SPONSOR: Sen. Marshall
Sens. Henry, McDowell; Reps. Scott, Bolden, Brady

DELAWARE STATE SENATE

146th GENERAL ASSEMBLY

SENATE BILL NO. 25
AS AMENDED BY
SENATE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO GUN SAFETY.

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

Section 1. Amend Title 16, Delaware Code, by adding a new Part XIV and Chapter 104, to read as follows:

"Part XIV

Chapter 104. Community Firearm Recovery Program.

§ 10401. Purpose.

The purpose of this Chapter is to provide a mechanism to safely remove illegal, unsecured, abandoned, or unwanted firearms from local communities.

§ 10402. Definitions.

For purposes of this Chapter,

(a) "Agency" means local municipal police departments, the New Castle County Police Department and the Delaware State Police;

(b) "CFRP" shall mean Community Firearm Recovery Program;

(c) "Firearm" means any firearm as defined in § 222(12), Title 11, Delaware Code;

(d) "Secretary" shall mean the Secretary of Safety and Homeland Security;

§ 10403. Program.

The Community Firearm Recovery Program ("CFRP") is hereby established and shall be implemented by the agencies as funds are allocated. Within three months of receipt of funding, the agency shall:

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(a) In coordination with the community groups within its jurisdiction, select a location site for purposes of implementing a Community Firearm Recovery Program; and,

(b) Designate dates and times when a participating individual may surrender a firearm as defined in §10402(d) of this Chapter in exchange for funds of a predetermined value, or gift certificate or coupon of equal value. The participating agency shall determine the amounts to be exchanged for each firearm surrendered.

§ 10404. Funding.

Under this section, the 'Firearms Recovery Fund' shall be established. The Secretary of Safety and Homeland Security shall promulgate rules and regulations for the implementation of this program, the distribution of funds, and for the safe storage and disposal of recovered weapons in the possession of the participating law enforcement agency. For purposes of this Chapter, 'disposal' may include the sale or transfer of the firearms to a federal licensed dealer, defined as a person licensed as a firearms collector, dealer, importer, or manufacturer under the provisions of 18 U.S.C. §§922 et seq., or destruction of the firearms.

§ 10405. Personal Identification and Immunity.

Any individual who elects to surrender a firearm anonymously to a CFRP may do so and personal identification shall not be required to be presented at the time of redemption. Notwithstanding any law to the contrary, any person participating in a CFRP shall be immune from criminal prosecution for the criminal offenses defined in 11 Del. C. §§ 1442 and 1444, provided the person is, in good faith, on an immediate, direct route to the predetermined CFRP site."

Section 2. This Act shall be implemented as a Pilot Program with the Program to be completed before May 15, 2012. Implementation shall be contingent upon funding by the General Assembly.

Section 3. Contingent upon the funding discussed in Section 2, the Secretary of Safety and Homeland Security shall provide a report to the General Assembly on or before May 31, 2012, including data on the public response and future need for an ongoing program.

Section 4. This Act shall sunset on July 1, 2012 absent further appropriations, in addition to the pilot program appropriation, by the General Assembly.

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