



SPONSOR: Rep. Mitchell & Rep. Longhurst & Sen. Hocker &
Sen. Delcollo & Sen. Poore
Reps. Cooke, Heffernan, Schwartzkopf, D. Short, Smyk,
Spiegelman, Yearick; Sens. Cloutier, Hansen, Lopez,
Pettyjohn, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 77

ESTABLISHING THE GUN VIOLENCE PREVENTION TASK FORCE TO STUDY AND MAKE FINDINGS AND
RECOMMENDATIONS REGARDING WHETHER DELAWARE SHOULD BECOME THE POINT OF CONTACT TO
CONDUCT BACKGROUND CHECKS FOR FIREARMS TRANSFERS.

1 WHEREAS, the most sacred obligation of government is the protection of the communities and citizens it serves;
2 and

3 WHEREAS, the epidemic of gun violence and the proliferation of mass shootings have terrorized communities
4 across the United States of America and Delaware; and

5 WHEREAS, Title 18 of the United States Code designates those persons who are prohibited from purchasing or
6 possessing firearms, and includes persons who have been convicted of crimes punishable by imprisonment exceeding one
7 year, illegal aliens, and fugitives from justice; and

8 WHEREAS, Section 1448 of Title 11 of the Delaware Code also designates those persons who are prohibited from
9 purchasing or possessing firearms, and includes persons who have been convicted of a felony or a misdemeanor crime of
10 domestic violence or drug possession, persons who have been involuntarily committed for a mental condition, and persons
11 subject to a Protection from Abuse Order or Lethal Violence Protection Order; and

12 WHEREAS, in 1993, Congress passed the Brady Handgun Violence Prevention Act which mandated that a holder
13 of a Federal Firearms License (FFL) must run background checks on buyers in order to determine whether the prospective
14 purchaser was prohibited from owning or possessing a firearm; and

15 WHEREAS, in 1998, the Federal Bureau of Investigation launched the National Instant Criminal Background
16 Check System (NICS) which is a system used for determining if prospective firearms buyers were prohibited by law from
17 owning or purchasing firearms; and

18 WHEREAS, a NICS background check consists of a search of 3 nationally-held data bases managed by the CJIS
19 Division and the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) databases; and

WHEREAS, one of the databases searched is the NICS Indices which contains information contributed by local, state, tribal, and federal agencies pertaining to persons prohibited from possessing or purchasing a firearm pursuant to state or federal law; and

WHEREAS, under current law, Delaware is not the point of contact for conducting background checks for firearms sales in this State; and

WHEREAS, as a non-point-of-contact state, in Delaware all requests for background checks by a FFL in Delaware are conducted by NICS; and

WHEREAS, in 2017 the total number of firearm background checks completed by NICS for Delaware was 50,639. In 2018, that number decreased to 47,723. As of September 30th, the total number in 2019 is 33,267; and

WHEREAS, there are 36 other states, like Delaware, where NICS conducts all firearm background checks; and

WHEREAS, there are 13 states that use a state or local point of contact for all firearm background checks, including Pennsylvania and New Jersey; and

WHEREAS, reports exist showing that state point of contact systems are less expensive and more efficient than FBI background checks; and

WHEREAS, the State Bureau of Identification (SBI) provides the state with a central repository for the collection and accurate organization of criminal arrest records; and

WHEREAS, in 2018, SBI processed 79,878 criminal history requests; and

WHEREAS, law enforcement, gun owners, and the residents of this State understand that government is engaged in the regulation of firearm purchase and possession; and

WHEREAS, Delaware must be committed to deploying all necessary resources to keep firearms from dangerous and prohibited individuals.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 150th General Assembly of the State of Delaware, with the approval of the Governor that the Gun Violence Prevention Task Force (Task Force) be established to study and make findings and recommendations regarding whether Delaware should become the point of contact to conduct background checks for firearm transfers.

BE IT FURTHER RESOLVED that the Task Force be comprised of the following members:

(1) 2 members of the House of Representatives, appointed by the Speaker of the House.

(2) 2 members of the Senate, appointed by the President Pro Tempore of the Senate.

(3) The Comptroller General.

- (4) The Director of the Office of Management and Budget.
- (5) The Secretary of the Department of Safety and Homeland Security.
- (6) The Secretary of the Department of Health and Human Services.
- (7) The Attorney General.
- (8) The State Court Administrator.
- (9) The Colonel of the Delaware State Police.
- (10) A holder of a Federal Firearms License, appointed by the Governor.

BE IT FURTHER RESOLVED that members serving by virtue of position may designate another individual to attend Task Force meetings by providing the designation in writing to the Co-Chairs. An individual attending a meeting for a member serving by virtue of position has the same duties and rights as the member serving by virtue of position.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives notify the co-chairs of the Task force of the Task Force's creation and provide the chair of the Task Force with a copy of the legislation creating the Task Force.

BE IT FURTHER RESOLVED that the Speaker of the House shall appoint a member of the House of Representatives to be a co-chair of the Task Force, and the President Pro Tempore of the Senate shall appoint a member of the Senate to be co-chair the Task Force.

BE IT FURTHER RESOLVED that the co-chairs of the Task Force be responsible for guiding the administration of the Task Force by, at a minimum, doing all of the following:

(1) Notifying members of the Task Force serving by virtue of their position of their selection to serve on the Task Force and individuals authorized to appoint members to the Task Force of their authority.

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

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

(4) Sending, within 5 calendar days after the initial meeting of the Task Force, a list of the members of the Task Force and, if applicable, the person who appointed them to the Speaker of the House of Representatives, President Pro Tempore of the Senate, and the Director of the Division of Research of the Legislative Council. And providing notice of any changes in the make-up of the Task Force to the Speaker of the House of Representatives, President Pro Tempore of the Senate, and the Director of the Division of Research of the Legislative Council within 5 calendar days after the change occurs.

79 (5) Providing meeting notices, agendas, and minutes to the Director of the Division of research of Legislative
80 Council. Notices and agendas must be provided to the Division at least 10 calendar days before a task Force meeting.
81 Minutes must be provided to the Division within 5 calendar days of a vote of the Task Force approving the minutes.

82 (6) Ensuring that the final report of the Task Force is submitted to the Speaker of the House of
83 Representatives and the President Pro Tempore of the Senate with copies to the Governor, the Director and the
84 Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

85 BE IT FURTHER RESOLVED that the Co-Chairs of the Task Force hold the initial organizational meeting no
86 later than 30 days after enactment.

87 BE IT FURTHER RESOLVED that:

88 (1) Official action by the Task Force, including making findings and recommendations, requires the approval
89 of a majority of the members of the task Force.

90 (2) The Task Force may adopt rules necessary for its operation. If the Task Force does not adopt rules or if
91 the adopted rules do not govern a given situation, Mason's Manual of Legislative Procedure controls.

92 BE IT FURTHER RESOLVED that the Division of Research be responsible for providing reasonable and
93 necessary support staff and materials for the Task Force. The Task Force may use House Caucus, Senate Caucus, or
94 Division of Research attorneys for legal research and advice.

95 BE IT FURTHER RESOLVED that the Task Force report its findings by September 1, 2020.

96 BE IT FURTHER RESOLVED that this Joint Resolution expires on the date the Task Force submits its findings
97 and recommendations.

SYNOPSIS

This Act creates the Gun Violence Prevention Task Force to study and make findings and recommendations regarding whether Delaware should become the point of contact to conduct background checks for firearms transfers.