



SPONSOR: Rep. Smyk & Rep. Longhurst on behalf of all
Representatives

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE RESOLUTION NO. 26

REQUESTING THE DEPARTMENT OF JUSTICE AND DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO
ISSUE REPORTS REGARDING THE EFFECTIVENESS OF THE RED FLAG LAWS AND OTHER RELEVANT
STATISTICS.

1 WHEREAS, on April 30, 2018, HB 302, also known as the “Beau Biden Gun Violence Prevention Act” was
2 signed into law after being passed by the 149th General Assembly, allowing mental health providers to report gun owners
3 who are a danger to themselves or others to law enforcement so that the Justice of the Peace Court can temporarily remove
4 their weapons, but will have their weapons returned, unless the State petitions the Superior Court to block their release; and

5 WHEREAS, on June 27, 2018, HS1 for HB222 was signed into law after being passed by the 149th General
6 Assembly, allowing the Superior Court to issue a Lethal Violence Protection order in cases where a family member or law
7 enforcement officer can show the respondent poses a danger to themselves or others by owning, possessing, controlling,
8 purchasing or receiving a firearm, upon the issuance of which the Respondent must refrain from exercising custody or
9 control over firearms during the order’s duration; and

10 WHEREAS the members of the Delaware House of Representatives have an interest in determining the
11 effectiveness of these bills, also referred to as “Red Flag” Laws, as well as other statistics that may provide guidance upon
12 how to potentially improve these laws and increase the safety of Delaware citizens.

13 NOW THEREFORE:

14 BE IT RESOLVED by the House of Representatives of the 151st General Assembly of the State of Delaware that
15 the Attorney General is requested to provide a report to the General Assembly by December 31, 2022, indicating, since HB
16 302’s enactment, how many mental health providers have reported gun owners who are considered a danger to themselves
17 and others to law enforcement, how many of these reports resulted in the Justice of the Peace Court temporarily removing
18 the weapons of the Respondent, how many of those cases the State petitioned the Superior Court to block the release of the
19 Respondent’s weapons back to the Respondent, how many of those Petitions were granted by the Court, and how many
20 violent crimes with weapons were committed by Respondents after said weapons were returned to them.

21 BE IT FURTHER RESOLVED by the House of Representatives of the 151st General Assembly of the State of
22 Delaware that the Attorney General is requested to provide a report to the General Assembly by December 31, 2022, stating
23 how many Lethal Violence Protection Orders have been issued by the Court since HS1 to HB 222 was signed into law and

24 how many have been requested in the same time period, and how many Respondents who received their firearms back once
25 the Protection Order expired committed a violent crime with firearms.

26 BE IT FURTHER RESOLVED by the House of Representatives of the 151st General Assembly of the State of
27 Delaware that the Attorney General is requested to provide a report to the General Assembly by December 31, 2022,
28 indicating how many active Protection from Abuse Orders are in place in the State of Delaware, how many Protection from
29 Abuse Orders have been issued since January 1, 2017 that required the respondent to relinquish their firearms, and how
30 many violent crimes with firearms were committed by Respondents who had to relinquish their firearms as a result of a
31 Protection from Abuse Orders.

32 BE IT FURTHER RESOLVED by the House of Representatives of the 151st General Assembly of the State of
33 Delaware that the Director of the Delaware Justice Information System is requested to provide a report to the General
34 Assembly by December 31, 2022, indicating how many citizens of Delaware have been declared a “dangerously mentally
35 ill”, or any equivalent term which implies a danger to oneself or to others, since January 1, 2017, and how many of those
36 citizens have committed a violent offense with a firearm after receiving this designation.

37 BE IT FURTHER RESOLVED by the House of Representatives of the 151st General Assembly of the State of
38 Delaware that the Director of the Delaware Justice Information System is requested to provide a report to the General
39 Assembly by December 31, 2022, how many drug overdoses have occurred in which the victim was clinically dead and the
40 victim was revived by paramedics, other medical personnel and police officers on the scene of the incident, and how many
41 of the victims were committed after the overdose incident.

42 BE IT FURTHER RESOLVED by the House of Representatives of the 151st General Assembly of the State of
43 Delaware that the Secretary of Health and Social Services is requested to provide a report to the General Assembly by
44 December 31, 2022, indicating since January 1, 2017, how many mental patients in Delaware were committed to any
45 mental institution by a law enforcement agency via voluntarily or involuntarily Commitment; how many of such Petitions
46 in question were granted, how many Commitment hearings were cancelled due to the Respondent agreeing to be voluntarily
47 committed, and how many of the Respondents who were voluntarily committed commit an act of violence with or without a
48 firearm.

SYNOPSIS

This Resolution requests the Attorney General’s Office, the Director of the Delaware Justice Information System (“DELJIS”), and the Secretary of Health and Social Services to provide reports to the General Assembly that will provide information regarding the effectiveness of the current “Red Flag Laws”, as well as other statistics that may provide more insight so that in the future, the General Assembly might refine said laws, further protecting Delaware citizens from violence due to firearms.