



SPONSOR: Rep. Yearick

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 3
TO
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 2

AMEND Senate Substitute No. 1 for Senate Bill No. 2 by deleting lines 65 through 80 and substituting in lieu thereof the following and redesignating accordingly:

(g) Upon receiving an application from an applicant for a handgun qualified purchaser permit:

(1) The SBI shall conduct an electronic data base investigation of the applicant to determine the following:

(i) Whether the applicant is a person prohibited from owning or possessing a deadly weapon under § 1448 of this title or 18 U.S.C § 922(g);

(ii) Whether the applicant is currently the subject of a Protection From Abuse (PFA) Order of the Family Court of the State of Delaware;

(iii) Whether the applicant is currently a fugitive from justice subject to arrest on a pending criminal warrant in this state or any other state of the United States or the subject of a capias for failure to appear as directed by a court of this state.

(2) SBI's investigation should include electronic inquiries directed to each of the following:

(i) the federal National Crime Information Center (NCIC);

(ii) the federal National Instant Criminal Background Check System (NICS)(if available);

(iii) the federal International Justice and Public Safety Network (Nlets);

(iv) the Delaware Firearms Transaction Approval Program (FTAP);

(v) the Delaware Justice Information System (DELJIS) and such other criminal justice information database systems as may be available to SBI and which may be appropriate and required under the circumstances.

(3) Unless substantial grounds exist for the denial thereof, the applicant's application shall be approved, and the permit issued within 48 hours of the date and time of SBI's receipt of the application.

SYNOPSIS

This amendment realistically expedites the background investigation process and brings the statutorily required background investigation into conformity with the manner in which such background investigations are routinely conducted both here in Delaware and throughout the majority of the states and in the process appropriately accelerates the time in which such investigations may be conducted.

This amendment requires SBI to access all of the nationally recognized criminal justice data bases and will greatly reduce the cost of such investigations by reducing the number of personnel required to perform such investigations to a realistic operational level.