SPONSOR: Rep. Longhurst & Sen. Poore & Rep. Dorsey Walker & Rep. Heffernan & Rep. Lynn & Rep. Minor-Brown & Rep. Mitchell & Rep. Schwartzkopf & Sen. S. McBride & Sen. Sokola & Sen. Townsend
Reps. Baumbach, Bentz, Chukwuocha, Cooke, Griffith, K. Johnson, Kowalko, Lambert, Matthews, Morrison; Sens. Gay, Hansen, Lockman, Paradee

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 125
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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:

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

( ) "Covert firearm" means any firearm that is constructed in a shape or configuration such that it does not resemble a firearm.

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

( ) "Major component of a firearm" means the slide, barrel, cylinder, trigger group, or receiver of a firearm.

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

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

b. Suitable for testing and calibrating metal detectors.

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

( ) "Undetectable firearm" means a firearm constructed entirely of non-metal substances, or a firearm that after removal of all of the major components of a firearm, is not detectable by walk-through metal detectors calibrated and operated to detect the Security Exemplar, or firearm which includes a major component of a firearm, which, if subject to the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component. It does not include a firearm subject to the provisions of 18 U.S.C. § 922(p)(3) through (6).

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

( ) "Untraceable firearm" means a firearm for which the sale or distribution chain from a licensed retailer to the point of its first retail sale cannot be traced by law enforcement officials. "Untraceable firearm" does not include any of the following:

a. Firearms manufactured prior to 1968.

b. Muzzle-loading firearms designed to use black power or its equivalent.

c. Firearms which are designed as replicas of antique firearms originally manufactured prior to 1898.

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

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

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

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

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

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

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

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

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

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

(b) No person shall knowingly possess an unfinished firearm frame or receiver that does not have the name of the manufacturer and individual serial number conspicuously placed on it or on a major component of the firearm into which the unfinished firearm frame or receiver will be housed.

(c) Subsection (b) of this section does not apply to a federally licensed gun manufacturer during the manufacturing process of a firearm frame or receiver.

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

§ 1462 Covert or undetectable firearms; Class E or D felony,

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

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

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

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

§ 1463 Untraceable firearms; Class E or D felony.

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

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

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

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

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

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

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

Section 3. If any provision of this Act or the application of this Act to any person or circumstance is held invalid, the provisions of this Act are severable if the invalidity does not affect the other provisions of this Act that can be given effect without the invalid provision or the application of this Act that can be given effect without the invalid application.

Section 4. § 1459A of Section 2 takes effect 90 days following the Act's enactment into law.