



SPONSOR: Sen. Pettyjohn & Rep. Spiegelman

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 102

ESTABLISHING THE FIREARM DEFINITION TASK FORCE.

1 WHEREAS, § 222 of Title 11 of the Delaware Code defines “firearm” to include “any weapon from which a shot,
2 projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether
3 operable or inoperable, loaded or unloaded”, but specifically excludes a BB gun; and

4 WHEREAS, when this definition was first adopted in 1983, Senator Berndt noted the expansive nature of the
5 definition due to the inclusion of “mechanical means”, which the Senator noted meant the definition would include cross
6 bows and slingshots; and

7 WHEREAS, “firearm” appeared 9 times in the Delaware Criminal Code when the Delaware Criminal Code was
8 adopted in 1972; and

9 WHEREAS, since the adoption in 1983 of the “firearm” definition in § 222 of Title 11, the number of times
10 “firearm” appears in the Delaware Criminal Code has increased to over 194; and

11 WHEREAS, new uses of “firearm” that have been added to the Delaware Criminal Code, or added to other parts
12 of the Delaware Code and referencing this definition, have intentionally or unintentionally adopted this definition; and

13 WHEREAS, research reveals no other state with a similar definition of “firearm” currently in its laws and that at
14 least 2 states acted in 2015 to remove a similar definition from their laws; and

15 WHEREAS, the General Assembly believes it is time to revise the definition of “firearm” for purposes of the
16 Delaware Criminal Code and other Delaware Code provisions that rely on that definition, which the House of
17 Representatives attempted to do by passing House Substitute No. 1 for House Bill No. 224 this session.

18 NOW, THEREFORE:

19 BE IT RESOLVED by the Senate of the 152nd General Assembly of the State of Delaware, the House of
20 Representatives concurring therein, that the Firearm Definition Task Force (“Task Force”) is created.

21 BE IT FURTHER RESOLVED that the Task Force is established to do all of the following:

- 22 (1) Determine the impact of the change to the definition of “firearm” under § 222 of Title 11 of the Delaware
23 Code proposed by House Substitute No. 1 for House Bill No. 224 on the Delaware Criminal Code and other Delaware
24 Code provisions relying on the definition of “firearm”.

25 (2) Make findings and recommendations on a revision to the definition of “firearm” for purposes of the
26 Delaware Criminal Code and any necessary changes to the Delaware Criminal Code or Delaware Code based on the
27 Task Force’s recommended definition.

28 (3) Draft legislation to implement the Task Force’s findings and recommendations.

29 BE IT FURTHER RESOLVED that the Task Force is comprised of the following members, or a designee selected
30 by a member serving by virtue of position:

31 (1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives,
32 with 1 being from the House of Representatives’ Majority Caucus and 1 from the House of Representatives’ Minority
33 Caucus. The Speaker of the House of Representatives shall appoint 1 of the members of the House of Representatives as
34 Chair of the Task Force.

35 (2) Two members of the Senate appointed by the President Pro Tempore, with 1 being from the Senate’s
36 Majority Caucus and 1 from the Senate’s Minority Caucus. The President Pro Tempore shall appoint 1 of the members
37 of the Senate as Vice-Chair of the Task Force.

38 (3) One member of the public representing a shooting sports organization, appointed by the Speaker of the
39 House of Representatives.

40 (4) The Attorney General.

41 (5) The Secretary of the Department of Safety and Homeland Security.

42 (6) The Secretary of the Department of Natural Resources and Environmental Control.

43 (7) The Secretary of the Department of Agriculture.

44 BE IT FURTHER RESOLVED that:

45 (1) A quorum of the Task Force is a majority of its members.

46 (2) Official action by the Task Force, including making findings and recommendations, requires the approval
47 of a quorum of the Task Force.

48 (3) The Task Force may adopt rules necessary for its operation.

49 (4) The Chair of the Task Force may invite individuals with relevant expertise to participate in Task Force
50 discussions.

51 (5) A member of the Task Force with the ability to designate another individual to attend a Task Force meeting
52 must provide the designation in writing to the Chair. An individual attending a meeting for a member as a designee has
53 the same duties and rights as the member.

54 BE IT FURTHER RESOLVED that the Chair of the Task Force is responsible for guiding the administration of
55 the Task Force by doing, at a minimum, all of the following:

56 (1) Notifying the individuals who are members of the Task Force of the formation of the Task Force.

57 (2) Setting a date, time, and place for the initial organizational meeting.

58 (3) Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and
59 reports of the Task Force.

60 (4) Sending to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the
61 Director of the Division of Research of Legislative Council, after the first meeting of the Task Force, a list of the
62 members of the Task Force as follows:

63 a. By position, including if serving as a designee of a member serving by virtue of position.

64 b. By appointment, including the individual who appointed the member.

65 (5) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative
66 Council.

67 (6) Ensuring that the final report of the Task Force is submitted to the President Pro Tempore of the Senate and
68 the Speaker of the House of Representatives, with copies to all members of the General Assembly, the Governor, the
69 Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

70 BE IT FURTHER RESOLVED that the Task Force must hold its first meeting no later than August 30, 2023.

71 BE IT FURTHER RESOLVED that the Senate Minority Caucus is responsible for providing reasonable and
72 necessary support staff, including a legislative attorney, and materials for the Task Force to carry out its mission.

73 BE IT FURTHER RESOLVED that the Chair of the Task Force must do all of the following:

74 (1) Compile a final report containing a summary of the Task Force's work regarding the issues assigned to the
75 Task Force under this Resolution, including any findings and recommendations and draft legislation.

76 (2) Submit the report no later than January 5, 2024.

SYNOPSIS

This Resolution establishes the Firearm Definition Task Force ("Task Force") to do all of the following:

(1) Determine the impact of the change to the definition of "firearm" under § 222 of Title 11 of the Delaware Code proposed by House Substitute No. 1 for House Bill No. 224 on the Delaware Criminal Code and other Delaware Code provisions relying on the definition of "firearm".

(2) Make findings and recommendations on a revision to the definition of "firearm" for purposes of the Delaware Criminal Code and any necessary changes to the Delaware Criminal Code or Delaware Code based on the Task Force's recommended definition.

(3) Draft or amend legislation to implement the Task Force's findings and recommendations.

(4) Submit a final report no later than January 5, 2024.

Author: Senator Pettyjohn