



SPONSOR: Rep. Longhurst

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 6

TO

HOUSE BILL NO. 35

AMEND House Bill No. 35 by striking lines 14-15 and substituting in lieu thereof the following:

(1) Transactions in which the potential purchaser or transferee is a parent, grandparent, child, grandchild, sibling, spouse or civil union partner of the seller or transferor;

FURTHER AMEND House Bill No. 35 by striking lines 22-25 and substituting in lieu thereof the following:

(4) Transactions in which the potential purchaser or transferee is a qualified active duty law-enforcement officer or a qualified retired law-enforcement officer, as such terms are defined in 11 Del.C. §1441A;

(5) Transactions in which the prospective buyer or transferee is a bona fide member or adherent of an organized church or religious group, the tenets of which prohibit photographic identification; provided, however, that no unlicensed person shall sell or transfer any firearm to any such person without having conducted a criminal history background check in accordance with paragraph (f) hereunder to determine whether the sale or transfer would be in violation of federal or state law;

(6) Transactions involving the sale or transfer of a curio or relic to a licensed collector, as such terms are defined in 27 C.F.R. § 478.11, as the same may be amended from time to time;

(7) Transactions involving the sale or transfer of a firearm to an authorized representative of the State or any subdivision thereof as part of an authorized voluntary gun buyback program.

(d) Notwithstanding anything to the contrary herein, no fee may be charged for the return of a firearm to its owner that has been repaired, serviced or modified by a licensed gunsmith or other person lawfully engaged in such activities as a regular course of trade or business.

(e) Any person who knowingly sells or transfers a firearm in violation of this section shall be guilty of a class A

FURTHER AMEND House Bill No. 35 by striking line 27 and substituting in lieu thereof the following:
offenses under this section.

22 (f) The State Bureau of Investigation (the "Bureau") shall facilitate the sale or transfer of any firearm in which the
23 prospective buyer is a *bona fide* member or adherent of an organized church or religious group, the tenets of which prohibit
24 photographic identification, pursuant to the following procedure. For purposes of this paragraph, the terms "prospective
25 buyer" and "prospective seller" shall include prospective transferors and prospective transferees, respectively.

26 (1) The prospective buyer and seller shall jointly appear at the State Bureau of Investigation during regular hours
27 of business, and shall inform the Bureau of their desire to avail themselves of the procedure set forth herein. The actual cost
28 of the criminal history background check shall be paid by either the prospective buyer or prospective seller.

29 (2) The prospective buyer shall be required to submit fingerprints and other necessary information in order to
30 obtain a report of the individual's entire criminal history record pursuant to the Federal Bureau of Investigation
31 appropriation of Title II of Public Law 92-544 [28 U.S.C. § 534]. In addition, the prospective buyer shall submit to the
32 Bureau a signed affidavit stating that photographic identification conflicts with the tenets of an organized church or
33 religious group of which the prospective buyer is a *bona fide* member.

34 (3) In the event that said background check reveals that the prospective buyer is prohibited from possessing,
35 purchasing or owning a firearm, the Bureau shall so inform both parties of that fact and the transfer shall not take place.

36 (4) The Bureau shall maintain a record of all background checks under this section to the same extent as is
37 required of licensed dealers pursuant to Title 24, chapter 9 of this Code.

38 (5) The Bureau is hereby authorized to promulgate such reasonable forms and regulations as may be necessary or
39 desirable to effectuate the provisions of this paragraph.

40 FURTHER AMEND House Bill No. 35 by striking lines 77-78 and substituting in lieu thereof the following:
41 weapon so purchased, the age of the purchaser, and the mode of identification bearing a picture (except as provided in 11
42 Del.C. §1448B(f)) which shall include but it is not limited to a driver's license, and any other information as shall be
43 required by federal law and regulation. The record

SYNOPSIS

This amendment (1) adds civil union partners to the definition of immediate family; (2) allows *bona fide* members of organized religious groups whose religion prohibits photo IDs to undergo background checks through the State Bureau of Investigation; (3) clarifies that the qualified law-enforcement officer exception only applies when the prospective buyer or transferee is a qualified law-enforcement officer; (4) eliminates an exception that would have allowed pawnbrokers to return a firearm to person from whom it was received, because such exception no longer exists under federal law; (5) exempts from the background check requirement the purchase of "curio and relic" firearms by persons licensed under federal law to collect such items; (6) exempts purchases by the state or any subdivision thereof in connection with gun buyback programs; and (7) fixes a typographical error.