SPONSOR: Rep. Atkins & Sen. Booth
Reps. Bennett, Briggs King, Carey, Carson, Cathcart, Hocker, Kovach, Lavelle, Lee, Manolakos, Outten, Ramone, D. Short, Thornburg, Walls, Wilson; Sens. Ennis, Simpson, Bonini, Cook, Bunting, McBride, Venables

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 357

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LIMITING THE AUTHORITY OF PUBLIC BODIES TO REGULATE ARMS.

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

Section 1. Amend Title 29 of the Delaware Code by adding a new Chapter 112 thereto to read as follows:

"CHAPTER 112. REGULATION OF ARMS

§ 11201. Limitation of Authority.

(a) No public body in this state shall have or exercise the authority to regulate, prohibit, restrict or license the ownership, transfer, possession or transportation of arms, firearms, components of firearms, ammunition or components of ammunition except as expressly and specifically authorized by act of the General Assembly.

(b) Nothing contained herein shall be construed as negating or precluding standard security measures controlling physical access to governmental buildings, offices or institutions.

§ 11202. Definition.

(a) For purposes of this chapter, the term 'Public body' shall mean, any regulatory, administrative, advisory, executive, appointive, or legislative agency or body of this State, or any political subdivision thereof, including , but not limited to, any, board, bureau, commission, department, authority, agency, committee, ad hoc committee, special committee, temporary committee, advisory board and committee, subcommittee, association, group, panel, council or governmental entity established by the General Assembly of the State of Delaware, or appointed by any body or public official of this State or otherwise empowered by any governmental entity, which: (1) Is supported in whole or in part by any public funds; or (2) expends or disburses any public funds including grants, gifts or other similar disbursals and distributions; or (3) is impliedly or specifically charged by any other public official, body, or agency to advise or make reports, investigations or recommendations.

(b) As used herein the term 'Public body' shall not include the General Assembly of the State of Delaware.

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(c) As used herein the term ‘public funds’ shall mean any funds derived in any part from taxes, assessments and/or fees paid into a governmental entity by the taxpayers of the State of Delaware or the United States of America.

(d) As used herein the term ‘governmental entity’ shall, in addition to its ordinary meaning, include all organizational forms and bodies of government.”.

SYNOPSIS

This new chapter is intended to address the banning of possession of firearms by certain governmental agencies and entities of the State. Currently, several housing agencies in this state have adopted policies of evicting or threatening to evict law abiding tenants from their homes merely for the otherwise lawful possession of firearms for self-defense. This practice constitutes discrimination based on economic circumstances leaving these residents at the mercy of criminals.