



Delaware Governor Jack A. Markell  
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***Responsible Gun Safety***  
***Bills Signed***

**HB 46**      ***Disposal of Seized firearms***

**SPONSOR: Rep. Dennis P. Williams**

Literally thousands of relinquished firearms are stored in evidence lockers in law enforcement agencies throughout the State. This bill allows law enforcement to dispose of these weapons and provides a responsible procedure to do so. It also allows law enforcement to dispose of firearms seized from individuals subject to protection-from-abuse orders. If after sending written notice to the last known address of the owners of these firearms and giving them an opportunity to reclaim the weapon(s), the owners have failed to respond to the notice and 60 days has expired from the date the notice was sent, this bill allows law enforcement to dispose of these firearms.

**HB 48**      ***Improving Reporting to Federal NICS Database***

**SPONSOR: Rep. Valerie Longhurst**

The National Instant Criminal Background Check System (NICS) Improvement Act of 2007, enacted by Congress in response to the Virginia Tech shooting tragedy, requires states to provide certain information to the federal National Instant Criminal Background Check System ("NICS") database about persons prohibited from possessing firearms, including mentally ill individuals. Delaware is one of only 10 states that have provided no information on mentally ill individuals to the federal database. So if a person who is committed *in* DE tries to buy a firearm *outside* of DE, the federal background check won't catch them, because the information is only in the DE database. This bill would help remedy that problem by authorizing state agencies to provide such information to NICS. This is an essential step in helping keep guns out of the hands of people who should not legally possess them. Once the new system is established, the bill will also abolish the state's existing firearms transaction program, which will be duplicative.

**(SS 1) SB 29**      ***Banning Possession of Weapons by Individuals  
Under the Influence of Alcohol or Drugs***

**SPONSOR: Sen. Margaret Rose Henry**

SS 1 for SB 29 makes it a crime to possess a firearm in a public place under the influence of alcohol or drugs. You cannot drive a car while drunk or intoxicated because you cannot make a rational decision about your actions. This legislation does not affect the rights of gun owners. The Governor's office worked with several groups – gun owners, the NRA, the Sportsmen's Association and others -- to improve the bill from its original form in important ways. Exceptions exist for persons who are in possession of firearms that are disabled or stored, or that are not in possession of ammunition for the firearm. Persons found guilty under this section shall be guilty of a class A misdemeanor for a first offense, and shall have their permit to carry a concealed deadly weapon revoked. In addition, such persons will not be permitted to obtain another concealed deadly weapon permit for 5 years from the date of conviction for a first offense.

**SB 25**      ***Community Gun Buyback Program***

**SPONSOR: Sen. Robert Marshall**

This bill establishes a community firearm recovery program. The Department of Safety and Homeland Security will establish rules and regulations for implementation of the program, distribution of funds, and safe storage and disposal of recovered weapons. Police agencies will designate dates and times that individuals can surrender their firearms. As incentive and in exchange for their weapon, individuals will receive either money, coupons or gift vouchers. This program will help get illegal guns off the streets. A report will be generated to the General assembly by May 31, 2012.