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Sokola

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 270

AN ACT TO AMEND TITLES 11 AND 24 OF THE DELAWARE CODE RELATING TO AMMUNITION.

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

1 Section 1. Amend Chapter 9, Title 24 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 902. Application and fee for license; duration; renewal.

4 (a) Whoever desires to engage in the business of selling any of the articles referred to in the first paragraph of §
5 901 of this title shall apply to the Department of State to obtain a license to conduct such business and shall pay an
6 application fee of \$50 to the Department. The license shall entitle the holder thereof to conduct such business until June 1
7 next succeeding its date. An application for renewal of such license shall be accompanied by a payment of \$50 to the
8 Department.

9 (b) A person who engages in the sale of firearm ammunition must include with their initial application and
10 application for renewal a description of their theft and loss prevention policies and procedures as well as a report of all
11 ammunition losses or theft within the prior year.

12 § 905. Ammunition display.

13 (a) A person may not sell, offer for sale, or display for sale or transfer ammunition in a manner that allows that
14 ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.
15 Ammunition displayed in an enclosed display case or behind a counter or other customer access prevention device is not
16 considered accessible for purposes of this section.

17 (b) A violation of this section is a civil offense. For a first offense the civil penalty is \$1,000. For a second offense
18 the penalty is \$5,000. For a third or subsequent offense the penalty is \$10,000.

19 (c) The Justice of the Peace Court has jurisdiction over violations of this section.

20 § ~~905~~: 906. Penalties.

21 ~~Whoever~~ A person who violates §§ 901, 903, 904, or 904A of this chapter shall be fined not more than \$250
22 \$1,000 or imprisoned not more than 6 months, or both.

23 Section 2. Amend § 840, Title 11 of the Delaware Code by making deletions as shown by strike through and
24 insertions as shown by underline as follows:

25 § 840. Shoplifting; class G felony; class A misdemeanor.

26 (e)(1) Shoplifting is a class G felony when the goods, wares or merchandise shoplifted are of the value of \$1,500
27 or more, or when the goods, wares or merchandise shoplifted are from 3 or more separate mercantile establishments and
28 were shoplifted in the same or continuing course of conduct and the aggregate value of the goods is \$1,500 or more.

29 (2) When the goods, wares or merchandise shoplifted are of the value of less than \$1,500, it is a class A
30 misdemeanor.

31 (3) When the goods, wares or merchandise shoplifted are ammunition, it is a class G felony regardless of the
32 value of the goods.

33 Section 3. This Act takes effect 1 year after its enactment.

SYNOPSIS

This Act creates a civil penalty for any sale or display of ammunition that allows the ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor. Ammunition in an enclosed display case, behind a counter or other customer access preventing device is not considered accessible for purposes of this section. A violation of this section carries a penalty of \$1,000 for a first offense, \$5,000 for the second, and \$10,000 for a third or subsequent offense.

This Act also requires that a deadly weapons dealer must include with their license application and renewal application a description of their theft and loss prevention policies and procedures as well as a report of all ammunition losses or theft within the prior year.

The Act specifies that shoplifting is a class G felony, regardless of the value of the shoplifted goods, where the item shoplifted is ammunition.

Finally, the Act increases the maximum monetary penalty to \$1,000 for violation of the provisions requiring a license to sell deadly weapons, sale to those under 21 or intoxicated persons, failing to keep required records, or failing to comply with the requirements for background checks between unlicensed persons.

It takes effect 1 year after its enactment.