SPONSOR: Rep. Michael Smith & Sen. Pettyjohn
Reps. Matthews, K. Williams, Yearick; Sens. Hocker, Lawson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 67

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

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

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

§ 543. Obtaining firearm or ammunition by fraud, deceit, or deception.

(a) For purposes of this section:

(1) "Licensed dealer" means a person who is licensed to engage in the business of dealing in firearms pursuant to Chapter 9 of Title 24 of the Delaware Code and 18 U.S.C. § 921 and 923 et seq.

(2) "Private seller" means a person other than a licensed dealer who sells or offers for sale any firearm, as defined in Section 222 of Title 11, or ammunition;

(3) "Ammunition" means any cartridge, shell, or other form of fixed ammunition designed for use in a firearm;

(4) "Materially false information" means information that materially misrepresents the legality or illegality of a transaction or proposed transaction.

(b) Any person who knowingly solicits, requests, commands, importunes, or otherwise attempts to cause a licensed dealer or private seller of a firearm or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this State or the United States is guilty of a class C felony.

(c) Any person who knowingly offers materially false information to a licensed dealer or private seller of a firearm or ammunition with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a class F felony.

(d) Nothing in this section shall apply to any law-enforcement officer or the officer's agents while acting in the lawful performance of duty.

SYNOPSIS

This bill closes a loophole in existing Delaware law by making it a crime for a person who is not otherwise legally eligible to own, possess, or purchase a firearm or ammunition to attempt to obtain same through fraud, deceit, or deception.

HR : RDS : AFJ
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