

## **Senate Executive Committee**

152nd General Assembly  
Thursday, June 29, 2023  
Senate Chamber/Virtual Meeting

### **Committee Members Present:**

Senator David P. Sokola	<a href="mailto:David.Sokola@delaware.gov">David.Sokola@delaware.gov</a>
Senator Bryan Townsend	<a href="mailto:Bryan.Townsend@delaware.gov">Bryan.Townsend@delaware.gov</a>
Senator S. Elizabeth Lockman	<a href="mailto:Elizabeth.Lockman@delaware.gov">Elizabeth.Lockman@delaware.gov</a>
Senator Marie Pinkney	<a href="mailto:Marie.Pinkney@delaware.gov">Marie.Pinkney@delaware.gov</a>
Senator Gerald W. Hocker	<a href="mailto:Gerald.Hocker@delaware.gov">Gerald.Hocker@delaware.gov</a>
Senator Brian Pettyjohn	<a href="mailto:Brian.Pettyjohn@delaware.gov">Brian.Pettyjohn@delaware.gov</a>

### **Other Legislators Present:**

Rep. Krista Griffith	<a href="mailto:Krista.Griffith@delaware.gov">Krista.Griffith@delaware.gov</a>
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### **Staff:**

Valerie McCartan, Senate	<a href="mailto:Valerie.McCartan@delaware.gov">Valerie.McCartan@delaware.gov</a>
Venessa Karpeh, Senate	<a href="mailto:Venessa.Karpeh@delaware.gov">Venessa.Karpeh@delaware.gov</a>
Carolyn Martin-Pettaway, Senate	<a href="mailto:Carolyn.Martin-Pettaway@delaware.gov">Carolyn.Martin-Pettaway@delaware.gov</a>

### **Attendees:**

Appendix A contains a list of members of the public pre-registered for the meeting webinar and those who signed the in-person sign-in sheet and/or provided testimony on the legislative portion of the agenda during this meeting.

### **Agenda**

1. HB 155 w/ HA 3, HA 1 to HA 3 (Griffith)

*Senator Sokola* convened the meeting at 12:08 p.m. and conducted a roll call. Sens. Lockman, Pinkney, Hocker, Pettyjohn, and Sokola were all marked present at the time of roll call. Sen. McBride was absent. (Sen. Townsend was marked present at 12:30 p.m.)

With a quorum present at the time of convening, Sen. Sokola moved to the agenda.

### **HB 155 w/ HA 3 and HA 1 to HA 3 (Griffith) AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES INVOLVING DEADLY WEAPONS AND DANGEROUS INSTRUMENTS.**

*Synopsis:* This bill makes the unsafe storage of a firearm in a vehicle a class A misdemeanor if the person knowingly leaves a firearm unattended in a vehicle and the firearm is not stored in a locked box or container, a firearms rack that is on the motor vehicle, or locked in the trunk. This

bill also provides that compliance with unsafe storage of a firearm in a vehicle is a defense to carrying a concealed deadly weapon.

HA 3 defines "locked container" for purposes of House Bill No. 155. This amendment makes the penalties for unsafe storage of a firearm in the vehicle in subsection (b) of the section the same as unsafe storage of a firearm in subsection (a) of the section. This amendment also clarifies that the provisions of unsafe storage of a firearm in vehicle does not apply to holders of a valid license to carry concealed deadly weapons.

HA 1 to HA 3 allows for a glove compartment of a motor vehicle to be considered a "locked container" if it can be manually locked to render the firearm inaccessible by any individual other than the owner or an authorized person.

*Sen. Sokola* invited the bill's prime sponsor, Rep. Krista Griffith, to speak to the bill.

*Rep. Griffith* said HB 155 is a bill addressing safe storage for firearms in unattended vehicles. Since 2019, approximately 600 firearms have been stolen from cars in the state. The problem is escalating. In 2019, 95, in 2020, it was 145, 151 in 2021 and 155 in 2022. When you compare that number to the figure of all firearms stolen in this state, it represents 37% of all firearms stolen. These guns are now on the streets possibly being used to hurt or kill people or engage in other illegal activity. The bill seeks to make sure people who are carrying a firearm in the car store it or lock it in a firearm rack, the trunk of the car or a locked box, which is defined in the bill and the amendment.

*Sen. Pinkney* asked if this will make any changes to police authority to search vehicles if there's suspicion there is a gun in the car. If it's improperly stored does this give them more authority to search a vehicle?

*Rep. Griffith* said she is inclined to say no, however, if an officer sees a firearm in a car, not locked per the provisions on this bill, they would be prompted to take action. The bill deals with unattended motor vehicles. She does not believe it gives any extra authority to stop a vehicle while someone is in the vehicle. The amendment makes the crime a Class B misdemeanor, which is up to 30 days in prison. If another factor occurs it is a Class A misdemeanor which mirrors other laws for safe storage in locations other than vehicles. This penalty was more severe, but it was reduced in the amendment.

*Sen. Pinkney* said if an officer walks past a vehicle and the firearm is improperly stored, that officer would have authority to search the unattended vehicle?

*Rep. Griffith* said she thinks the officer would need to have other reasons to do that. She would prefer to defer that answer to someone more expert and will try to get that information to the senator today.

*Sen. Pinkney* said if that is the case, but the car is unattended, how does that person get charged?

*Rep. Griffith* said she thinks they would have to link that gun with the person who left the gun in the vehicle. It would depend on the evidence. The whole idea behind this bill is to get people to change their mindset regarding responsible storage. Unfortunately, we've had a proliferation of

car break ins. She said sometimes there are tell-tale signs that some vehicles are easier targets than others.

*Sen. Pettyjohn* asked, in reference to House Amendment 3 and HA 1 to HA 3, is a locked glove compartment o.k.?

*Rep. Griffith* said that initially that was not the case. The amendment to the amendment says the locked container does not include the glove compartment unless the glove compartment can be manually locked by the owner, rendering the compartment inaccessible to anyone other than the owner.

*Sen. Pettyjohn* said there are other built-in, lockable areas in a car. Is something like a built-in center console considered an acceptable container?

*Rep. Griffith* said she would go back to the definition to determine if that center console is lockable, per lines 2-4 of House Amendment 3. She said what is happening, people know what kind of cars might be likely to have firearms and target those.

*Sen. Hocker* said he is concerned about the bill. He said he leaves his firearm in a locked vehicle. He thinks criminals will steal the gun no matter where it is. He thinks this legislation will only penalize law-abiding gun owners.

*Sen. Sokola* said there was a comment about HA 3 that strikes lines 47-48, exempting licensed concealed carry holders (CCDW). There was discussion among advocates that CCDW holders should not be exempted. The argument to exempt is that you have that status, you've gone through safe storage and may already store it that is consistent with this legislation. He asked *Rep. Griffith* for her thoughts on this.

*Rep. Griffith* said she wasn't thrilled with including that exemption but said it was done to avoid conflict with another bill relating to safe storage that is pending before the Legislature. She is open to knowing if there's another way to address that.

*Sen. Sokola*, said he would see if that can be addressed. Seeing no further questions from members of the committee about HB 155, he asked if there was public comment on the bill.

*Traci Murphy*, representing the Delaware Coalition Against Gun Violence (DCAGV), offered comment in support of HB 155. Unfortunately, thefts of firearms from vehicles are on the rise. Part of being a responsible gun owner is having concern about your firearm falling into the wrong hands. Locking the car door does not represent secure storage. The glove box or console of a car or truck, even if lockable, should not be considered a secure storage device either. Project Child Safe, supported by the NSSF, locally known as DSSA, understated that gun violence prevention and responsible gun ownership go hand in hand. DCAGV asks the committee to consider the point of secure storage in a glove box when considering release of this bill. DCAGV would like to see that amendment stricken, and the bill restored to its original intent.

*Ramya Swami*, Brady Campaign to Prevent Gun Violence, spoke in support of HB 155. This is a commonsense policy aimed at curbing an increasing problem. It provides three easy ways to comply. It does not gun owners' rights under the US or Delaware Constitutions. Recently over 40,000 firearms were stolen out of cars in major cities. Often this type of theft goes unreported so that number may be higher. This bill will prevent one of the major sources of trafficked firearms.

*Jeff Hague*, representing the Delaware State Sportsmen's Association (DSSA), offered a correction to Ms. Murphy's testimony. He said the DSSA is not affiliated with the National Shooting Sports Foundation (NSSF). That is a separate organization that works with businesses associated with firearm sales and manufacturing. DSSA is a local affiliate of the NRA. His organization is against the bill, because in more and more places, people are not allowed to carry their concealed firearms, and now they are required to lock them in the vehicle. Thieves will just steal the vehicle or punch locks to access these weapons. It's criminals who need to be addressed. Firearm owners are not responsible for this. They do not want to lose a valuable firearm. This bill impacts legal firearm owners.

*Sen. Hocker* asked Mr. Hague if he knew the prosecution rate in relation to stolen firearms in Delaware.

*Mr. Hague* said he did not have that answer.

*Sen. Sokola*, seeing no additional public comment said the bill will be circulated for signatures.

**HB 155 w/ HA 3, HA 1 to HA 3 – Reported out of the Committee: 0 Favorable; 4 Merits (Sokola, Townsend, Lockman, Pinkney); 0 Unfavorable**

*Sen. Sokola* asked for a motion to adjourn the meeting. A motion was offered by *Senator Townsend* and seconded by *Senator Lockman*.

*Senator Sokola*, without objection, adjourned the meeting at 12:30 p.m.

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### **Meeting Minute Preparation**

Valerie McCartan, 8/3/2023

### **Approval of Meeting Minutes**

Approved by Sen. Pettyjohn; Seconded by Sen. McBride, Senate Executive Committee meeting, 9/8/2023

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## Appendix A

*Members of the public pre-registered for webinar  
and In-person sign-in sheet Attendees*

Jeff Hague, Delaware State Sportsmen's Association (DSSA)
Traci Murphy, Delaware Coalition Against Gun Violence
Ramya Swami, Brady Campaign to Prevent Gun Violence