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

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE BILL NO. 25

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. This program is intended to enable members of the General Assembly to allocate funds for this purpose from their Community Transportation Funds.

§ 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) "Fund" means the Community Transportation Fund;

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

(e) "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 from the Community Transportation Fund. Within three months of receipt of funding, the agency shall:

(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.

Notwithstanding any law or regulation to the contrary, the program created by this Chapter may be funded through designated amounts by a legislator from available Community Transportation Funds. In addition, private contributions from individuals or groups may be accepted to fund this program. Under this section, the "Firearm Recovery Fund" shall be established to accept the contributions designated by legislators from their Community Transportation Funds and private donations. 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.

§ 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."

SYNOPSIS

This Bill establishes a community firearm recovery program to be funded at the discretion of legislators from their Community Transportation Funds. The program will be administered by either a municipal police department, New Castle County Police Department or the Delaware State Police. Lastly, this Bill requires no personal identification for the person presenting a weapon for redemption and exempts a person from any criminal prosecution if traveling to the recovery site or while on site.

Author: Sen. Marshall