



SPONSOR: Rep. Carson & Sen. Ennis & Sen. Lawson
Reps. Bennett, Briggs King, Hudson, Miro, Mitchell,
Paradee, D. Short, M. Smith, Spiegelman

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 232

AN ACT TO AMEND TITLES 11 AND 29 OF THE DELAWARE CODE RELATING TO THE LICENSING OF
INDIVIDUALS TO CARRY DEADLY WEAPONS CONCEALED.

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

1 Section 1. Amend Part IV, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Chapter 31. Delaware Commission on Concealed Weapon Licensing

4 §3101. Short Title.

5 This chapter shall be known as the Delaware Commission on Concealed Weapon Licensing Act of 2017.

6 § 3102. Purpose

7 The purpose of this chapter is to do all of the following:

8 (1) establish the Delaware Commission on Concealed Weapon Licensing.

9 (2) provide the mechanisms by which the licensing provisions contained in §1441 of Title 11 may be administered.

10 (3) provide for the licensing and regulation of the Personal Protection Firearms Instructors required for that
11 purpose.

12 § 3103. Definitions

13 For the purposes of this chapter:

14 (1) "Commission" means the Delaware Commission on Concealed Weapon Licensing.

15 (2) "Executive Director" means the person appointed to serve as counsel for the Commission as more specifically
16 described in § 3106 of this chapter.

17 (3) "Personal Protection Firearm Instructor" or "Licensed Instructor" means an individual duly licensed by the
18 Commission to teach the course of instruction required for licensing under to § 1441 of Title 11.

19 (4) "Concealed carry license" means a license to carry a concealed deadly weapon under § 1441 of Title 11.

20 (5) "Applicant" means an individual who is applying or has applied for a license over which the Commission has
21 jurisdiction.

(6) "Licensee" means any person licensed to carry a concealed deadly weapon under to §1441 of Title 11; or an individual licensed by the Commission as a personal protection firearm instructor.

(7) "Instructor license" means a license issued by the Commission to an instructor to perform as a Personal Protection Firearm Instructor.

§ 3104. Delaware Commission on Concealed Weapon Licensing; establishment, membership.

(a) The Delaware Commission on Concealed Weapon Licensing is hereby established to administer and implement this chapter and to perform such other responsibilities as may be entrusted to it by law.

(b) The Commission shall consist of 5 members appointed as follows:

(1) A Chairperson appointed by the Governor.

(2) A representative appointed by the Pro Tempore of the Senate.

(3) A representative appointed by the Speaker of the House.

(4) A representative appointed by the House Minority Leader.

(5) A representative appointed by the Senate Minority Leader.

(6) Additionally, the Governor may, at his discretion, appoint up to two additional special members each to serve at the pleasure of the Governor for three-year terms. These special members need not be licensed pursuant to Section 1441 of this title.

(c) Members appointed under paragraphs (b) (1), (2), (3), (4) and (5) of this section must be licensed by the State to carry concealed deadly weapons pursuant to § 1441 of Title 11 and must have held such a license in good standing for at least 3 or more years prior to appointment.

(d) At least one member must have at least ten (10) years of experience as a Delaware law enforcement officer as defined in § 222 of Title 11 of this Code.

(e) Not more than 3 members, if there are 5 appointees, and no more 4 members, if there are 7 appointees, may be registered with the same political party. If there are 5 appointees, there must be at least 1 member who is a fulltime resident of each of the three counties, and if there are 7 appointees at least 2 members must be fulltime residents of each of the three counties.

(f) The appointing authority shall appoint a member of the Commission to serve a term of 3 years. The appointing authority may not appoint a member of the Commission to serve more than 2 full 3 year terms consecutively.

(g) The appointing authority may suspend or remove a member of the Commission for misfeasance, nonfeasance, malfeasance, misconduct, incompetency or neglect of duty. A member who is subject to disciplinary hearing by the

Commission for misfeasance, nonfeasance, malfeasance, misconduct, incompetency or neglect of duty is disqualified from Commission business until the charge is adjudicated or the matter is otherwise concluded.

(h) A member who is absent without adequate reason for 3 consecutive meetings, or fails to attend at least half of all regular business meetings during any calendar year, is guilty of neglect of duty and considered to have resigned from the Commission.

(i) The Commission shall elect a Vice Chair from among its membership annually. A majority of the members present constitute a quorum and, if a quorum is present, a vacancy on the Commission does not impair the right of the remaining members to exercise all the powers of the Commission. Hearings and licensing actions may only be accomplished by the affirmative action of a majority of the current members.

(j) Each member of the Commission shall be compensated at the rate of \$100 for each day, not to exceed \$1500 per year, devoted to the performance of official duties. Each member of the Commission shall be reimbursed for reasonable and necessary expenses incurred in the performance of official duties.

(k) The principal office of the Commission shall be in Dover but it may meet and exercise its power at any other place in the State.

§3105. Power and duties of the Commission.

The Commission has all of the following powers and duties:

(1) To order the issuance, denial, suspension or revocation of any license over which it has jurisdiction after ensuring that the licensee has been provided full and adequate due process of law consistent with this chapter and § 1441 of Title 11.

(2) To appoint an Executive Director that is a lawyer admitted to practice law in this State and who has held a license under § 1441 of Title 11 for at least three (3) years prior to appointment.

(3) To refer to the Executive Director for investigation any allegations of misconduct, malfeasance or misfeasance on the part of any licensee, including allegations that the licensee is no longer qualified or eligible to hold the applicable license.

(4) To administer the licensing laws of the State for the licensing of individuals to carry concealed deadly weapons and the licensing of individuals as personal protection firearms instructors.

(5) To prescribe forms for reports, statements, notices, and other documents required by law.

(6) To request appropriate state agencies to provide such professional assistance as it may require in the discharge of its duties.

(7) To ensure and maintain the confidentiality of all licensee information as required by law.

81 (8) To perform such other duties and responsibilities as may be assigned to it by law.

82 § 3106. Powers and duties of the Executive Director; subordinate staff.

83 (a) The Executive Director, a merit system employee, and the Commissions' legal representative of the
84 Commission, who has all of the following powers and duties:

85 (1) To oversee, administer and supervise all aspects of the licensing regime contained in § 1441 of Title 11.

86 (2) To administer and supervise all aspects of the licensing of personal protection firearms instructors under
87 this chapter.

88 (3) To hire and supervise subordinate staff, with the advice and consent of the Commission and in compliance
89 with the standards and directions of the Commission and in conformity with State law.

90 (4) To review all applications for licenses and renewal of licenses for all licensees and to recommend to the
91 Commission whether an application should be approved or denied.

92 (5) To conduct or supervise such administrative investigations as may be required to determine the
93 qualifications of applicants for a license under § 1441 of Title 11 and this chapter.

94 (6) To provide legal counsel to the Commission concerning any matter arising in connection with the exercise
95 of its official powers and duties.

96 (7) To represent the Commission in any court proceeding arising from an administrative decision of the
97 Commission, including appeals to the Superior Court.

98 (8) To maintain permanent records of all matters falling within the jurisdiction of the Commission.

99 (9) To serve as the primary officer charged with ensuring the confidentiality of all licensee information.

100 (10) To perform any other tasks requested by the Commission concerning any matter arising in connection
101 with the exercise of its official powers and duties.

102 (b) The Executive Director shall be granted the power to take emergency action to temporarily suspend a
103 licensee's concealed carry license.

104 (c) A licensee whose license is temporarily suspended by the Executive Director under subsection (b) of this
105 section, may appeal to the Commission.

106 (d) Subordinate staff hired by the Executive Director under paragraph (a)(3) of this section are merit system
107 employees.

108 § 3107. Licensing of personal protection firearm instructors

109 (a) An applicant desiring to serve as a personal protection firearms instructor for the purposes of presenting and
110 certifying the training regime required for an applicant under § 1441 of Title 11 must meet or exceed the minimum

standards contained in this section and must obtain and maintain a license from the Commission. The Commission may not recognize or give credit for any course of instruction provided to an applicant which was not presented and certified by a Personal Protection Firearms Instructor duly licensed by the Commission.

(b) An applicant for an instructor license must submit an application on a form provided by the Commission, a non-refundable fee of \$100, and documentary evidence showing all of the following:

(1) That the applicant is licensed by this State to carry a concealed deadly weapon under § 1441 of Title 11.

(2) That the applicant is certified by the Delaware Council on Police Training as a police firearms instructor; is certified as a National Rifle Association Personal Protection Outside the Home Instructor; or has successfully completed a recognized course of instruction sponsored by a federal, state, county, or municipal law enforcement agency, a college, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training.

(3) A copy of the intended course syllabus which meets the requirements contained in § 1441(a)(3) of Title 11.

(4) A copy of the applicant's Delaware business license or the business license of the entity for which the instructor intends to teach. If the applicant is to be employed by another person, the applicant must also submit a letter of recommendation from that person requesting that the applicant be licensed for that purpose.

(c) The Executive Director shall review all applications for an instructor license and shall make a recommendation to the Commission. If the Commission determines that the applicant qualifies for licensing, the Commission shall issue said license which expires one year from date of issue.

(d) If the Executive Director determines that an applicant does not qualify for an instructor license the Executive Director must inform the Commission and the applicant in writing and include specific reasons for rejection. An applicant whose application is rejected may attempt to remedy the deficiencies cited by the Executive Director in the rejection letter and resubmit the application for reconsideration. An applicant may appeal a final decision of the Executive Director to the Commission, requesting an administrative hearing before the Commission. An applicant may appeal the final decision of the Commission to the Superior Court.

(e) An instructor license is valid for a period of one 1 year from the date of issue and may be renewed on an annual basis upon submission of a short-form renewal application and the payment of a fee of \$75.

(f) The Commission shall develop and implement both an initial instructor application form and a short-form renewal application.

(g) The Commission shall publish a complete list of all personal protection firearm instructors at least twice per year.

(h)(1) An individual who is not properly licensed by the Commission as a personal protection firearm instructor may not in exchange for compensation or for services falsely represent to an applicant or potential applicant that the individual is licensed or that the individual is qualified to perform the duties and functions required to satisfy the training requirements under § 1441 of Title 11 of this chapter.

(2) If after a hearing, the Commission determines that an individual has violated paragraph (g)(1) of this section, the Commission may do one or more of the following:

a. Impose a civil penalty not to exceed \$1,000.

b. Suspend or revoke the individuals Delaware concealed carry license.

c. Prohibit the individual from being licensed as a personal protection firearm instructor under this section.

§ 3108. Licensing to Carry Concealed Deadly Weapons

(a) The Commission and its staff shall administer and execute the concealed carry license regime contained in § 1441 of Title 11 in compliance with the provisions of that section and this chapter.

(b) The Executive Director shall conduct such inquiries and investigations as may be required by law to ensure that all applicants for a concealed carry license and concealed carry licensees are fully qualified to be and remain licensed under § 1441 of Title 11 and this chapter.

(c) Upon determining that an applicant is fully qualified for a concealed carry license, the Commission shall cause a concealed carry license to be sent to the licensee by mail.

(d) Any applicant whose application is rejected may attempt to remedy the deficiency or deficiencies cited in the rejection letter and resubmit the application for reconsideration. Any applicant who is dissatisfied with the final decision of Commission may appeal that decision to the Superior Court.

(e) Upon receipt of facts and evidence indicating that a person is no longer eligible for licensing, the Executive Director shall verify that the person is no longer eligible and initiate action to suspend, or revoke that person's license.

(f) The Commission may not discriminate against any qualified applicant or licensee on the basis of race, color, religion, sex, gender, age, disability, gender orientation, sexual orientation, marital status or national origin.

§ 3109. Form of License

The Commission shall arrange, either on its own or in cooperation with the Division of Motor Vehicles, for the design, manufacture, and issuance of professional quality, secure identification card-style licenses similar to those issued to Delaware drivers for both types of licensees, each of which must contain, at a minimum, the following:

(1) A color photograph of the licensee.

(2) The title of the license, either "Delaware License To Carry A Concealed Deadly Weapon" or "Delaware Licensed Personal Protection Firearms Instructor".

(3) The name, address, date of birth, height, weight, eye color, hair color of the licensee.

(4) The dates of issue and expiration of the license.

(5) The Great Seal of the State of Delaware.

(6) Facsimile signature of the Chair of the Commission.

§ 3110. Administrative Hearings and Appeals

(a) The Commission shall conduct all hearings pertaining to licenses over which the Commission has jurisdiction so as to afford full due process rights to the applicant or licensee and shall conduct such hearings in conformity with Subchapter IV of Chapter 101 of this title. Appeals from a decision of the Commission to Superior Court are governed by § 10142 of this title.

(1) The Commission shall conduct all hearings under oath and on the record.

(2) The Commission may close a hearing to the public upon request of the licensee or applicant seeking relief.

§ 3111. Exemption from Freedom of Information

The Commission and its staff shall maintain the confidentiality of all information submitted by applicants, references, background investigations, licensee information, and hearings. None of the Commission records or any document maintained by the Commission is subject to the Freedom of Information Act (FOIA), Title 29, Chapter 100.

Section 2. Amend § 1441, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1441. License to carry concealed deadly weapons

(a) ~~A person~~ An individual who is a citizen of the State of Delaware of full age and good moral citizenship ~~character~~ and who is not a person prohibited as described in § 1448 of this title desiring to be licensed to carry a concealed deadly weapon for personal protection or the protection of the ~~person's~~ individual's family, business, or property may be licensed to do so when the following conditions have been strictly complied with:

(1) The ~~person~~ individual shall make application therefor in writing and file the same with the ~~Prothonotary of the proper county, at least 15 days before the then next term of the Superior Court~~ Commission on Concealed Weapon

Licensing, ("Commission"), established under Chapter 31 of Title 29 clearly stating that the person individual is of full age and ~~that the person~~ is desirous of being licensed to carry a concealed deadly weapon for personal protection or protection of the person's individual's family, business or both property, and also stating the person's individuals residence and occupation. The person individual shall submit together with such application all information necessary to conduct a criminal history background check. The ~~Superior Court~~ Commission may shall conduct a criminal history background check under pursuant to the procedures set forth in Chapter 85 of Title 11 for the purposes of licensing any person pursuant under to this section. The State Bureau of Identification shall conduct the criminal history check authorized by this section under § 8527 of this title, and the criminal history report must contain a report of the individual's entire federal criminal history record under the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification shall be the intermediary for purposes of this section and the Commission shall be the screening point for the receipt of the federal criminal history records. The State Bureau of Identification must complete and transmit the criminal history check to the Commission within 30 days of receipt of the request from the Commission.

(2) The individual ~~At the same time, the person~~ shall file with the Prothonotary Commission a certificate of 5 ~~respectable~~ citizens of the county in which the individual applicant resides at the time of filing the application. The certificate must contain a statement by each citizen shall clearly state that the individual applicant is a person of full age, sobriety and good moral citizenship and character, that the individual applicant bears a good reputation for peace and good order in the community in which the individual applicant resides, and that the carrying of a concealed deadly weapon by the individual applicant is necessary for the protection of the individual applicant, the individual's family, business, or the applicant's property. ~~both~~ The certificate must shall be signed with the proper signatures and in the proper handwriting of each such ~~respectable~~ citizen under penalty of perjury.

(3) The individual ~~Every such applicant~~ shall file ~~in the office of the Prothonotary of the proper county~~ the application verified by oath or affirmation in writing taken before an officer authorized by the laws of this State to administer the same, and shall under such verification state that the applicant's certificate and recommendation were read to or by the signers thereof and that the signatures thereto are in the proper and genuine handwriting of each. ~~Before the~~ Prior to the issuance of an initial license, the individual person shall also file with the Prothonotary Commission a notarized certificate signed by a person licensed by the Commission as a personal protection firearms instructor or authorized representative of a sponsoring agency, school, organization or institution certifying that the applicant: ~~(i) has completed a firearms training course consisting of at least the below-described minimum elements 8 contact hours of face-to-face instruction, and which contains at least the below-described minimum elements; and (ii)~~

is sponsored by a federal, state, county or municipal law enforcement agency, a college, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The firearms training shall include the following minimum elements:

- a. Instruction regarding knowledge and safe handling of ~~firearms~~; firearms.
- b. Instruction regarding safe storage of firearms and child ~~safety~~; safety.
- c. Instruction regarding knowledge and safe handlings of ~~ammunition~~; ammunition.
- d. Instruction regarding safe storage of ammunition and child ~~safety~~; safety.
- e. Instruction regarding safe firearms shooting ~~fundamentals~~; fundamentals.
- f. Live fire shooting exercises conducted on a range, including the expenditure of a minimum of ~~100~~ 150 rounds of ~~ammunition~~; ammunition.
- g. Identification of ways to develop and maintain firearm shooting ~~skills~~; skills.
- h. Instruction regarding federal and state laws pertaining to the lawful purchase, ownership, transportation, use and possession of firearms; firearms.
- i. Instruction regarding the laws of this State pertaining to the use of deadly force for ~~self-defense~~; and self-defense.
- j. Instruction regarding techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.
- k. Instruction pertaining to safe and proper methods of carrying deadly weapons concealed.

(4) At the time the initial application is filed, the individual applicant shall pay a non-refundable fee of \$65 \$95 to the Prothonotary ~~issuing the same~~ Commission.

(5) The license issued upon initial application ~~is shall be~~ valid for 3 years from the date of issue. On or before the date of expiration of such initial license, the licensee, without further application, may renew the same for the further period of 5 years from date of issue upon payment to the ~~Prothonotary~~ Commission of a fee of \$65 \$75, and upon filing with ~~said Prothonotary~~ the Commission an affidavit setting forth that the carrying of a concealed deadly weapon by the licensee is necessary for personal protection or protection of the licensees family, business or property, ~~persons property, family, business or both~~ and that the licensee person possesses all the requirements for the issuance of a license and may make like renewal every 5 years thereafter; provided, however, that the ~~Superior Court~~ Commission upon good cause presented to it, may inquire into the renewal request and deny the same for good cause shown. No requirements in addition to those specified in this paragraph may be imposed for the renewal of a license. A

copy of an application for renewal of a now-expired license filed in a timely manner with the Commission serves as a temporary extension of that license pending Commission action on that renewal application.

~~(b) The Prothonotary of the county in which any applicant for a license files the same shall cause notice of every such application to be published once, at least 10 days before the next term of the Superior Court. The publication shall be made in a newspaper of general circulation published in the county. In making such publication it shall be sufficient for the Prothonotary to do the same as a list in alphabetical form stating therein simply the name and residence of each applicant respectively. The Commission shall administer and execute the provisions of this section and those contained in Chapter 31 of Title 29.~~

~~(c) The Prothonotary of the county in which the application for license is made shall lay before the Superior Court, at its then next term, all applications for licenses, together with the certificate and recommendation accompanying the same, filed in the Prothonotary's office, on the first day of such application. Anyone who learns of a concealed carry licensee becoming a person prohibited as defined by § 1448 of Title 11, is authorized, but not required, to inform the Commission of that fact and provide to the Commission any and all facts and documents known to that person evidencing the licensee's change in status. Upon receipt of such information, the Commission shall take action to verify the information provided and to take the appropriate action against that license.~~

~~(d) The Court may or may not, in its discretion, approve any application, and in order to satisfy the Judges thereof fully in regard to the propriety of approving the same, may receive remonstrances and hear evidence and arguments for and against the same, and establish general rules for that purpose. [Repealed.]~~

~~(e) If any application is approved, as provided in this section, the Court shall endorse the word "approved" thereon and sign the same with the date of approval. If not approved, the Court shall endorse the words "not approved" and sign the same. The Prothonotary, immediately after any such application has been so approved, shall notify the applicant of such approval, and following receipt of the notarized certification of satisfactory completion of the firearms training course requirement as set forth in paragraph (a)(3) of this section above shall issue a proper license, signed as other state licenses are, to the applicant for the purposes provided in this section and for a term to expire on June 1 next succeeding the date of such approval. [Repealed.]~~

~~(f) The Secretary of State shall prepare blank forms of license to carry out the purposes of this section, and shall issue the same as required to the several Prothonotaries of the counties in this State Commission. The Prothonotaries of all the counties Commission shall cause to be affixed affix to the license, before lamination, a photographic representation of the licensee. [Repealed.]~~

(g) ~~The provisions of this section do not apply to the carrying of the usual weapon by the police~~ Currently
employed sworn law enforcement officers or and other peace officers, as defined by § 1901 of this title, are exempt from
the licensing requirements of this section and may lawfully carry deadly weapons concealed, both off-duty and on-duty, for
personal protection and for the execution of the officers law enforcement duties.

(h) Notwithstanding any provision to the contrary, an individual ~~anyone~~ retired as a police officer, as “police
officer” is defined by § 1911 of this title, who is retired after having served at least 20 years in any law-enforcement agency
within this State, or who is retired and remains currently eligible for a duty-connected disability pension, may be licensed to
carry a concealed deadly weapon for ~~the protection of~~ that retired police officer’s personal protection, or protection of
family, business or property after that retired police officer’s retirement, if the following conditions are strictly complied
with:

(1) If that retired police officer applies for the license within ~~90~~ 180 days of the date of that retired police
officer’s retirement, the retired police officer shall pay a fee of \$65 to the Commission ~~Prothonotary in the county~~
~~where that retired police officer resides~~ and present to the Prothonotary Commission both of the following:

a. A certification from the Attorney General’s office, in a form prescribed by the ~~Attorney General’s~~
~~office~~ Commission verifying that the retired officer is in good standing with the law-enforcement agency from
which the retired police officer is ~~retired; and retired.~~

b. A letter from the chief of the retired officer’s agency verifying that the retired officer is in good
standing with the law-enforcement agency from which the retired police officer is ~~retired; or is retired.~~

(2) If that retired police officer applies for the license more than ~~90~~ 180 days, but within 20 years, of the date
of that retired police officer’s retirement, the retired police officer shall pay a fee of \$65 to the Commission
~~Prothonotary in the county where the retired police officer resides~~ and present to the Prothonotary Commission
certification forms from the Attorney General’s office, or in a form prescribed by the ~~Attorney General’s office~~
Commission, that state all of the following:

a. The retired officer is in good standing with the law-enforcement agency from which that retired police
officer is ~~retired; retired.~~

b. The retired officer’s criminal record has been reviewed and that the retired police officer has not been
convicted of any crime greater than a violation since the date of the retired police officer’s ~~retirement; and~~
retirement.

c. The retired officer has not been committed to a psychiatric facility since the date of the retired police
officer’s retirement.

317 (i) Notwithstanding anything contained in this section to the contrary, an adult individual ~~person~~ who, as a
318 successful petitioner seeking relief under pursuant to Part D, subchapter III of Chapter 9 of Title 10, has caused a protection
319 from abuse order containing a firearms prohibition authorized by § 1045(a)(8) of Title 10 or a firearms prohibition pursuant
320 to § 1448(a)(6) of this title to be entered against a person for alleged acts of domestic violence as defined in § 1041 of Title
321 10, is shall be deemed to have shown the necessity for a license to carry a deadly weapon concealed for protection of
322 themselves under pursuant to this section. In such cases, all other requirements of subsection (a) of this section must still be
323 satisfied.

324 (j) Notwithstanding any other provision of this Code to the contrary, the State of Delaware shall give full faith and
325 credit and shall otherwise honor and give full force and effect to all licenses or permits ~~licenses/permits~~ issued to the
326 citizens of other states where those issuing states also give full faith and credit and otherwise honor the licenses issued by
327 the State of Delaware under this section and where those licenses or permits are issued by authority under a law of another
328 state that affords a reasonably similar degree of protection as is provided by licensure in this State as evidenced by a
329 statutorily required training requirement. Citizens of this State may not rely upon or use another state's non-resident
330 concealed carry license to carry a deadly weapon concealed within this State. For the purpose of this subsection "reasonably
331 similar" does not preclude alternative or differing provisions nor a different source and process by which eligibility is
332 determined. Notwithstanding the forgoing, if there is evidence of a pattern of issuing licenses/permits to convicted felons in
333 another state, the Attorney General shall not include that state under the exception contained in this subsection even if the
334 law of that state is determined to be "reasonably similar." The Attorney General shall communicate the provisions of this
335 section to the Attorneys General of the several states and shall determine those states whose licensing/permit systems
336 qualify for recognition under this section. The Attorney General Commission shall publish on January 15 of each year a list
337 of all States which have qualified for reciprocity under this subsection. The Such list published by the Commission shall be
338 is valid for 1 ~~one~~ year and any removal of a State from the list may shall not occur without 1 year's notice of such
339 impending removal. The Such list published by the Commission must be shall be made readily available to all State and
340 local law-enforcement agencies within the State as well as to all then-current holders of licenses issued by the State of
341 Delaware under pursuant to this section.

342 (k) The ~~Attorney General~~ Commission ~~may shall have the discretion to~~ issue, on a limited basis, a temporary
343 license to carry concealed a deadly weapon to any individual who is not a resident of this State and whom the ~~Attorney~~
344 ~~General~~ Commission determines has a short-term need to carry such a weapon within this State in conjunction with that
345 individual's employment for the individual's personal protection ~~of person~~ or property. A Said temporary license issued
346 under this Subsection shall automatically expires 30 days from the date of issuance and is not shall not be subject to

renewal: A temporary license and must be carried at all times while within the State. ~~However,~~ Nothing contained in this subsection prohibits herein shall prohibit the issuance of a second or subsequent temporary license. The ~~Attorney General~~ Commission may shall have the authority to promulgate and enforce ~~such~~ regulations as may be necessary for the administration of ~~such~~ temporary licenses under this subsection. ~~An~~ No individual may not be shall be issued more than 3 temporary licenses in the same calendar year. The fee for each temporary license is \$100 per issuance.

(l) All applications for a temporary license to carry a concealed deadly weapon made under pursuant to subsection (k) of this section must shall be in writing and must shall bear a notice stating that false statements in the application therein are punishable by law.

(m) Notwithstanding any other law or regulation to the contrary, any license issued under pursuant to this section is shall be void, and is automatically repealed by operation of law, if the licensee is or becomes prohibited from owning, ~~possessing~~ possessing, or controlling a deadly weapon as specified in § 1448 of this title.

(n)(1) For purposes of this section contiguous states mean Pennsylvania, Maryland and New Jersey.

(2) An individual who is a resident of a contiguous state who is licensed to carry concealed deadly weapons in the contiguous state and who regularly works or is employed within this State or who owns a vacation home in this State may be licensed to carry a deadly weapon in this State.

(3) An individual desiring to be licensed under this subsection shall apply to the Commission and must meet all of the requirements required of a Delaware resident applicant.

(4) An individual desiring to be licensed under this section shall also file with the Commission documentation satisfactory to the Commission to prove that the individual qualifies under the provisions of this subsection for licensing as a resident of a contiguous state.

(5) The initial application fee for a non-resident license under this subsection is \$150. The renewal for such licenses is \$100.

Section 3. Effective Dates; Implementation; Transition

It is the intent of the General Assembly that the Commission be fully established, staffed, organized and functional before assuming the responsibilities currently assigned to the Superior Court and the Office of the Attorney General and prior to performing the functions contained in this Act. Therefore:

(a) Those portions of Section 1 of this Act pertaining to and required for the establishment, staffing, organization and effective functioning of the Commission shall become effective 10 days after enactment.

(b) The balance and remainder of this Act shall become effective on the First Day of January immediately following enactment.

377 (c) Upon request of the Commission, the Prothonotaries of each of the three counties shall, within 90 days of said
378 request, transfer custody of all files and records pertaining to Concealed Carry applicants and Licensees to the Commission,
379 including all pending applications and shall otherwise fully cooperate and assist with the transition of duties and
380 responsibilities from the Superior Court to the Commission.

381 (d) Upon request of the Commission, the Attorney General shall, within 30 days of said request, transfer custody
382 of all files and records pertaining to Concealed Carry applicants and Licensees to the Commission, including all pending
383 applications. Additionally, upon request of the Commission, the Attorney General will likewise transfer custody of all files
384 and records pertaining to all persons who have in the past or who are currently functioning as concealed carry instructors to
385 the Commission, and shall otherwise fully cooperate and assist with the transition of duties and responsibilities from the
386 Attorney General to the Commission.

SYNOPSIS

This Act is designed to centralize and modernize Delaware's system for licensing its citizens to carry concealed deadly weapons. The current statutory scheme dates as far back as the Code Revision of 1974 and was not designed to handle the volume of applicants and licensees that are being experienced today, a volume that has at times unfairly overwhelmed both the Courts and the Office of the Attorney General.

In 2016, alone, the Attorney General was required to conduct 8,522 background investigations, a volume level never envisioned by the General Assembly in 1974, and a volume which, over the years has placed increasingly unsustainable demands upon both the Superior Court and the Attorney General. As importantly, this ever-increasing volume of applicants and license renewals and the system's inability to respond in a timely manner has led to a volume of complaints from those who have been forced to wait up to eight months for their applications to be fully processed in the current system.

This Act is designed to relieve the current pressures on the Superior Court and the Office of the Attorney General by creating a small, centralized, and financially self-sustaining organization within state government designed specifically to administer the licensing of individuals to lawfully carry concealed deadly weapons; and, for the first time, to effectually license and regulate the instructors who provide the statutorily required training for such individuals.

Section 1 of the Act creates the Delaware Commission on Concealed Carry Licensing and provides for the professional staff and procedural mechanisms for licensing persons to carry concealed deadly weapons. The Commission is also charged with licensing and regulating the Personal Protection Firearms Instructors who provide the statutorily mandated training for concealed carry licensees. By creating an organization dedicated solely to these tasks, the Act is also (1) able to eliminate the current single date expiration system which is responsible for at least some of the current backlog, and allows for licenses to expire and renewals to be processed on a year-round basis; and (2) ensure that the required training is delivered according to statutory standards by instructors who have qualified to deliver that training.

Section 2 of the Act amends the concealed carry statute to transfer responsibility for concealed carry licensing from the Superior Court and the Attorney General to the Commission on Concealed Carry Licensing created in Section 1 of the Act. This section also attempts to enhance language in the existing statute.

This section also increases the application fees for concealed carry applicants from \$65 to \$95 for initial applications and \$75 for renewals. The section also establishes a fee of \$100 for each issuance of a temporary license. It also allows for the licensing of those residents of contiguous states who regularly work in Delaware and who are already licensed by their home state to be separately licensed in Delaware under the same strict criteria required of Delaware residents, establishing an initial application fee for such individuals of \$150 and a renewal fee of \$100.

Section 2 also addresses the issue of concealed carry reciprocity; clarifying the recognition process and ensuring Delaware residents may not circumvent Delaware's licensing process by utilizing non-resident licenses from other states with which Delaware has reciprocity.

Finally, Section 2 makes a clear statement that currently employed law enforcement officers are exempt from the licensing requirements that pertain to other citizens. Section 2 also extends the period of time retiring law enforcement officers have to avail themselves of the existing streamlined licensing regime available to such officers from 90 days to 180 days.

Section 3 of the Act allows for the establishment of the Commission and a period of time for the Commission to be fully staffed and operational before transferring authority and responsibilities from the Courts and the Attorney General to the Commission.