



SPONSOR: Sen. Sokola & Rep. Gorman & Rep. Lynn
Sens. Lockman, Townsend; Reps. Bolden, Griffith,
Morrison, Romer

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 300
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 15
AND
HOUSE AMENDMENT NO. 16

AN ACT TO AMEND TITLE 11, TITLE 16, AND TITLE 24 OF THE DELAWARE CODE RELATING TO DEADLY WEAPONS DEALERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 9B. Firearm Dealers.

Subchapter I. General Provisions.

§ 901B. Definitions.

For the purposes of this chapter:

- (1) "Ammunition" means as defined in 18 U.S.C. § 921.
- (2) "Background check" means a fingerprint-based State and national criminal history record check completed by the SBI and the Federal Bureau of Investigation (FBI).
- (3) "Business location" means the building in which a licensee sells or transfers firearms.
- (4) "Bureau" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
- (5) "Conviction" means as defined in § 222 of Title 11.
- (6) "Deadly weapon" means as defined in § 222 of Title 11.
- (7) "DOJ" means the Delaware Department of Justice.
- (8) "DSP" means the Delaware State Police.
- (9) "Federal firearms license" or "FFL" means a license under 18 U.S.C. § 923.
- (10) "Felony" means a felony offense under the laws of this State or any other jurisdiction.

(11) "Firearm" means as defined in § 222 of Title 11. "Firearm" does not include any of the following:

a. An antique firearm, as defined under 18 U.S.C. § 921.

b. A maritime flare gun. A "maritime flare gun" means a handheld nautical pyrotechnic emergency signaling device of the type required by the U.S. Coast Guard.

c. Construction tools such as powder-actuated concrete or steel hammer tools or powder-actuated fastening tools.

(12) "Firearm dealer" means a person that engages in the wholesale or retail sale or transfer of firearms, including a pawnbroker, and that has, or is required to have, a federal firearms license. A "firearm dealer" does not include a person that has sold or transferred 10 or fewer firearms within any calendar year that the person has engaged in selling or transferring firearms.

(13) "Fund" means the Firearm Licensing Fund under § 959B of this title.

(14) "Licensee" means the holder of a state license.

(15) "License fee" means the initial license fee for a state license or a renewal license fee for a state license.

(16) "Pawnbroker" means as defined under 18 U.S.C. § 921.

(17) "Person" means a partnership, corporation, company, association, firm, society, joint-stock company, or other legal entity, including each responsible person associated with that entity, or an individual.

(18) "Responsible person" means an individual who possesses, directly or indirectly, the power to direct or cause the direction of the management and policies of a partnership, corporation, company, association, firm, society, joint-stock company, or other legal entity, as that management and policy pertains to firearms.

(19) "SBI" means the State Bureau of Identification.

(20) "Sell" or "sale" means the actual approval of the delivery of a firearm in consideration of payment or a promise of payment, or the intention to deliver a firearm in consideration of payment or a promise of payment.

(21) "State license" means a license issued by the DSP that allows a firearm dealer to sell or transfer a firearm.

(22) "Trace request" means a request by the Bureau for information contained in the records required to be kept under Chapter 44 of Title 18 of the United States Code and the implementing federal regulations for determining the disposition of a firearm in the course of a bona fide criminal investigation.

(23) "Transfer" means as defined under § 1448B of Title 11.

(24) "Unlicensed person" means a person that is not a licensee or a federal firearms license holder.

§ 902B. Applicability.

(a) A person that does not meet the definition of “firearm dealer” is required to obtain a special license to sell deadly weapons if that person would be required to obtain that license under Chapter 9 of this title.

(b) A person that previously did not meet the definition of “firearm dealer” because that person sold or transferred 10 or fewer firearms but subsequently sells or transfers more than 10 firearms within a calendar year, must comply with § 903B and § 904B of this title within 1 calendar year of exceeding the threshold.

(c) Except as otherwise indicated, a firearm dealer shall comply with the provisions of Chapter 9 of this title with which a person licensed under Chapter 9 of this title must comply.

Subchapter II. Licensure.

§ 903B. License; general.

(a) Notwithstanding § 901 of this title, instead of a special license to sell deadly weapons, a firearm dealer must obtain a state license and comply with the provisions in this chapter to sell or transfer a firearm in this State.

(b) The DSP shall develop a standardized application for a firearm dealer to use to apply for or renew a state license.

(c) The DSP shall develop a standard state license certificate that shows a firearm dealer has obtained or renewed a state license.

§ 904B. Requirements for a state license.

(a) To obtain a state license, a firearm dealer must submit to the DSP all of the following:

(1) A completed application.

(2) The initial license fee under § 906B of this title.

(3) The identity of all responsible persons.

(4) If an individual, a copy of the applicant’s valid government-issued photo identification.

(5) A copy of all responsible persons’ valid government-issued photo identification.

(6) The business location or expected business location, and, when possible, proof of a lease or deed for the business location.

(7) All required documents for opening a business in the county or municipality in which the business is located or expected to be located.

(8) Proof of the liability insurance required under § 919B of this title.

(9) Proof of a valid federal firearms license.

(10) Any other information required by the DSP.

(b) If an individual, an applicant for a state license shall, at the applicant’s expense, complete a background check.

(c) Each responsible person for the firearm dealer shall, at the responsible person's expense, complete a background check.

(d) For purposes of this section, the SBI must be the intermediary and the screening point for the receipt of each background check.

(e) A person holding a valid Delaware Concealed Deadly Weapon Permit pursuant to 11 Del. C. 1141 is exempt from the background checks under subsections (b) and (c) of this section.

(f) The DSP shall grant a state license completed in accordance with subsections (a) through (c) of this section unless the applicant or any responsible person is ineligible under § 905B of this title.

(g)(1) Except as provided in paragraphs (f)(2) or (f)(3) of this section, the DSP shall determine whether to grant an applicant's initial application for a state license within 60 calendar days after the filing of the application.

(2) Unless the applicant, if an individual, or a responsible person submits proof of a valid Delaware driver's license or a valid Delaware state identification card, the DSP has up to 90 calendar days to determine whether to grant an applicant's initial application for a state license.

(3) If the results of a background check are delayed or in the event of an electronic failure or similar emergency beyond the control of the DSP, the DSP shall immediately notify the applicant of the reason for, and estimated length of, the delay. After a notification under this paragraph (f)(3), the DSP shall make its determination on resolution of the delay, failure, or emergency.

(h) The results of a background check obtained under this section are valid for 2 calendar years for purposes of applying for an initial license or a license renewal under this chapter.

§ 905B. Ineligibility for a state license.

(a) A person is ineligible to obtain a state license if any of the following apply:

(1) The federal government, a state, or a subdivision of a state, has revoked, suspended, or denied the person's permit or license to sell, lease, transfer, purchase, or possess a firearm or ammunition unless either of the following:

a. The revocation, suspension, or denial was due to an incomplete or incorrect application.

b. It has been 5 or more years since the revocation, suspension, or denial.

(2) The person is a person prohibited from purchasing, owning, possessing, or controlling a deadly weapon or ammunition for a firearm under § 1448 of Title 11.

(3) The person does not hold a valid FFL.

(4) The person knowingly makes a false statement on that person's application for that person's state license or application to renew that person's state license.

(b) An individual is ineligible to serve as a responsible person if any of the following apply:

(1) The federal government, a state, or a subdivision of a state, has revoked, suspended, or denied the individual's permit or license to sell, lease, transfer, purchase, or possess a firearm or ammunition unless either of the following:

a. The revocation, suspension, or denial was due to an incomplete or incorrect application.

b. It has been 5 or more years since the revocation, suspension, or denial.

(2) The individual is a person prohibited from purchasing, owning, possessing, or controlling a deadly weapon or ammunition for a firearm under § 1448 of Title 11.

(3) The individual is not a responsible person on the FFL.

(4) The individual knowingly makes a false statement on the application for a state license or application to renew a state license.

(c) Notwithstanding paragraphs (a)(2) or (b)(2) of this section, a person subject to a temporary prohibition order under § 1448(a)(11) of Title 11 may, while the order is in effect, obtain or retain a state license if the person does all of the following:

(1) Designates a responsible person who is not ineligible to serve under subsection (b) of this section to operate the business operating under the state license while the order is in effect.

(2) On designation of a responsible person, ceases serving as a responsible person while the order is in effect.

(3) Complies with all requirements in the order.

(4) Maintains records of compliance with 27 C.F.R. § 555.57.

§ 906B. Licensure fees.

(a) In lieu of the fee in § 902(a) of this title, the license fees are as follows:

(1) The license fee for an initial state license is \$300.

(2) The license fee for a license renewal is \$250.

(b) The initial license fee may be prorated for applications received after January 1.

§ 907B. State license renewal.

(a) The DSP shall develop a standardized state license renewal application that requires an applicant to do all of the following:

(1) Certify, in writing and under the penalty of perjury, that that the licensee and any responsible person is not ineligible under § 905B of this title and is in compliance with all other requirements under this chapter and Chapter 9 of this title.

(2) Pay the license renewal fee under § 906B of this title.

(3) Provide all of the following data for the preceding calendar year:

a. Total number of trace requests received.

b. For each trace, the make, model, and caliber or gauge of the firearm, and the date of the sale or transfer.

c. Whether the licensee was inspected by the Bureau, and if so, copies of any report or letters received from the Bureau about the results of that inspection.

(b) Notwithstanding § 902(a) of this title, a licensee shall, by December 31 of each year, submit to the DSP the completed application under subsection (a) of this section to renew that licensee's state license.

(c)(1) Except as provided in § 908B of this title and if no longer valid under § 904B(h) of this title, each responsible person and the licensee, if the licensee is an individual, shall, at the responsible person's and licensee's expense, complete a background check.

(2) An individual is not required to obtain a background check under paragraph (c)(1) of this section if that individual has obtained a background check within the previous 2 calendar years under this section or § 904B(h) of this title.

(d) For purposes of this section, the SBI must be the intermediary and the screening point for the receipt of the background checks.

(e) The DSP shall notify the licensee by September 30 to remind licensees about the renewal application deadline.

(f)(1) A licensee that submits a timely and sufficient renewal application may continue to sell or transfer a firearm while the DSP considers that licensee's renewal application.

(2) The DSP may do 1 or more of the following to a licensee that does not submit a timely and sufficient renewal application:

a. Require the licensee to pay a late application fee.

b. Prohibit the licensee from selling or transferring a firearm until a renewal decision is made.

(3) For purposes of this subsection, a renewal application is "sufficient" if it includes on its face the information necessary to show that the licensee is eligible for renewal.

(g) The DSP shall decide whether to grant the renewal application no later than 60 calendar days after the date that the application is received.

(h) The DSP shall provide an updated state license certificate under § 903B(c) of this title for a licensee whose renewal application is approved.

§ 908B. Background check through the Rap Back System.

If the “Rap Back System” as defined by § 8502 of Title 11 is available to SBI, then all of the following must occur:

(1) The DSP shall use all subsequent criminal history record information available through the Rap Back System for a licensee or responsible person that had a background check performed under § 904B(b) or (c) of this title and was subject to a background check under § 907B(c) of this title.

(2) The biennial background checks under § 907B(c) of this title will be replaced by use of the Rap Back System.

(3) The DSP shall inform licensees that the biennial background checks are no longer required and that the Rap Back System will be used instead of the background checks under § 907B(c) of this title.

Subchapter III. Business requirements.

§ 915B. Location.

(a) Except as provided in subsection (d) of this section, a licensee may only sell or transfer a firearm in this State at the licensee’s business location.

(b) A licensee shall do 1 of the following:

(1) Post at the business location the licensee’s business hours or that business hours are by appointment.

(2) Report business hours or that business hours are by appointment to the DSP.

(c) Except as provided in subsection (d) of this section, a licensee may only sell or transfer a firearm in this State during the licensee’s posted or reported business hours, or during an appointment.

(d)(1) A licensee may participate in and temporarily conduct business in this State at a location differing from the licensee’s business location and at times differing from posted or reported business hours during a commercially sponsored gun show, sportsmen’s show, outdoor show, or similar event, which are either sponsored by the licensee or for which the licensee pays a fee to the operator for the privilege of participating and conducting business at that event. A licensee may also participate in and conduct business during a gun show or similar event conducted by Delaware volunteer fire companies, veterans’ organizations, and other non-profit fraternal organizations.

(2) Paragraph (d)(1) of this section does not authorize a licensee to conduct business in or from a motor vehicle.

(e) Advertising that firearms are for sale does not constitute selling or transferring a firearm.

§ 916B. Security.

(a) A licensee's business location and any place that, for business purposes, the licensee stores or displays firearms or ammunition must be equipped with a functioning security alarm system that complies with regulations promulgated under subsection (c) of this section.

(b)(1) Subject to paragraphs (b)(2) and (b)(3) of this section, a licensee's business location must be equipped with a functioning digital surveillance system that complies with regulations adopted under subsection (c) of this section and operates in a manner that deters theft and enables the system to record all of the following:

- a. The individuals involved in a firearms transaction.
- b. All areas where firearms are handled, displayed, sold, or transferred.
- c. Any entrance, access, or exit to all firearm storage areas.
- d. Any entrance, access, or exit to the business location.

(2) In lieu of the recording requirements in paragraphs (b)(1)a. through (b)(1)d. of this section, a licensee whose business location is also a residential dwelling or a licensee that sells or transfers on average 50 or fewer firearms per calendar year is required to ensure that the digital surveillance system records the business interaction occurring within the business location any time the licensee:

- a. Sells or transfers a firearm.
- b. Attempts to sell or transfer a firearm.
- c. Is otherwise interacting with a customer.

(c) The DSP shall adopt security regulations to establish requirements for the secure storage and display of firearms and ammunition to prevent unauthorized access. The DSP's regulations must include all of the following:

(1) Provisions about the location and manner that firearms and ammunition must be stored and displayed in both a temporary and a permanent business location.

(2) Specifications for any required secure rooms, safes, locking devices, and physical barriers.

(3) Building security requirements for any building in which firearms or ammunition are stored, displayed, sold, or transferred.

(4) Security alarm system specifications.

(5) Digital surveillance system specifications, and related specifications including all of the following:

- a. Lighting requirements in surveilled areas.
- b. Type of video and audio recordings required.
- c. Any areas in addition to those identified in paragraph (b)(1) of this section that must be surveilled.
- d. Notification of surveillance to the public.

(6) Security requirements specific to licensees with business locations that are also a residential dwelling.

(7) The length of time licensees must maintain the recordings required under this section.

(d)(1) The DSP shall consider industry standards and best practices when adopting regulations under subsection (c) of this section.

(2) The DSP shall engage stakeholders, national and Delaware associations, and advocacy groups with knowledge and expertise to develop and implement best practice guidance related to preventing straw purchases and retail theft.

(e) A licensee shall comply with all applicable security regulations adopted under subsection (c) of this section.

(f) It is not a violation of this section if the systems, features, devices, or media required by this section become temporarily inoperable through no fault of the licensee.

§ 917B. Access to a surveillance system and disclosure of security footage.

A licensee may not allow access to the surveillance system or disclose surveillance recordings obtained under § 916B of this title to any person except as follows:

(1) A licensee shall allow access to the surveillance system and disclose surveillance recordings as follows:

a. As required by a search warrant.

b. In response to a court order.

c. As part of a DSP inspection of the licensee's business location.

(2) A licensee may allow access to the surveillance system and disclose surveillance recordings as follows:

a. In response to an insurance claim.

b. As needed to assist with an active law-enforcement investigation.

c. As needed for business or repair purposes.

d. As needed to defend against or to pursue a lawsuit or other legal action.

§ 918B. License display requirements.

A licensee shall display the licensee's state license certificate or a copy of the certificate as follows:

(1) At the licensee's business location in the area where firearms are sold or transferred.

(2) In the area where firearms are sold or transferred when engaging in business at a temporary location under

§ 915B(d)(1) of this title.

(3) In a manner that allows the certificate or copy to be easily read.

§ 919B. Liability insurance required.

A licensee shall carry a minimum of \$1,000,000 of general liability insurance coverage, listing the licensed business as the certificate holder.

§ 920B. Other licensee duties.

(a) A licensee shall promptly notify the Bureau and DSP about any loss, theft, or unlawful transfer of any firearm or ammunition, including if caused by the licensee's employee, contractor, or volunteer, as soon as practicable and no later than 24 hours after the licensee knows or should have known about the loss, theft, or unlawful transfer.

(b)(1) A licensee shall promptly respond to a request from a law-enforcement agency, including requests for documents and records, no later than 24 hours after receiving the request.

(2) For purposes of this section, "law-enforcement agency" includes the DOJ.

(c) A licensee shall report to the DSP changes in any of the following within 14 calendar days of the change:

(1) Business location.

(2) Responsible persons.

(d)(1) A licensee shall establish and maintain a book or electronic database of firearms acquisitions and dispositions that includes all of the following records about each firearm:

a. The make, model, caliber or gauge, and serial number of the firearm.

b. Date of acquisition and date of sale or transfer.

c. Identity of the purchaser or transferee.

d. Purchase permit information.

e. Any additional information under § 904(a) of this title.

(2) The licensee shall account for all firearms acquired but not yet disposed of through an inventory check prepared once per month.

(3) A licensee shall have the book or database accessible in the licensee's business location.

(4) A licensee shall submit the records under paragraphs (d)(1)a. and (d)(1)b. of this section to the DSP, biannually, by every April 30 and October 30. The licensee shall submit only the records that they did not previously submit to the DSP under this paragraph (d)(4).

(5) The DSP shall adopt regulations regarding how long the records under this subsection must be retained and any required record formatting.

(e) A licensee shall maintain records of criminal firearm traces initiated by the Bureau, including all federal Form 4473 transaction records, for at least 6 years.

(f)(1) A licensee shall collect and maintain the information under § 904(b) of this title, and the record must list and include the required information about all employees, contractors, and volunteers who perform the functions under § 931B(b)(1) of this title.

(2) The licensee does not need to collect and maintain records relating to the telephonic background check.

(g) A licensee shall back up all required records and maintain those records in either of the following ways:

(1) If using a paper-based system, back up monthly, and store in a secure container designed to prevent loss by fire, theft, or flood.

(2) If using an electronic record system, back up at the close of each business day, to an external server or over the internet.

Subchapter IV. Training.

§ 930B. Training course requirements.

(a) The DSP shall develop a training course or approve a training course for licensees, if an individual, responsible persons, and the licensees' employees, contractors, and volunteers.

(b) The training course under subsection (a) of this section must:

(1) Be available online.

(2) Include instruction on all of the following topics:

a. State and federal laws governing the sale and transfer of firearms and ammunition.

b. Recognizing and identifying straw purchasers, firearms trafficking, and fraudulent activity.

c. Indicators that a individual is attempting to purchase a firearm illegally.

d. Recognizing and identifying indicators that an individual intends to use a firearm for unlawful purposes.

e. Recognizing and identifying indicators that an individual intends to use a firearm for self harm.

f. Preventing theft or burglary of firearms and ammunition.

g. Responding to the circumstances in paragraphs (b)(2)b. through (b)(2)f. of this section, and any applicable reporting requirements.

h. Effectively teaching consumers rules about firearm safety, including the safe handling and storage of firearms.

i. Any other reasonable business practices DSP determines will deter firearm trafficking or the unlawful use of firearms.

(3) Include an examination component with at least 20 exam questions derived from the course material and intended to confirm that the participant understands the information covered.

(4) Structure the examination in such a way that a biennial participant is meaningfully tested.

(c) A participant must correctly answer at least 70% of the exam questions to successfully complete the training course.

(d) Participants who successfully complete the training course must be provided with a certificate of completion.

(e) The certificate of completion must clearly show the date that the training course was completed.

§ 931B. Training.

(a) A licensee, if the licensee is an individual, and all responsible persons shall successfully complete a training course under § 930B of this title biennially.

(b)(1) An employee, contractor, or volunteer working for a licensee shall, biennially, successfully complete the training course under § 930B of this title if that employee, contractor, or volunteer performs any of the following functions in the course of the employee's, contractor's, or volunteer's work for the licensee:

a. Handles firearms or ammunition.

b. Processes the sale or transfer of firearms or ammunition.

(2) Unless an employee, contractor, or volunteer has already successfully completed the biennial training requirement under this section within the past 2 calendar years, the employee, contractor, or volunteer shall successfully complete the training within 30 calendar days after that employee's, contractor's, or volunteer's first day of work for the licensee or within 30 calendar days after the employee's, contractor's, or volunteer's work duties change to entail the functions in paragraphs (b)(1)a. through (b)(1)b. of this section.

§ 932B. Certificate of training.

(a) A licensee shall maintain certificates of completion for each individual required under § 931B of this title to have successfully completed the training under § 930B of this title.

(b) A licensee shall make the certificates of completion available to the DSP during an on-site inspection of the licensee's business location.

Subchapter V. Employee, contractor, and volunteer requirements.

§ 938B. Background checks required.

(a) A licensee shall require an employee, volunteer, or contractor who will perform the functions under § 931B(b)(1) of this title or will have access to the locations where firearms are stored or displayed to undergo a background

check before the employee, contractor, or volunteer may perform the functions under § 931B(b)(1) of this title or have access to the locations where firearms are stored or displayed.

(b) A licensee shall require the employee, volunteer, or contractor to undergo a background check biennially.

(c) A licensee shall require a new employee, volunteer, or contractor who will perform the functions under § 931B(b)(1) of this title or will have access to the locations where firearms are stored or displayed to undergo a background check regardless of when that employee, volunteer, or contractor last had a background check completed.

(d) For purposes of this section, the SBI must be the intermediary and the screening point for the receipt of the background checks.

(e) A person holding a valid Delaware Concealed Deadly Weapon Permit pursuant to 11 Del. C. 1141 is exempt from the background checks under subsections (b) and (c) of this section.

(f) If the "Rap Back System" as defined by § 8502 of Title 11 is available to SBI, then all of the following must occur:

(1) The DSP shall use all subsequent criminal history record information available through the Rap Back System for a current employee, contractor, or volunteer subject to a background check under this section.

(2) The biennial background checks under subsection (b) of this section will be replaced by use of the Rap Back System.

(3) The DSP shall inform licensees that the biennial background checks are no longer required and that the Rap Back System will be used instead of the background checks under this section.

(g) The DSP, based on the results of the background check or Rap Back System notifications, shall inform the licensee about whether the employee, contractor, or volunteer is eligible under § 939B of this title.

(h) The background check requirements under this section are in place of the background check requirements under § 904(b) of this title.

§ 939B. Other employee, contractor, or volunteer requirements.

A licensee shall require an employee, contractor, or volunteer who performs the functions under § 931B(b)(1) of this title or has access to the locations where firearms are stored or displayed to satisfy all of the following:

(1) Be at least 18 years old.

(2) Be eligible to possess a firearm under the laws of this State and federal law.

Subchapter VI. Penalties.

§ 945B. Penalties.

(a) The DSP shall revoke a state license if the licensee:

(1) No longer holds a valid FFL.

(2) Knowingly employs, contracts with, or allows as a volunteer a person in violation of § 931B, § 938B, or § 939B of this title.

(3) Is or becomes prohibited from possessing or purchasing firearms under any state or federal law.

(4) Is convicted of any of the following:

a. A felony.

b. Trafficking in firearms under 18 U.S.C. § 933 or aiding and abetting the trafficking of firearms under 18 U.S.C. § 2.

(b) The DSP shall revoke a licensee's state license if a licensee knows or should have known that a responsible person is in violation of subsection (a) of this section, and the licensee allows that responsible person to continue serving as a responsible person while that responsible person would otherwise be ineligible to do so.

(c) Except as provided in subsections (a) and (b) of this section, if the DSP finds that a licensee failed to comply with any other provisions of this chapter or any other State law, the DSP may do the following:

(1) For a first occurrence, issue a warning to the licensee that includes a description of the violation and the penalty for subsequent violations.

(2) For a subsequent occurrence, do any of the following:

a. Issue a warning under paragraph (c)(1) of this section.

b. Impose a civil penalty, of no less than \$500 through \$3,000, including costs.

c. Suspend the licensee's state license for a period not to exceed 6 months.

d. Revoke the licensee's state license.

(d) Before the DSP may impose a civil penalty, deny a license, suspend a license, or revoke a license under this section, the licensee must be given notice and the opportunity to be heard in accordance with the Administrative Procedures Act, Chapter 101 of Title 29.

(e)(1) A firearms dealer whose state license is revoked solely because that person no longer holds a valid federal firearm license may apply for a new state license any time after that person obtains a valid FFL.

(2) A firearms dealer whose state license is revoked for knowingly employing, contracting with, or allowing as a volunteer a person in violation of § 931B, § 938B, or § 939B of this title may apply for a new state license no sooner than 5 years after the revocation date.

(f) A person required to obtain a license under § 903B of this title who sells or transfers a firearm without a license is guilty of a class C felony.

Subchapter VII. State duties and authorities.

§ 950B. DSP and DOJ duties and authorities.

(a) The DSP shall promulgate regulations in accordance with the Administrative Procedures Act, Chapter 101 of Title 29 to implement this chapter. The DSP may not alter the eligibility criteria for obtaining a license but may require the collection of additional information needed to verify an applicant's eligibility.

(b) The DSP shall report any violation of this chapter by a licensee to the Bureau.

(c)(1) The DSP shall biennially collect and report all of the following about the preceding 2 calendar years:

a. The number of license applications received, granted, and denied.

b. The number of on-site inspections conducted by the DSP and the number of licensees inspected.

c. The number of warnings issued to licensees and the basis for the issued warnings.

d. The number of civil penalties issued against licensees and the basis for the issued civil penalties.

e. The number of licenses suspended, and the number of licenses revoked, and the basis for each suspension or each revocation.

f. The total amount of license fees and civil penalties collected and deposited into the Fund under § 959B of this title.

g. The total amount spent on licensing costs and inspections under this chapter.

h. The number of stolen firearms reported by licensees.

i. The number of lost firearms reported by licensees.

j. The amount of stolen ammunition reported by licensees.

k. The amount of lost ammunition reported by licensees.

l. The total number of trace requests received reported by licensees.

m. The total number of Bureau inspections reported by licensees.

n. The total number of licenses that are not renewed excluding licenses that have been revoked or suspended.

(2) The report may include any of the following demographic information about individuals under paragraphs

(c)(1)a. through (c)(1)e. of this section:

a. Race and ethnicity.

b. Sex.

c. Geographic location.

(3) The DSP shall submit the report biennially, no later than March 1, to all of the following:

- a. The Secretary of the Senate, for distribution to all Senators.
- b. The Chief Clerk of the House of Representatives, for distribution to all Representatives.
- c. The Director and the Librarian of the Division of Legislative Services.
- d. The Controller General of the Office of the Controller General.

(4) The DSP shall publish the report on the DSP's website no more than 90 calendar days after submission to the General Assembly under paragraph (c)(3) of this section.

(d) DSP or the DOJ may investigate a person's breach of this chapter.

(e) Except in accordance with judicial order or as otherwise provided by law, all documents, data, images, information, reports, and correspondence, and the information within, that are created, transmitted, received, stored, or maintained by DSP or the DOJ in accordance with this chapter are confidential and may not be disclosed or made known to any unauthorized person.

§ 952B. On-site inspection.

(a) The DSP shall conduct an on-site inspection of each licensee's business location at least once every 2 years to ensure compliance with this chapter and Chapter 9 of this title.

(b) In addition to the inspections under subsection (a) of this section, DSP may conduct reasonable periodic inspections of a licensee's place of business during the licensee's regular posted or reported business hours, or the hours of operation provided by the licensee in that licensee's FFL application to ensure compliance with this chapter and Chapter 9 of this title.

(c) The DSP may inspect licensee records to ensure compliance with this chapter and Chapter 9 of this title.

(d) A licensee shall allow the DSP to perform an inspection under this section.

Subchapter VIII. Firearm Licensing Fund.

§ 959B. Firearm Licensing Fund.

(a) The Firearm Licensing Fund is created in the State Treasury.

(b) Any money, including civil penalties and late fees, collected under this chapter must be deposited into the Fund.

(c) Proceeds in the Fund must be used only for implementing Chapter 9 of this title and this chapter.

(d) The General Assembly shall expend the money in the Fund in accordance with subsection (c) of this section through appropriation incorporated in the State's annual appropriations act.

(e) Any unspent funds remaining at the end of the fiscal year do not revert to the General Fund and will carry over.

Section 2. Amend § 901, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 901. License requirement.

No person shall engage in the business of selling any pistol or revolver, or stiletto, steel or brass knuckles, or other deadly weapon made especially for the defense of one's person without first having obtained a license therefor, which license shall be known as "special license to sell deadly ~~weapons.~~" weapons" or a state license under Chapter 9B of this title. No person licensed or unlicensed shall possess, sell or offer for sale any switchblade knife.

This section shall not apply to toy pistols, pocket knives or knives used for sporting purposes and in the domestic household, or surgical instruments or tools of any kind.

Section 3. Amend § 903A, 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 [For application of this section, see 84 Del. Laws, c. 372, § 3].

(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 or a person licensed under Chapter 9B of this title must check the Registry when facilitating a sale or transfer of a firearm under § 904A of this ~~chapter.~~ title.

Section 4. Amend § 904, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 904. Records.

(a) Any person desiring to engage in the business described in this chapter or Chapter 9B of this title shall keep and maintain in the place of business at all times a record in accordance with this section, or Chapter 9B of this title, if required, and all applicable federal laws and ~~regulations (including, without limitation, 18 U.S.C. § 921 et seq. and 27 C.F.R. 478.121 et seq.).~~ regulations. In such record the businessperson shall enter the date of the sale, the name and address of the person purchasing any deadly weapon, the number and kind of deadly weapon so purchased, the age of the purchaser, the mode of identification bearing a picture (except as provided in § 1448B(f) of Title 11) which ~~shall include~~ but it is not limited to includes a driver's license, and any other information as ~~shall be~~ required by federal law and regulation. The record shall at all times be open for inspection by any judge, justice of the peace, ~~police~~ law-enforcement officer, constable or other peace officer of this State.

(b) Any person engaging in the business described in this chapter shall keep and maintain a list of current employees including their names, former names used, dates of birth, physical descriptions and social security numbers. The required employee list and all attachments thereto shall be considered confidential but shall, nevertheless, be open for inspection by any ~~police~~ law-enforcement officer of this State or of any political subdivision of this State, within their respective jurisdiction, at any time, at the licensee's primary place of business and during the licensee's regular business hours. No person licensed under this chapter shall knowingly allow any employee who is a person prohibited from possessing a deadly weapon pursuant to § 1448 of Title 11 to facilitate a sale of a deadly weapon. All employers licensed to do business pursuant to this chapter shall, prior to employment and at least once during each calendar year thereafter, perform a telephonic criminal history record check of each employee utilizing the procedures set forth in § 1448A of Title 11 and shall make and maintain a record thereof using the State Bureau of Identification Criminal History Record Information and Mental Health Information Consent Form (Form 544). A copy of each such form shall be attached to the above required employee list for inspection upon the valid request of a ~~police~~ law-enforcement officer of this State or of any political subdivision of this State, within their respective jurisdiction.

(c) ~~Notwithstanding any provision to the contrary,~~ Except as provided in § 952B of this title, any inspection by a judge, justice of the peace, ~~police~~ law-enforcement officer, constable, or other peace officer of this State shall be reasonable under the circumstances existing at the time and shall only be made pursuant to and in furtherance of an open criminal investigation or during the course of a criminal prosecution.

Section 5. Amend § 904A, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 904A. Background checks for sales between unlicensed persons.

(a) For purposes of this section:

(1) "Dealer" means any person licensed as a deadly weapons dealer under this chapter and 18 U.S.C. § 921 et seq. or a person licensed under Chapter 9B of this title.

(c) Nothing in this section, or any other section of ~~the~~ this Code, authorizes or permits the State or any agency, department, or instrumentality thereof to establish any system for the registration of ~~firearms, firearm owners, or firearm transactions or dispositions,~~ except with respect to persons prohibited from receiving a firearm under Chapter 5 of Title 11. Any such system of registration is expressly prohibited. Firearm owner information in the custody of a firearm dealer does not constitute a registry under this subsection.

Section 6. Amend § 1448A Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1448A. Background checks and handgun qualified purchaser permit required for sales of firearms [For application of this section, see 84 Del. Laws, c. 259, § 5].

(k) Records, data, information, or reports containing the name, address, date of birth, or other identifying data of either the transferor or transferee or which contain the make, model, caliber, serial number, or other identifying data of any firearm which are required, authorized, or maintained under this section, § 1448B of this title, ~~or~~ by Chapter 9 of Title 24, or by Chapter 9B of Title 24, are not subject to disclosure or release under the Freedom of Information Act, Chapter 100 of Title 29.

Section 7. Amend § 1448B, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1448B. Background checks and handgun qualified purchaser permit required for sales of firearms — Unlicensed persons [For application of this section, see 84 Del. Laws, c. 259, § 5].

(b) For purposes of this section:

(2) “Licensed dealer” means any person licensed as a deadly weapons dealer under Chapter 9 of Title 24 and 18 U.S.C. § 921 et seq. or a person licensed as a firearm dealer under Chapter 9B of Title 24.

(f) The State Bureau of Identification (the “Bureau”) shall facilitate the sale or transfer of any firearm in which the prospective buyer is a bona fide member or adherent of an organized church or religious group, the tenets of which prohibit photographic identification, under the following procedure:

(4) The Bureau shall maintain a record of all background checks conducted under this section to the same extent as is required of licensed dealers under Chapter 9 of Title 24, 24 and Chapter 9B of Title 24.

Section 8. Amend § 1448D, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1448D. Handgun qualified purchaser permit required to purchase handguns [For application of this section, see 84 Del. Laws, c. 259, § 5].

(g) The following persons are exempt from the training requirements of this section:

(5) Federal firearms licensees and Delaware deadly weapons dealers licensed and regulated under Chapter 9 of Title 24; 24 or firearm dealers licensed and regulated under Chapter 9B of Title 24;

Section 9. Amend § 1468, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1468. Definitions related to large-capacity magazines.

For purposes of this section and §§ 1469 and 1469A of this title:

(3) “Licensed firearms dealer” means a person licensed under Chapter 9 of Title 24 or 18 U.S.C. § 921 et seq. or a person licensed under Chapter 9B of Title 24.

Section 10. Amend § 6202, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6202. The Delaware Gun Shop Project.

(d) Educational materials. — (1) The Gun Shop Project shall develop and create suicide prevention education materials that include all of the following:

a. Information on understanding the various clinical signs, symptoms, and indicators that might lead an individual to consider suicide.

b. Available suicide prevention resources.

(2) The educational materials under paragraph (d)(1) of this section must be provided through all of the following methods:

b. An online training course for deadly weapons dealers licensed under Chapter 9 of Title 24, firearm dealers licensed under Chapter 9B of Title 24, and other customers.

(e) The Gun Shop Project shall submit a written report as part of the Coalition’s annual report under this chapter, with a copy submitted to the Director and the Librarian of the Division of Legislative Services. The annual report must include all of the following:

(2) Number of participating deadly weapons ~~dealers.~~ dealers under Chapter 9 of Title 24 and firearm dealers licensed under Chapter 9B of Title 24.

Section 11. This Act is effective immediately and is to be implemented as provided in Sections 13 and 14 of this Act.

Section 12. The Secretary of the Department of Safety and Homeland Security shall provide the Director and the librarian of the Division of Legislative Services and the Controller General of the Office of the Controller General with written communications each quarter regarding implementation of this Act, beginning upon enactment until January 1, 2029.

Section 13.

(1) By January 1, 2028, the Delaware State Police shall notify all people with valid special licenses to sell deadly weapons under Chapter 9 of Title 24 of all for the following:

a. Passage of this Act.

b. The definition of a “firearm dealer” under this Act.

c. Notification that firearm dealers must apply for an initial state license under this Act.

d. Notification that if a person with a valid special license to sell deadly weapons applies for a state license before January 1, 2029, that person may continue to sell or transfer firearms until DSP has acted upon that person's application for a state license under Chapter 9B, as contained in Section 1 of this Act.

(2) By September 1, 2028, the Delaware State Police shall publish online the application to apply for an initial state license under this Act.

(3) Except as provided in Section 14 of this Act, on January 1, 2029, this Act shall be fully implemented.

Section 14.

(1) The Delaware State Police shall perform all initial inspections of licensees under this Act from Jan. 1, 2029 through Dec. 31, 2030 for any licensees who apply for an initial license before January 1, 2029.

(2) The first reports or submissions due under this Act are due as follows:

a. The first submission of records to the Delaware State Police under § 920B(d)(4) of Title 24, as contained in Section 1 of this Act, is due April 30, 2029.

b. The first report under § 950B(c) of Title 24, as contained in Section 1 of this Act, is due March 1, 2031, and must include all data collected for calendar years 2029 and 2030.

Section 15. If a person with a valid special license to sell deadly weapons under Chapter 9 of Title 24 will be required to obtain a state license under this Act and applies for the state license before January 1, 2029, then that person may sell or transfer firearms until the Delaware State Police has acted upon that person's application for a state license under Chapter 9B of Title 24, as contained in Section 1 of this Act.