For purposes of this subchapter:

12 (1) "Ammunition" means any shell, cartridge, projectile, or other item or component thereof which, either
13 singly or in combination with another item or component, may be loaded into a firearm for firing.

14 (2) "Firearm" means any weapon or device from which a shot, projectile, or other object may be discharged
15 by force of combustion or explosive whether operable or inoperable, loaded or unloaded.

16 (3)a. "Gun owner" means an individual or business entity that owns, uses, carries, keeps, buys, sells, rents,
17 lends, or possesses a firearm or ammunition, the ownership, use, or possession of which is not otherwise prohibited
18 under state or federal law under the factual circumstances then existing.

19 b. "Gun owner" includes all individuals living within the household of a gun owner.

20 (4) "Person" means an individual, corporation, government or governmental subdivision or agency, business
21 trust, estate, trust, partnership, unincorporated association, or two or more of any of the foregoing having a joint or
22 common interest, or any other legal, commercial, or business entity.

23 § 2599B. Prohibited acts.

24 (a) A person may not discriminate against an individual or business entity as to the cost, kinds, quality, quantity, or
25 availability of products, housing, goods, or services including financial services, that the person sells, offers for sale, rents
26 or offers for rent, leases or offers for lease, delivers or offers for delivery, or makes available for use, sale, rent, lease, or
27 delivery to the individual or business entity or the general public because the individual or business entity is a gun owner.

28 (b) A person may not limit or deny access to the kinds, quality, quantity, or availability of products, housing,
29 goods, or services, including financial services, that the person sells or offers for sale, rents or offers for rent, leases or
30 offers for lease, delivers or offers for delivery, or makes available for use, sale, rent, lease, or delivery to an individual or
31 business entity because the individual or business entity is a gun owner.

32 (c)(1) Except as otherwise provided by state or federal law or paragraph (c)(2) or (c)(3) of this section, a person
33 may not create, compile, keep, or maintain, or sell, lend, transmit, transfer, or otherwise make available to any other person
34 a list, database, or compendium of gun owners, firearms, or ammunition, or any information about one or more gun owners,
35 firearms, or ammunition that may legitimately come into the possession or control of the person during the normal course
36 of business.

37 (2) A merchant engaged in the business of selling firearms, ammunition, or hunting or shooting supplies may
38 create, keep, or use a list of the merchant's own customers for the purpose of marketing the wares and goods normally
39 sold by the merchant.

40 (3) A hunting, shooting, or sportsperson's club, association, or organization may create, keep, or use a list of
41 its own members for and during the normal course of its business.

42 (d) A person may not discriminate against an individual as to the cost, kinds, quality, quantity, or availability of
43 products, housing, goods, or services, including financial services, that the person sells, offers for sale, rents or offers for
44 rent, leases or offers for lease, delivers or offers for delivery, or makes available for use, sale, rent, lease, or delivery to the
45 individual or the general public because the individual is a hunter, shooter, gun owner or collector, or sportsperson or is a
46 member of a hunting, shooting, gun collecting, or sportsperson's club, association, or organization.

47 § 2599C. Enforcement and remedies.

48 (a) The Attorney General shall have the same authority to enforce and carry out this subchapter as provided by §
49 2517 of Title 29 and by subchapter II and subchapter III of this chapter.

50 (b) If a court of competent jurisdiction finds that a person has wilfully violated this subchapter, and the Attorney
51 General petitions, the court or tribunal shall order the defendant to pay, in addition to all costs, a civil penalty of not more
52 than \$10,000 per violation. If the violation is against an elderly person or a person with a disability, the court or tribunal

53 shall order an additional civil penalty of not more than \$10,000 per violation under § 2581 of this title. Each day that a
54 wilfull violation continues is considered a separate violation.

55 (c) For the purpose of this subchapter, a wilfull violation occurs when the party committing the violation knew or
56 should have known that the party's conduct was of the nature prohibited by this subchapter.

57 (d) The remedies provided for in this subchapter are not exclusive, and are in addition to any other procedures,
58 rights, or remedies which exist with respect to any other provision of law including state or federal criminal prosecutions or
59 actions brought by private parties.

60 (e) Nothing contained in this subchapter precludes or prohibits a private cause of action at law or in equity to
61 enforce this subchapter.

SYNOPSIS

Section 20, Article I of the Delaware Constitution guarantees the individual citizen's right to keep and bear arms for legitimate and lawful purposes such as "defense of self, family, home and State, and for hunting and recreational use." However, not everyone engaged in business in Delaware readily accepts and honors those rights or the individual Delawarean's ability under the law to lawfully exercise those rights.

This Act creates a Gun Owners' Bill of Rights that does the following:

(1) Safeguards the rights of an individual or business entity from unscrupulous and discriminatory economic practices such as discriminatory pricing of products, goods, and services because the individual or business entity is a gun owner, hunter, or sportsperson.

(2) Prohibits the creation, sale, or distribution of lists and information about firearms and their owners not otherwise authorized or required by law.

(3) Prohibits discriminatory economic practices because of an individual's membership in hunting, shooting, or outdoor sports organizations.

The rights and remedies contained within this Act for the protection of gun owners, hunters, and sportspersons are similar, if not identical, to those afforded in other consumer settings.

Author: Senator Bonini