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Rep. Heffernan & Rep. Griffith & Sen. Walsh  
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Schwartzkopf, Michael Smith; Sens. Gay, Sokola

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1  
FOR  
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) (1) A licensee 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. An applicant or licensee's description of theft and loss prevention policies  
12 is not a public record for purposes of the Freedom of Information Act, Chapter 100 of Title 29.

13 (2) So long as information that complies with paragraph (b)(1) of this section is submitted with the  
14 application, the content of the policies and procedures may not be a basis for denial of an initial license or a renewal.

15 § 905. Ammunition display.

16 (a) A licensee may not sell, offer for sale, or display for sale or transfer ammunition in a manner that allows that  
17 ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.  
18 Ammunition displayed in an enclosed display case or behind a counter or other customer access prevention device is not  
19 considered accessible for purposes of this section and fulfils the theft and loss prevention requirement under § 902(b) of  
20 this title.

21 (b) A violation of this section is a civil offense. For a first offense the penalty is \$500. For a second offense the  
22 penalty is \$1,000. For a third or subsequent offense the penalty is \$5,000.

23 (c) The Court of Common Pleas has jurisdiction over violations of this section.

24 § 905-906. Penalties.

25 Whoever A person who violates §§ 901, 903, 904, or 904A of this chapter shall be fined not more than \$250 \$500  
26 or imprisoned not more than 6 months, or both.

27 Section 2. 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.

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.

Finally, the Act increases the maximum monetary penalty 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.

This House Substitute No. 1 for House Bill No. 270 differs from the original in the following ways:

It specifies that information related to theft and loss prevention policies and procedures is not subject to FOIA

It changes the word "person" to "licensee" in sections 902 and 905.

It specifies that the content of loss and prevention policies are not a basis for denial of a deadly weapons dealer license.

It reduces all of the monetary penalties.

It removes the shoplifting enhancement.

It changes jurisdiction over the offense from JP Court to the Court of Common Pleas.