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HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 277

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FIREARMS.

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

1 Section 1. Amend § 222, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and redesignating accordingly:

3 () “Covert firearm” means any firearm that is constructed in a shape or configuration such that it does not
4 resemble a firearm. It includes a firearm enclosed in a container or covering that is designed or modified to allow the
5 firearm to be fired while enclosed, and that disguises or obscures the shape of a firearm such that it does not resemble a
6 firearm.

7 () “Firearm frame or receiver” means the part of the firearm that provides housing for the firearm’s internal
8 components, and includes the hammer, bolt or breechblock, action, and firing mechanism.

9 () “Major component of a firearm” means the slide, cylinder, frame, or receiver of a firearm. For a rifle or
10 shotgun, it also includes the barrel.

11 () “Security exemplar” means an object, to be fabricated at the direction of the United States Attorney
12 General, that is all of the following:

13 a. Constructed of 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun.

14 b. Suitable for testing and calibrating metal detectors.

15 () “Three-dimensional printer” means a computer or computer-driven machine of device capable of
16 producing a three-dimensional object from a digital model.

17 () “Undetectable firearm” means a firearm constructed entirely of non-metal substances, or a firearm that
18 after removal of all of the major components of a firearm, is not detectable by walk-through metal detectors calibrated
19 and operated to detect the Security Exemplar, or firearm which includes a major component of a firearm, which, if
20 subject to the types of detection devices commonly used at airports for security screening, would not generate an image

21 that accurately depicts the shape of the component. It does not include a firearm subject to the provisions of 18 U.S.C.
22 § 922(p)(3) through (6).

23 () “Unfinished firearm frame or receiver” means a firearm frame or receiver that requires further machining
24 or molding in order to be used as part of a functional firearm, and which is designed and intended to be used in the
25 assembly of a functional firearm.

26 () “Untraceable firearm” means an unlawfully manufactured firearm for which the sale or distribution chain
27 from a licensed retailer to the point of its first retail sale cannot be traced by law enforcement officials.

28 Section 2. Amend Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and
29 insertions as shown by underline as follows:

30 § 1459 Possession of a weapon with a removed, obliterated or altered serial number.

31 (a) No person shall knowingly transport, ship, possess or receive any firearm or firearm frame or receiver with the
32 knowledge that the importer’s or manufacturer’s serial number has been removed, obliterated or altered in a manner that
33 has disguised or concealed the identity or origin of the firearm.

34 (b) This section shall not apply to a firearm manufactured prior to 1973.

35 (c) Possessing, transporting, shipping or receiving a firearm with a removed, obliterated or altered serial number
36 pursuant to this section is a class D felony.

37 § 1459A. Possession of an unfinished firearm frame or receiver with no serial number.

38 (a) No person shall knowingly transport, ship, transfer, or sell an unfinished firearm frame or receiver unless all of
39 the following apply:

40 (1) The person is a federally licensed gun dealer.

41 (2) The name of the manufacturer and an individual serial number are conspicuously placed on the unfinished
42 firearm frame or receiver in accordance with the procedures for the serialization of a firearm in 18 U.S.C. § 923(i).

43 (3) The recipient is a federally licensed gun manufacturer.

44 (4) The person maintains records for the unfinished firearm frame or receiver in accordance with the
45 requirements for maintenance of records in 18 U.S.C. § 923(g).

46 (b) No person shall knowingly possess an unfinished firearm frame or receiver that does not have the name of the
47 manufacturer and individual serial number conspicuously placed on it.

48 (c) Possession of an unfinished firearm frame or receiver with no serial number is a Class D felony.

49 § 1462 Covert or undetectable firearms; Class E or D felony.

50 (a) A person is guilty of possession of a covert or undetectable firearm when the person knowingly possesses a
51 covert or undetectable firearm.

52 (b) A person is guilty of manufacturing a covert or undetectable firearm when the person manufactures, causes to
53 be manufactured, transports, or sells a covert or undetectable firearm.

54 (c) Possession of a covert or undetectable firearm is a Class E felony.

55 (d) Manufacturing a covert or undetectable firearm is a Class D felony.

56 (e) This section does not apply to members of the military forces or to members of a police force in this State duly
57 authorized to carry a covert or undetectable firearm; nor does it apply to the manufacture or importation for sale to a law-
58 enforcement or military entity in this state.

59 § 1463 Untraceable firearms; Class E or D felony.

60 (a) A person is guilty of possessing an untraceable firearm when then person knowingly possesses an untraceable
61 firearm.

62 (b) A person is guilty of manufacturing an untraceable firearm when the person knowingly manufactures,
63 assembles, causes to be manufactured or assembled, sells, or transfers an untraceable firearm.

64 (c) A person is guilty of manufacturing or distributing a firearm using a three-dimensional printer when the person
65 does any one of the following:

66 (1) Uses a three-dimensional printer or similar device to manufacture or produce a firearm, firearm frame or
67 receiver, magazine, or major firearm component when not licensed as a manufacturer.

68 (2) Distributes by any means, including the internet, to a person who is not licensed as a manufacturer,
69 instructions in the form of computer-aided design files or other code or instructions stored and displayed in electronic
70 format as a digital model that may be used to program a three-dimensional printer to manufacture or produce a firearm,
71 firearm frame or receiver, magazine, or major component of a firearm.

72 (d) Possession of a untraceable firearm is a Class E felony.

73 (e) Manufacturing an untraceable firearm or manufacturing or distributing a firearm using a three-dimensional
74 printer is a Class D felony.

75 (f) This section does not apply to members of the military forces or to members of a police force in this State duly
76 authorized to carry an untraceable firearm; nor does it apply to the manufacture or importation for sale to a law-
77 enforcement or military entity in this state.

SYNOPSIS

This bill establishes the crimes of possession of an unfinished firearm frame or receiver with no serial number, possession of and manufacturing a covert or undetectable firearm, possession of and manufacturing an untraceable firearm,

and manufacturing or distributing a firearm using a three-dimensional printer. This bill also makes it a crime to possess a firearm frame or receiver with a removed, obliterated, or altered serial number.