



SPONSOR: Rep. Morrison & Sen. Sokola
Reps. Osienski, Griffith, Romer, Phillips, Wilson-Anton,
Michael Smith; Sen. Hansen

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 342

AN ACT TO AMEND TITLES 11 AND 24 OF THE DELAWARE CODE RELATING TO THE VOLUNTARY
FIREARMS DO-NOT-SELL REGISTRY ACT.

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

Section 1. Amend Part VII, Title 11 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

Chapter 98. VOLUNTARY FIREARMS DO-NOT-SELL REGISTRY ACT.

§ 9801. Definitions.

For purposes of this chapter:

(1) "DELJIS" means the Delaware Criminal Justice Information System.

(2) "Firearm" means as defined in § 8571 of this title.

(3) "Law-enforcement agency" means an agency established by this State, or by any county or municipality
within this State, to enforce criminal laws or investigate suspected criminal activity.

(4) "Registry" means the Voluntary Firearms Do-Not-Sell Registry created by this chapter.

(5) "Superintendent" means the Superintendent of the Delaware State Police.

(6) "Transfer" means as defined in § 1448B of this title.

§ 9802. Voluntary Firearms Do-Not-Sell Registry.

(a) The Superintendent of the Delaware State Police shall create a Voluntary Firearms Do-Not-Sell Registry in
which an applicant may voluntarily enroll for the purpose of being prohibited from purchasing a firearm. No person may
knowingly sell or transfer a firearm to an individual enrolled on the Registry.

(b) The Superintendent shall develop a process and forms for inclusion on, and removal from, the Registry to be
maintained by the Delaware State Police within DELJIS. The Superintendent must make the forms for inclusion and
removal available by download through the Delaware State Police website and require the applicant to provide, at a
minimum, the following information:

21 (1) Name.

22 (2) Address.

23 (3) Date of birth.

24 (4) Other contact information specified by the Superintendent.

25 (5) Signature of applicant.

26 (c) The form for inclusion onto the Registry shall inform the applicant of the process for removal from the
27 Registry.

28 (d) An applicant requesting inclusion onto the Registry shall deliver the completed form in person to a law-
29 enforcement agency.

30 (1) The law-enforcement agency shall verify the applicant's identity before accepting the form and may not
31 accept a form from someone other than the applicant named in the form.

32 (2) Upon receipt of the application and verification of the applicant's identity, the law-enforcement agency
33 must add the applicant's name to the Registry via DELJIS within 12 hours.

34 (e) An individual who is added to the Registry may not request removal from the Registry unless the individual
35 has been on the Registry for at least 30 days.

36 (f) An individual requesting removal from the Registry shall deliver a completed removal form in person to any
37 law-enforcement agency within the State. Once a law-enforcement agency receives a removal form, the law-enforcement
38 agency must verify the individual's identity and remove the individual from the Registry no sooner than 30 days after the
39 law-enforcement agency receives the removal form.

40 (g) All forms and records created in accordance with this section are not public records under Delaware's Freedom
41 of Information Act. The Registry is subject to the same confidentiality protections that are given to information and records
42 pertaining to the Firearm Transaction Approval Program under § 8573 of this title.

43 (h) All law-enforcement agency websites must post in a conspicuous place information about the Voluntary
44 Firearms Do-Not-Sell Registry along with downloadable forms for inclusion and removal from the Registry.

45 § 9803. Penalties.

46 (a) A person who knowingly sells or transfers a firearm to an individual in violation of this chapter is guilty of a
47 class A misdemeanor. A second or subsequent offense by an individual is a class G felony. The Superior Court has
48 exclusive jurisdiction for all offenses under this subsection.

(b) It is unlawful for an individual to knowingly make a false statement or representation regarding their identity when requesting inclusion or removal from the Registry. An individual who violates this subsection shall be guilty of a class A misdemeanor. The Superior Court has exclusive jurisdiction for all offenses under this subsection.

§ 9804. Nondiscrimination.

A person may not discriminate against any individual with respect to health care services, employment, education, housing, insurance, governmental benefits, or contracting because that person is enrolled on the Registry, is not enrolled on the Registry, or has previously been enrolled on the Registry.

§ 9805. Rules and regulations.

The Superintendent may promulgate rules and regulations necessary to administer and enforce this chapter.

Section 2. Amend Chapter 9, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 903A. Sale to individuals on the Voluntary Firearms Do-Not-Sell Registry.

(a) For purposes of this section:

(1) “Dealer” means as defined in §904A of this chapter.

(2) “Firearm” means as defined under § 8571 of Title 11.

(3) “Registry” means the Voluntary Firearms Do-Not-Sell Registry created under Chapter 98 of Title 11.

(4) “Transfer” means as defined in § 1448B of Title 11.

(b) A licensee may not knowingly sell or transfer a firearm to an individual who is enrolled on the Voluntary Firearms Do-Not-Sell Registry in accordance with Chapter 98 of Title 11.

(c) An unlicensed person may not knowingly sell or transfer any firearm to an individual who is enrolled on the Registry. On behalf of the unlicensed person, a dealer holding a license under this chapter must check the Registry when facilitating a sale or transfer of a firearm under § 904A of this chapter.

Section 3. This Act is effective immediately and is to be implemented on or before January 1, 2025.

SYNOPSIS

This Act creates a Voluntary Firearms Do-Not-Sell Registry in which an applicant may voluntarily enroll for the purpose of being prohibited from obtaining a firearm. An individual on the Registry may request removal from the Registry no sooner than 30 days after the individual is entered on the registry. Once an individual requests removal from the Registry, the individual must be removed from the Registry no sooner than 30 days after the removal request. A person who transfers a firearm to an individual in violation of this section is guilty of a class A misdemeanor for a first offense and a class G felony for a subsequent offense. An individual who makes a false statement or representation regarding their identity when requesting inclusion or removal from the Registry shall be guilty of a class A misdemeanor.

House Substitute No. 1 for House Bill No. 342 differs from House Bill No. 342 as follows:

(1) Defines the terms “firearm” and “transfer” to increase clarity and ensure consistency with other parts of the Code;

- (2) Clarifies that unlicensed persons are also prohibited from selling a firearm to an individual enrolled on the Registry;
- (3) Requires a licensed dealer to facilitate the Registry check on behalf of the unlicensed seller in the same way it completes a background check on behalf of the unlicensed seller under § 904A of Title 24;
- (4) Clarifies that a person, rather than an individual, may be liable for selling a firearm to an individual enrolled on the Registry;
- (5) Clarifies that a person must knowingly sell or transfer a firearm to an individual on the Registry to be in violation of this Act; and
- (6) Makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.