

**Senate Judiciary Committee**  
151<sup>st</sup> General Assembly  
Thursday June 10<sup>th</sup>, 2021  
10:00am-12:30pm  
Virtual Meeting

**Meeting Attendance**

**Committee Members Present:**

Senator Kyle Evans Gay  
Senator Sarah McBride  
Senator Brian Pettyjohn  
Senator Bryan Townsend  
Senator Dave Lawson

**Committee Members Absent:**

N/A

**Staff:**

Taylor Hawk  
Mary Grace Colonna  
Meghan Mullennix

*Attendees are listed in Appendix A.*

**Agenda**

**I. Introduction**

Senator Gay opened the meeting by reviewing the committee's virtual meeting authority and logistics of public participation. Senator Gay conducted attendance. Four members of the committee were present. Senator Gay asked Deanna Killen if Senator Lawson would be attending.

Mary Grace Colonna, Senate Staff, reviewed protocol and procedure.

**II. House Bill 136 w/ House Amendment 1 (Lynn): AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO PARENTS AND CHILDREN.**

*Synopsis:* The Bill sets forth 8 factors a court must consider in determining a proposed relocation of a child for a period of 60 days or more in litigation involving custody or visitation. These factors include: (1) the nature, quality, extent, and duration of the child's relationship with the individual proposing to relocate and with the non-relocating individuals, siblings and other significant persons in the child's life; (2) the age, developmental stage, needs of the child, and the likely impact of the relocation on the child, taking into account any special needs of the child; (3) the feasibility of preserving the relationship between the non-relocating individual and the child; (4) the child's preference; (5) any established patterns of the relocating individual to thwart or promote the relationship between the child and non-relocating individual; (6) whether the relocation will enhance the general quality of life of the child and relocating individual; (7) the reasons for requesting and opposing the relocation; and (8) any other factor affecting the best interests of the child.

Representative Lynn introduced the legislation and stated that it determined the factors the court must apply when it considers relocation of a child out of the state of Delaware in the context of a custody proceeding. Rep. Lynn stated that the current practice was called the best interest of the child analysis, which included eight factors. Rep. Lynn explained that in Kent County, where Dover Air Force Base is located, it was common for young airmen to relocate outside of Delaware after their service. Rep. Lynn stated that when these airmen or women have children in Delaware, there is a question of what happens with relocation if the family is not intact. Rep. Lynn stated that the American Association of Matrimonial Attorneys had devised a set of factors for courts to consider called the Model Relocation Act factors. Rep. Lynn stated that the Delaware Family Court was permitted to use these factors and did

use these factors but was not required to do so. Rep. Lynn stated that this meant relocating parents did not know which factors the court would apply to their case, as the Model Relocation Act was not codified. Rep. Lynn stated that the Model Relocation Act factors are considered in addition to best interest factors. Rep. Lynn cited a decision from the Delaware Supreme Court, *Mac v State*, which stated that the Model Relocation Factors are considered in tandem with the best interest factors. Rep. Lynn thanked the committee for the opportunity to present.

Senator Lawson asked how the legislation addressed situations where Air Force personnel have been reassigned and the other spouse does not want to relocate.

Rep. Lynn stated that this situation was the exact issue that he often encountered that was the impetus for the bill. Rep. Lynn stated that the bill gave judges factors to look at in order to make that decision. Rep. Lynn stated that the bill would apply to many different situations, including parents relocating for non-military jobs.

Senator Lawson stated that he was concerned that a government order could result in an intact family being separated.

Rep. Lynn stated that this would not apply to intact families, only situations where there is a dispute between parents about where the child will live or whether the child will relocate with one parent. Rep. Lynn stated that the policy applied to larger custody cases and not intact families.

Senator Townsend asked if Family Court or the State Bar Association on Family Law had weighed in.

Rep. Lynn stated that the bill was several years old and had been introduced several years before. Rep. Lynn stated that he had held the bill in 2019 so that the Family Court could evaluate and contribute. Rep. Lynn stated that rewrites had resulted from this collaboration. Rep. Lynn emphasized that the bill represented many years of work with the Family Court. Rep. Lynn stated that Family Court did not take positions on bills, but the bill was rewritten to address their concerns. Rep. Lynn stated that the State Bar Association had not weighed in one way or another.

Senator Gay observed that there had been much feedback on the legislation, some of which suggested that there should be a reference to the best interest factors to affirm that both are utilized in tandem. Senator Gay asked why the reference was unwarranted.

Rep. Lynn stated that he had not been receiving emails on the topic. Rep. Lynn stated that he had been practicing in this area of law and handled hundreds of cases. Rep. Lynn stated that it was not subject to dispute that the Model Relocation Act factors were considered in tandem with the best interest factors, citing the Delaware Family Court and the Delaware Supreme Court. Rep. Lynn stated that it would be dangerous to specifically reference section 722. Rep. Lynn stated that there are many other sections of Title 13 where the best interest factors are applicable that do not specifically reference 722. Rep. Lynn listed examples: guardianship, third party visitation, and adoption. Rep. Lynn stated that adding a specific reference in this legislation would create problems and ambiguity, as people might believe that if those factors are cross referenced in one place but not another, that those factors do not apply in the sections without specific reference. Rep. Lynn stated that there are a number of other factors that have come about through case law that were not codified. Rep. Lynn stated that the court published them but they were not codified. Rep. Lynn stated that he did not want to start requiring every factor to be codified, as it would lead down a dangerous path. Rep. Lynn stated that he did not think they needed to cross reference 722, as he had never heard of an attorney making the argument that the best interest factors shouldn't be considered. Rep. Lynn stated that the Supreme Court and Family Court had weighed on the issue.

Senator Gay thanked Rep. Lynn and invited further questions or comments from the committee. There were none. Senator Gay opened the floor to public comment.

Robert Overmiller spoke in favor of HB 136.

Mariann Kenville-Moore, Delaware Coalition Against Domestic Violence, spoke in favor of the bill, citing the importance of the public understanding the law and discussing the relevance to victims of domestic violence.

Denise Clendenning asked if this legislation would apply retroactively or only to future cases.

Senator Gay explained that public comment was not an opportunity to ask questions and that individuals should contact legislators directly with questions.

Denise Clendenning stated that she believed the legislation should also apply to current cases.

**III. House 124 w/ House Amendment 1 (Griffith): AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OR PURCHASE OF DEADLY WEAPONS BY PERSONS PROHIBITED.**

*Synopsis:* This Act prohibits a person who is the subject of a Protection from Abuse Order of the Family Court and who knows or has reason to know, that the Order has been issued from purchasing, owning, possessing, or controlling a deadly weapon or ammunition for a firearm in this State. This Act also prohibits the subject of an outstanding arrest warrant, active indictment or information related to a felony or misdemeanor crime of domestic violence from purchasing a firearm. The subject of the pending criminal process must know or have reason to know that the process is pending in order for the prohibition to apply. This Act also makes technical changes to the existing law to make it conform to the Legislative Drafting Manual.

Senator Gay read the bill's title and invited Representative Griffith to present.

Representative Griffith explained that the bill expands the Delaware Persons Prohibited Statute to include additional individuals who should not be possessing deadly weapons or purchasing firearms. Representative Griffith stated that separating from an abusive partner can be dangerous for victims of domestic violence and homicides by firearm can occur during this time period. Representative Griffith stated that the bill made two changes to the chapter. Representative Griffith stated that the bill closed a loophole in the section dealing with protection from abuse orders. Representative Griffith explained that individuals issued an ex parte order, which is the first protection order in an emergency situation, the law does not make that person a person prohibited. Representative Griffith stated that HB 124 made individuals under ex parte orders persons prohibited, as long as they were aware of the order. Representative Griffith stated that the bill also prohibited individuals with pending felony charges or pending misdemeanor crimes of domestic violence from purchasing a firearm. Representative Griffith stated that federal law already prohibited individuals with pending felonies from purchasing firearms. Representative Griffith stated that the bill codified that provision in Delaware law and also added the misdemeanor crimes of domestic violence. Representative Griffith stated that the goal was to protect victims from further acts of violence during a dangerous separation period. Representative Griffith stated that the bill passed unanimously in the House.

Senator Pettyjohn asked if the prohibition on possessing a deadly weapon would expire if the charges were dropped or there was an adjudication of not guilty.

Representative Griffith stated that the prohibition was on purchasing, not possessing, a firearm. Representative Griffith stated that if there were no pending charges, there was no prohibition.

Senator Pettyjohn asked how long an individual could expect to be barred from purchasing firearms, especially considering the courts backlog due to Covid-19.

Representative Griffith stated that the courts had been working hard to accommodate the right to a speedy trial during the pandemic and stated that timing was a case by case basis. Representative Griffith stated that cases might move faster in Family Court or the Court of Common Pleas, where misdemeanors are heard, than cases move in Superior Court. Representative Griffith stated that there were case reviews before trial and multiple moments when cases are processed, where litigants and defendants meet in court with attorneys to resolve issues.

Senator Pettyjohn asked about a time frame, noting that trials were not happening in a speedy manner currently.

Representative Griffith stated that this was a speculative question without a definitive answer. Representative Griffith stated that each case was individual and that Delaware had an excellent court system. Rep. Griffith did not expect to hear any testimony that cases were just lingering on the docket.

John Taylor, DOJ, said that it was unclear how quickly they would work through the backlog of cases. Mr. Taylor provided estimated ranges for cases in normal times, stating that a homicide might take more than a year, serious felonies might take four to six months, and misdemeanors and less serious felonies could take progressively less time.

Sen. Lawson asked if the person had to know that charges had been filed to be charged with unlawful purchase of a firearm due to pending charges.

Rep. Griffith confirmed. Representative Griffith stated that the amendment clarified that the individual must know about the charges.

Sen. Lawson asked if a PFA (Protection From Abuse order) already prevented someone from purchasing a firearm?

Rep. Griffith confirmed but stated that ex parte orders were currently exempted. Representative Griffith noted that PFAs typically began as ex parte orders.

Sen. Lawson asked what an ex parte order was.

Rep. Griffith stated that it was when a judge issued an order but all parties were not present.

Sen. Lawson asked if, currently, there is an ex parte order against someone, even if that person does not know, they can be charged as a person prohibited?

Rep. Griffith responded no. Representative Griffith stated that they have to know about the charges under HB 124.

Sen. Pettyjohn asked how someone would know?

Rep. Griffith stated that this was a determination based on the facts of the case. Representative Griffith suggested that it might be established that the person prohibited “knew” because someone attests that they told them. Representative Griffith stated that oftentimes the individual seeking a protective order will inform the subject of the PFA, or other family members and acquaintances will.

Sen. Pettyjohn asked if this was a reliable determination. Sen. Pettyjohn asked if individuals would be charged based on the word of somebody else, ex. Johnny says “I told him there was an order and he didn’t turn in his guns” as opposed to notification by a law enforcement or court official.

Rep. Griffith stated that these cases were very individual. Representative Griffith stated that you could have a situation where someone was formally served or a situation where five or so people call to let a person know there was a PFA order against them. Representative Griffith stated that it would be up to the court to determine if the individual knew of the charges.

Senator McBride asked what percentage of PFAs were ex parte.

Rep. Griffith did not have the information but was going to ask Family Court. Representative Griffith stated that most PFAs began as emergency ex parte orders. Representative Griffith explained that there was a hearing within 15 days of the ex parte order, where the subject appeared.

Senator McBride asked How many individuals subject to ex parte orders were formally served through official channels.

Rep. Griffith did not have the information but was going to ask Family Court. Rep. Griffith asked what motivated the senator’s interest in the answer.

Senator McBride stated that it would not change her position on the legislation, which she supported, but would contextualize the number of cases where the notification and awareness of the order was a concern.

Representative Griffith invited Lt. Charles Sawchenko to elaborate on the committee's questions.

Lt. Charles Sawchenko stated that the court and police have been much more robust about notification for PFAs in recent years because enforcing these orders is difficult when it is unclear if the individual has been served or not. Lt. Charles Sawchenko stated that when an ex parte is issued the subject is served at their residence or workplace by Family Court. Lt. Charles Sawchenko stated that if Family Court does not serve them, the service is handed over to the local police agency. Lt. Charles Sawchenko stated that the serving is documented in DELJIS and in police reports. Lt. Charles Sawchenko stated that someone saying, "Oh he knew his wife was going to obtain a PFA" is not sufficient to lead to an arrest or make a person prohibited. Lt. Charles Sawchenko stated that they had dealt with that in the past. Lt. Charles Sawchenko stated that it becomes more complicated when the subject is in another state and Delaware courts have to work with out of state law enforcement agencies to document the serving. Lt. Charles Sawchenko stated that the subject of the order usually must relinquish their weapons but it is more powerful to make that person a person prohibited. Lt. Charles Sawchenko stated that the Delaware State Police supported the law.

Senator McBride observed that this largely made mute concerns about cases where there was a question about the validity of word of mouth notification, as Lt. Charles Sawchenko had made clear that would not be adequate to charge an individual as a person prohibited.

Senator Gay opened the floor to public comment.

Mariann Kenville-Moore, Delaware Coalition Against Domestic Violence, supported the legislation and stressed its importance in protecting victims of domestic violence and citing research on safety gaps in protecting victims from gun violence.

Melanie Ross Levin, Office of Women's Advancement & Advocacy, supported HB 124 and emphasized the danger of firearms to domestic violence victims.

Linnea Goddess supported HB 124, citing her own experiences as a social worker in the intake department of Family Court witnessing the fear of violence that domestic violence victims experienced in these circumstances.

Rick Armitage, Armitage DeChene & Associates representing the National Rifle Association, spoke against SB 124, citing concerns about due process and constitutional rights. Mr. Armitage stated that the prohibitions should require clear and convincing evidence that the person should be prohibited.

Amy Yarnall, Moms Demand Action, supported HB 124, citing a woman she had personally known who was murdered after leaving an abusive partner.

Lauren Vella, DDOJ, spoke in support of HB 124, citing evidence of the dangers of gun violence to victims of domestic violence.

Traci Murphy, Delaware Coalition Against Gun Violence, spoke in support of HB 124, citing the danger of gun violence to victims of domestic violence.

Wyatt Patterson, March For Our Lives Delaware, spoke in support of HB 124, citing the danger of gun violence to victims of domestic violence.

Mary Keogh, Unitarian Universalist Advocacy Network, supported the legislation and spoke on the importance of disarming abusers and protecting families and communities.

Mara Gorman, Moms Demand Action, spoke in favor of SB 124, discussing the prevalence of intimate partner violence.

Nazim Karaca spoke in favor of the legislation, stating that the right to bear arms was not more important than the right to be alive. Responding to earlier discussion on the possibility that someone would falsely testify that someone

had known about an ex parte order, Mr. Karaca stated that false testimony carried a stiff penalty and was subject to examination.

Sherry Long spoke against HB 124, stating that long term decisions should not be based on short term situations. Ms. Long also stated that the right to bear arms can save lives.

Jayln Powell, Delaware Coalition Against Gun Violence, spoke in favor of HB 124, discussing gun violence and the importance of protecting victims of domestic violence.

Denise Clendenning stated that Delaware should improve enforcement of the laws it already has and stop releasing violent offenders.

Robert Overmiller spoke against HB 124, stating that studies were not statistics, responding to evidence on domestic violence cited by other members of the public. Mr. Overmiller stated that more people die from knives than guns. Mr. Overmiller commended the sponsor on attempting to protect people but stated that he was unsure HB 124 was the answer.

Ann Bookout, Delaware United & Mom's Demand Action, spoke in favor of HB 124, citing the importance of protecting those at risk for abuse.

Kimberley Lake thanked Mary Grace Colonna for doing a wonderful job. Ms. Lake observed that the bill had passed the House unanimously. Ms. Lake stated that Delaware needed to concentrate on keeping criminals off the street. Ms. Lake had concerns about the legislation, hoping that it saved lives and did not infringe on citizens' rights.

Carol Spiker spoke in favor of HB 124, citing the prevalence of deadly domestic violence.

Willy Vargas spoke against HB 124, stating that it had slippery slopes and would cause issues for innocent people.

Erin Chronister discussed the number of homicides and attempted homicides in Delaware, as well as the number of orders of protection. Ms. Chronister wondered if this bill could be used against victims fleeing violence. Ms. Chronister wondered if the bill would contribute to the breakdown of communication between courts and law enforcement when these orders are issued and never removed.

Timothy Collins spoke against HB 124, expressing dissatisfaction with members of the Senate.

Public comment concluded.

Representative Griffith stated that since 2016 there had been 41 domestic violence related fatalities in Delaware, 29 of them involving firearms, responding to a member of the public that had suggested the numbers were lower.

#### **IV. House Bill 125 w/ House Amendment 1 (Longhurst): AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FIREARMS.**

*Synopsis:* Section 1 of this bill establishes the crimes of possession of an unfinished firearm frame or receiver with no serial number, possession of and manufacturing a covert or undetectable firearm, possession of and manufacturing an untraceable firearm, and manufacturing or distributing a firearm using a three-dimensional printer. This bill also makes it a crime to possess a firearm frame or receiver with a removed, obliterated, or altered serial number. This bill makes very limited exceptions to the requirement that certain guns have serial numbers which are: (1) Firearms manufactured before 1968; (2) Muzzle loaders that only use black powder, and antique replicas. Finally, this bill makes clear that § 1463 of Title 11 concerning untraceable firearms does not apply to members of the military forces or members of a police force in this State duly authorized to carry an untraceable firearm, and does not apply to the manufacture or importation for sale to a law-enforcement or military entity in this State. Section 2 is a severability clause. Section 3 provides that Section 1459A of Title 11, which is possession of an unfinished firearm frame or receiver with no serial number, takes effect 90 days after the Act's enactment into law.

Senator Poore introduced the legislation. Senator Poore stated that ghost guns were firearms with no serial numbers that were untraceable by law enforcement and often undetectable by metal detectors. Senator Poore stated that these guns could be made at home using kits sold online by unlicensed dealers without background checks. Senator Poore stated that federal law only considered the receiver as a firearm, subject to background checks. Senator Poore stated that other parts of a gun can be bought without a criminal check. Senator Poore stated that retailers had exploited the loophole by selling unfinished receivers, also called 80% receivers, which don't require background checks. Senator Poore stated that these could be made fully functional with minimal effort. Senator Poore mentioned one group that had published blueprints for a 3D printed gun that was downloaded one hundred thousand times in its first two days online. Senator Poore discussed a 2019 incident in which a 16 boy used a self-assembled, untraceable firearm to kill two students and injure three others in California. Senator Poore stated that no one had been killed by a ghost gun in Delaware at that time, but Delaware State Police had confiscated about 60 homemade guns since 2019. Senator Poore stated that people were using 3D printers or firearm components to make entire guns that are untraceable and undetectable by metal detectors. Senator Poore stated that individuals could sneak guns into buildings easily. Senator Poore stated that as technology rapidly evolves, it is likely that these weapons will become easier to obtain and easier to manufacture at home. Senator Poore stated that it was critical for them to take this step now. Senator Poore stated that HB 125 would make it illegal to possess or manufacture an untraceable firearm. Senator Poore stated that it would also be illegal to transfer, ship, or sell an unfinished firearm, frame, or receiver. Senator Poore stated that it would also be illegal to manufacture or distribute a firearm made with a 3D printer. Senator Poore stated that it would also be illegal to distribute instructions on how to manufacture a firearm, receiver, or major component of a firearm. Senator Poore stated that it would be illegal to transport, ship, possess, or receive any firearm or receiver with the knowledge that the manufacturer serial number has been removed or altered. Senator Poore stated that House amendment 1 removes the carve outs in code as well. Senator Poore stated that it was important to protect Delawareans from gun violence, highlighting the possibility that persons prohibited would use ghost guns to bypass law enforcement. Senator Poore stated that eight states, including N.J., as well as D.C. had enacted laws to at least partially address the problem of undetected or untraceable guns. Senator Poore stated that the law excluded older firearms, antique replicas, and muzzle loading firearms designed to use black powder.

Senator Lawson observed that the sponsor stated that Delaware State Police had confiscated 60 homemade guns since 2019 and asked how many of those incidents resulted in charges.

Timothy Stock, Delaware State Police, stated that he would have to look into that and get back to the Senator.

Sen. Lawson stated that the lack of statistics suggested there may not be a problem. Sen. Lawson discussed the difficulty of building a functional firearm and the plausibility that these guns would be dangerous or that criminals would seek to use them.

Senator Poore stated that in 2014 a man not legally allowed to purchase a firearm built his own, fired 100 rounds, and killed five people. Senator Poore stated that in 2017 a man prohibited from owning firearms killed 6 people and injured 10 with two assault style rifles that he had assembled using online parts. Senator Poore stated that in 2019 a sixteen year old boy self-assembled an untraceable firearm in a school and killed two students, injuring 3 others. Senator Poore stated that while the issue had not occurred in Delaware, De was able to be proactive.

Senator Poore discussed danger of untraceable weapons and stated that hobbyists knew the importance of serial numbers. Senator Poore stated that this bill would close a loophole.

Senator Lawson asked about tracing.

Timothy Stock stated that recovered firearms are entered into the etrace system by law enforcement which sends information to manufacturer, who identifies the seller, who identifies the original purchaser.

Senator Lawson asked for confirmation that firearms made before 1968 lacked serial numbers.

Timothy Stock confirmed that there was no tracing information for firearms made before 1968 as they lack serial numbers.

Senator Lawson stated that an un-serialized firearm made before 1968 could be legally possessed and asked how DE deals with that. Senator Lawson expressed concern that the bill would make a legally possessed firearm illegal, if the owner of such a gun replaced a part.

Senator Poore stated that if someone possesses a gun from this time period, they likely have received a background check at some point or may have a concealed carry permit. Senator Poore asked why someone legally able to purchase a gun would make one at home.

Timothy Stock stated that this raised a question, as the bill could potentially apply to firearms manufactured before 1968 that are repaired or altered with online parts.

Senator Gay opened the floor to public comment.

Lauren Vella, DDOJ, spoke in support of HB 125 and stated that it addressed a growing problem in Delaware.

Traci Murphy, Delaware Coalition Against Gun Violence, spoke in support of HB 125, stating that ghost guns undermined state law and exposed the community to violence.

Wyatt Patterson, March for Our Lives, spoke in favor of HB 125 stating that there was no valid reason for people to be able to circumvent Delaware gun laws to make untraceable weapons at home.

Mary Keogh, Unitarian Universalist Action Network, spoke in favor of HB 125, stating that they supported all efforts to reduce gun violence in society. Ms. Keogh also discussed a personal experience where an individual offered to build her a gun.

Mara Gorman, Moms Demand Action, spoke in favor of HB 125, citing the risks of young people having access to homemade weapons and the dangers of untraceable weapons.

Nazim Karaca stated that while it is difficult to produce a 3D printed firearm, the bill only made untraceable firearms prohibited and the difficulty was not a pivotal concern. Mr. Karaca stated that registering older firearms would address concerns about the bill making older legal guns illegal. Mr. Karaca stated that it is valid for constitutional rights to be regulated.

Ann Bookout, Delaware United and Moms Demand Action, spoke in favor of HB 125, stating that it was a struggle to keep up with technology when seeking to protect people.

Karen Riordan, Moms Demand Action, spoke in favor of HB 125, citing concerns of the ease of making and selling untraceable weapons.

Gary Kozielski, Moms Demand Action, spoke in favor of HB 125, stating that ghost guns undermined criminal investigations and allowed people who cannot legally purchase or possess guns to circumvent state and federal laws such as background checks.

Carol Spiker, spoke in favor of HB 125, stating that untraceable ghost guns were on the horizon as a big problem in Delaware.

Jeff Hague, Delaware State Sportsman Association, spoke in opposition to HB 125, stating that it would affect hobbyists. Mr. Hague stated that people were conflating ghost guns with metal 80% firearms, which are already illegal under federal law. Mr. Hague stated that it was not easy to create a firearm with a 3D printer.

John Rigby spoke in opposition to HB 125 and stated that it would make many things illegal, impacting hobbyists and amateur machinists.

Mitch Denham, Delaware Gun Rights, spoke in opposition to HB 125 and cited his personal experience studying gunsmithing and firearms technology, stating that parts of his coursework would be made illegal by the legislation.

Kimberley Lake spoke in opposition to HB 125, stating that the law was unnecessary and possibly illegal.

Pratyush Singh spoke in opposition to HB 125, stating that Delaware should focus on making guns easier to get.

Denise Clendenning spoke in opposition to HB 125, stating that DE should focus on criminals and existing laws.

Luann D'Agostino, Moms Demand Action, supported HB 125 and stated that the bill would help prevent individuals prohibited from owning firearms from circumventing laws.

Jeffery Jenkins spoke in favor of amending the law to allow hobbyists and people seeking an education a legal avenue to continue their activities.

Steel Stinger spoke in opposition to HB 125 and stated that it would not prevent crime but would harm gun owners.

Rick Armitage, representing the National Rifle Association, spoke in favor of amending the law to include a process for hobbyists to continue building their firearms and for gunsmiths to carry out their training. Mr. Armitage also suggested that Delaware had a unique and overly broad definition of firearms that included slingshots.

Willy Vargas spoke in opposition to HB 125, stating that he did not support regulations on gun owners.

Doug Bounds opposed HB 125, stating that building firearms at home was expensive and difficult. Mr. Bounds stated that HB 125 would affect law abiding citizens, such as hobbyists.

Zack J. spoke in opposition to HB 125 and stated that it was unnecessary.

Erin Chronister, Women's Defense Coalition, spoke in opposition to HB 125, stating that the bill was unnecessary, would be ineffective at hindering criminals, and would harm law abiding citizens.

Todd Burchard spoke against HB 125, stating that the bill was overly broad and vague, citing concerns about its unintended consequences.

Mary Grace Colonna, Senate Staff, observed that there were no more attendees registered to provide public comment.

Senator Gay thanked all attendees for sharing their thoughts.

Senator Lawson observed that the attendee who reported being offered a homemade gun to purchase would be an accessory to a crime because that was illegal. Senator Lawson stated that a previously cited statistic claiming that there were 10,000 ghost guns in the United State included all firearms made before 1968 that do not have serial numbers and any gun with a scratched out or disfigured serial number. Senator Lawson stated that this number does not necessarily refer to the firearms addressed by the bill.

Senator Poore stated that HB 125 would close a loophole. Senator Poore discussed the ease of access to ghost guns, mentioning the online downloads of designs and low costs. Senator Poore discussed the risk of children obtaining access to firearms and the killing that had occurred. Senator Poore stated that individuals not legally allowed to purchase guns would have the desire to obtain guns. Senator Poore stated that HB 125 would make sure someone could not create their own and put the community at risk.

## **V. Conclusion**

Senator Gay thanked members of the committee and presenters. Senator Gay thanked all public commenters, stating that it was important to hear from them and that their input was appreciated. Senator Gay thanked staff. Senator Gay stated that committee members would receive emails asking for their votes on the legislation.

Senator Lawson commended Senator Gay on how the chair conducted the committee.

Senator Gay thanked Senator Lawson and the committee and adjourned the meeting at 12:26 pm.

**Appendix A:** *Public Attendees*

Representative Krista Griffith  
Representative Valerie Longhurst  
Representative Sean Lynn  
Senator Nicole Poore  
Matt Revel  
Monica Beard, Delaware United  
Katie Leslie, Everytown for Gun Safety  
Meredith Seitz, DSCYF  
Dennis Greenhouse  
Sherry Long  
Carrie Cole  
Mitch Denham  
Sean Lynn  
Carol Spiker  
Traci Murphy, Delaware Coalition Against Gun Violence  
Michael Soyka VI, DE Senate  
Esha Shah  
Mariann Kenville-Moore, DCADV  
David Mangler, Department of State  
Nicole Poore  
Matt Weber  
Giuseppe Coppola  
Jennifer Jones  
Ann Bookout, Delaware United & Mom's Demand Action  
Brandon Williams  
Anna T  
Scott Kidner, NSSF  
Joseph Krieger  
Carina Slater  
Willy Vargas  
Lt. Charles Sawchenko, DSP  
John Taylor, DOJ  
Zach  
Linnea Goddess  
Abby Rodgers  
Jon Offredo  
Rebecca Cotto  
Benjamin Sabeau  
Romain Alexander, State of Delaware  
Denise Clendenning  
Jalyn Powell, OUTLOUD LLC  
Erin Chronister  
George Sharpe  
Michael Thompson  
Rick Armitage, Armitage DeChene & Associates  
Lauren Vella, DDOJ  
Aaron Forkum  
Mary Keogh, UUDAN  
Gary Kozielski, Moms Demand Action  
Mary Nissley  
Wyatt Patterson, March For Our Lives Delaware  
Robert Harper  
Stevie Keeley  
John Rigby, Delaware Gun Rights  
Sara Poore, Senate  
Robert Overmiller, RDO Refrigeration  
Timothy Stock, Delaware State Police  
Todd Burchard  
Addie Asay  
Ngtowl

Luann D'Agostino  
Jeff Hague, DSSA  
Mara Gorman, Moms Demand Action  
Amy Yarnall, Moms Demand Action  
Kaegan Mays-Williams, Everytown for Gun Safety  
Kimberley Lake  
Robert Bell  
Melanie Ross Levin, Office of Women's Advancement & Advocacy  
Andrew Ulrich  
Douglas Blackwood  
Timothy Collins  
Jeffrey Jenkins  
Nazim Karaca  
Michael Sheridan  
Stacy Edwards  
Michael Hauck  
Pratyush Singh  
Joanne Finnigan, Valerie Longhurst  
Alexa Adams  
Steel Stinger  
Keri Rapa, Delaware General Assembly  
Matthew Saperstein  
Kimberly Chandler, DE Safety and Homeland Security  
Karen Riordan, Moms Demand Action  
Kevin Gant  
Mallory Nugent, Everytown for Gun Safety  
Sgt. Kevin Perna, Delaware State Police  
Karen Bell  
Donna Austin  
John Marshall  
Philip Shull  
Kayla Wagner  
Jasmine Minhas, MFOL DE  
Eric Russow  
David Craft  
Harvey Mack  
Wilmer Mannetti  
John Mitchell  
Shawn Richards  
Patricia Sigler  
Charanjeet Minhas, Moms Demand Action  
Edward Heaney  
Greta Ford  
Jason Johnston  
Collins Seitz Jr.  
Mark Parrish  
John kling  
Nancy Hannigan  
Jason Smith, Delaware General Assembly  
Donald Pritt

## **Appendix B: Written Testimony**

**Submitted by Mariann Kenville-Moore, on behalf of the Delaware Coalition Against Domestic Violence, on June 10<sup>th</sup> at 12:09 PM:**

Good afternoon,

The Delaware Coalition Against Domestic Violence is in support of HB 125. Outlawing ghost guns or other unregulated firearms makes good public sense. Just like the state prohibits the creation of other deadly or destructive devices, it's appropriate for the state to address modern technology and the development of these firearms. This bill makes it clear it's a crime. We recognize this won't stop everyone who intends harm, but having clear prohibitions minimizes access as law abiding people will follow the law. DV victims know all too well that offenders will try to circumvent the legal process. But the state needs stronger tools to hold offenders accountable. When offenders aren't held accountable rarely does their behavior change. Lack of accountability can embolden offenders and can increase the risk of lethality and the likelihood to reoffend. This bill should be advanced to keep DE in line with other reasonable gun safety laws.

Yours truly,  
Mariann Kenville-Moore

**Submitted by Clara Licata on June 8<sup>th</sup> at 3:31 PM:**

Good afternoon,

Thomas Irvine and I are the Co-Chairs of the Legislative-Advocacy Committee of the Southern Delaware Alliance for Racial Justice. On behalf of Charlotte King, Chair and Founder and the Alliance, attached please find a letter supporting HB125. We urge the Senate Judiciary Committee to place this on its agenda and to move it forward for a full vote by the Senate.

Clara S. Licata  
Thomas Irvine  
Co-Chairs, Legislative-Advocacy Committee  
Southern Delaware Alliance for Racial Justice

*[Attached Letter]*

The Southern Delaware Alliance for Racial Justice strongly supports HB 125, which will ban the possession, manufacturing and distribution of "ghost guns."

The Senate recently adopted Senate Concurrent Resolution 8, which declared that gun violence is "a public health crisis" in this state and that ending the gun violence that is "devastating Delaware" is a "policy priority." This resolution pointed out that "every day, more than 100 Americans are shot and killed in the United States and more than 230 people are shot and wounded," that "Delaware has the 13th highest rate of gun homicides in the country," and that "Black people are 13 times more likely than white people to die by gun homicide in Delaware...." This last statistic makes gun safety legislation an issue of particular concern to the Southern Delaware Alliance for Racial Justice.

On April 7, 2021, in the context of remarks in the White House briefing room about the American Jobs plan, President Biden addressed the problem of "ghost guns," or "homemade gun kits": "We are experiencing a growing problem: criminals are buying kits containing nearly all of the components and directions for finishing a firearm within as little as 30 minutes, and using these firearms to commit crimes. When these firearms turn up at crime scenes, they often cannot be traced by law enforcement due to the lack of a serial number. The Justice Department will issue a proposed rule to help stop the proliferation of these firearms." A month later, on May 7, U.S. Attorney General Merrick Garland unveiled this proposed rule and made the following comments about it: "We are committed to taking commonsense steps to address the epidemic of gun violence that takes the lives of too many

people in our communities. Criminals and others barred from owning a gun should not be able to exploit a loophole to evade background checks and to escape detection by law enforcement.” As these comments suggest, ghost guns are unregulated firearms that anyone, including minors and prohibited purchasers, can buy and build without a background check. They are un-serialized and untraceable firearms that can be bought online. In the proposed rule, the Justice Department stated that, “from January 2016 through December 2020, more than 23,900 suspected privately made firearms were reported to have been recovered by law enforcement from potential crime scenes, including in connection with 325 homicides or attempted homicides.” The Southern Delaware Alliance for Racial Justice urges the General Assembly to close this major loophole to effective regulation of gun ownership and possession by enacting HB 125. While the proposed federal regulation and HB 125 deal with the same problem, they take very different approaches to it and they are not redundant or overlapping.