SPONSOR: Rep. Morrison & Sen. Sokola
Reps. Osienski, Phillips, Romer, Michael Smith, Wilson-Anton, Griffith; Sen. Hansen

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 342

AN ACT TO AMEND TITLES 11 AND 24 OF THE DELAWARE CODE RELATING TO THE VOLUNTARY FIREARMS DO-NOT-SELL REGISTRY ACT.

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

Section 1. Amend Part VII, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 98. Voluntary Firearms Do-Not-Sell Registry Act.

§ 9801. Definitions.

For purposes of this chapter:

(1) "DELJIS" means the Delaware Criminal Justice Information System.

(2) "Law-enforcement agency" means an agency established by this State, or by any county or municipality within this State, to enforce criminal laws or investigate suspected criminal activity.

(3) "Registry" means the Voluntary Firearms Do-Not-Sell Registry created by this chapter.

(4) "Superintendent" means the Superintendent of the Delaware State Police.

§ 9802. Voluntary Firearms Do-Not-Sell Registry.

(a) The Superintendent of the Delaware State Police shall create a Voluntary Firearms Do-Not-Sell Registry in which an applicant may voluntarily enroll for the purpose of being prohibited from obtaining or possessing a firearm. No individual may sell or transfer a firearm to an individual enrolled on the Registry.

(b) The Superintendent shall develop a process and forms for inclusion on, and removal from, a Voluntary Firearms Do-Not-Sell Registry to be maintained by the Delaware State Police within DELJIS. The Superintendent shall make the forms for inclusion and removal available by download through Delaware State Police's website and require, at a minimum, the following information from the applicant:

(1) Name.

(2) Address.

(3) Date of birth.

(4) Other contact information specified by the Superintendent.

(5) Signature of applicant.

(c) The form for inclusion onto the Registry shall inform the applicant of the process for removal from the Registry.

(d) An applicant requesting inclusion onto the Registry shall deliver the completed form in person to a law-enforcement agency.

(1) The law-enforcement agency shall verify the applicant's identity before accepting the form and may not accept a form from someone other than the applicant named in the form.

(2) Upon receipt of the application and verification of the applicant's identity, the law-enforcement agency shall add the applicant's name to the Registry via DELJIS within 12 hours.

(e) An individual who is added to the Registry may not request removal from the Registry unless the individual has been on the Registry for at least 30 days.

(f) An individual requesting removal from the Registry shall deliver a completed removal form in person to any law-enforcement agency within the State. Once a law-enforcement agency receives a removal form, the law-enforcement agency must verify the individual's identity and remove the individual from the Registry no sooner than 30 days after the law-enforcement agency receives the removal form.

(g) All forms and records created in accordance with this section are not public records under Delaware's Freedom of Information Act. The Registry is subject to the same confidentiality protections that are given to information and records pertaining to the Firearm Transaction Approval Program under § 8573 of this title.

(h) All law-enforcement agency websites must post in a conspicuous place information about the Voluntary Firearms Do-Not-Sell Registry along with downloadable forms for inclusion and removal from the Registry.

§ 9803. Penalties.

(a) An individual who transfers a firearm to a person in violation of this chapter is guilty of a class A misdemeanor. A second or subsequent offense by an individual is a class G felony. The Superior Court has exclusive jurisdiction for all offenses under this subsection.

(b) It is unlawful for an individual to knowingly make a false statement or representation regarding their identity when requesting inclusion or removal from the Registry. An individual who violates this subsection shall be guilty of a class A misdemeanor. The Superior Court has exclusive jurisdiction for all offenses under this subsection.

§ 9804. Nondiscrimination.

A person may not discriminate against any person with respect to health care services, employment, education, housing, insurance, governmental benefits, or contracting because that person is enrolled on the Registry, is not enrolled on the Registry, or has previously been enrolled on the Registry.

§ 9805. Rules and regulations.

The Superintendent may promulgate rules and regulations necessary to administer and enforce this chapter.

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

§ 903A. Sale to individuals on the Voluntary Firearms Do-Not-Sell Registry.

No person shall sell to an individual who is enrolled on the Voluntary Firearms Do-Not-Sell Registry in accordance with Chapter 98 of Title 11.

Section 3. This Act is effective immediately and is to be implemented on or before January 1, 2025.

Ssynopsis

This Act creates a Voluntary Firearms Do-Not-Sell Registry in which an applicant may voluntarily enroll for the purpose of being prohibited from obtaining a firearm. An individual on the Registry may request removal from the Registry no sooner than 30 days after the individual is entered on the registry. Once an individual requests removal from the Registry, the individual must be removed from the Registry no sooner than 30 days after the removal request. An individual who transfers a firearm to a person in violation of this section is guilty of a class A misdemeanor for a first offense and a class G felony for a subsequent offense. An individual who makes a false statement or representation regarding their identity when requesting inclusion or removal from the Registry shall be guilty of a class A misdemeanor.