



SPONSOR: Rep. Morrison & Sen. Sokola

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL

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

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

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

4 Chapter 98. Voluntary Firearms Do-Not-Sell Registry Act.

5 § 9801. Definitions.

6 For purposes of this chapter:

7 (1) “DELJIS” means the Delaware Criminal Justice Information System.

8 (2) “Law-enforcement agency” means an agency established by this State, or by any county or municipality
9 within this State, to enforce criminal laws or investigate suspected criminal activity.

10 (3) “Registry” means the Voluntary Firearms Do-Not-Sell Registry created by this chapter.

11 (4) “Superintendent” means the Superintendent of the Delaware State Police.

12 § 9802. Voluntary Firearms Do-Not-Sell Registry.

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

16 (b) The Superintendent shall develop a process and forms for inclusion on, and removal from, a Voluntary
17 Firearms Do-Not-Sell Registry to be maintained by the Delaware State Police within DELJIS. The Superintendent shall
18 make the forms for inclusion and removal available by download through Delaware State Police’s website and require, at a
19 minimum, the following information from the applicant:

20 (1) Name.

21 (2) Address.

22 (3) Date of birth.

23 (4) Contact information.

24 (5) Signature of applicant.

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

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

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

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

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

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

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

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

44 § 9803. Penalties.

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

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

51 § 9804. Nondiscrimination.

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

55 § 9805. Rules and regulations.

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

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

59 § 903A. Sale to individuals on the Voluntary Firearms Do-Not-Sell Registry.

60 No person shall sell to an individual who is enrolled on the Voluntary Firearms Do-Not-Sell Registry in
61 accordance with Chapter 98 of Title 11.

62 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. An individual who transfers a firearm to a person 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.