

VALERIE J. LONGHURST
Majority Leader
STATE REPRESENTATIVE
15th District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
Ethics, Chair
House Administration, Chair
House Rules, Chair
Legislative Council
House Manufactured Housing

House Administration Committee Meeting Minutes

1.24.18

Chair Longhurst called the meeting to order at 3:04 p.m. Members present included Vice Chair Viola, Speaker Schwartzkopf, and Reps. Hudson and D. Short. For a list of speakers, please see the speaker list below.

Chair Longhurst introduced **HB 300, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DESTRUCTIVE WEAPONS**. Chair Longhurst, the sponsor of the bill, began the meeting with an overview of the rules for a House Administration hearing for members of the public who have not attended a committee hearing before. She stated the order of events during a hearing and that each member of the public would have three minutes to give their testimony. Chair Longhurst asked that members of the public refrain from asking Committee members direct questions during their testimony, but provide their comments on the legislation.

Chair Longhurst stated that HB 300 makes it illegal to buy, sell, possess, or transfer a bump stock, bump fire, or trigger crank device. She said the shooter in Las Vegas in October 2017 used a bump stock, and she commends Cabela's, an outdoor sports store, decision to remove bump stocks from their inventory shortly after the shooting. She stated that while the federal government has not taken action on bump stocks, many states have taken the issue into their own hands. She said Massachusetts was the first state to ban bump stocks in November 2017, and numerous other states have introduced similar legislation to ban bump stocks as well.

Chair Longhurst stated that she was pleased to work with the National Rifle Association (NRA) on verbiage in the bill that needed to be changed, which has been included in HA 1 to the bill. Chair Longhurst said that HA 1 more narrowly defines what a bump stock and trigger crank are and provides a delayed effective date of 120 days for the possession of the item. She stated that the Delaware State Police and the New Castle County Police will allow Delawareans to turn in their bump stocks or trigger cranks to them within the 120 day transition period.

Chair Longhurst stated that she believes bump stocks should be banned from the State of Delaware in order to protect public safety, and that the purpose of this hearing is to hear what people think and see where they stand on this issue.

Rep. D. Short said that he would wait until the end of public testimonies to make comments.

Rep. Hudson asked what the bump stock attachment cost is.

Chair Longhurst said she did not know what the cost was.

Rep. Hudson commented that there is no buy-back program in place for when Delawareans turn in their bump stocks or trigger cranks, and that Delawareans will just lose their items upon turning them in.

Chair Longhurst confirmed Rep. Hudson's comment, and opened up the floor for public comment.

Rick Armitage of the NRA thanked Chair Longhurst and her staff for meeting with him to discuss the bill and stated that the amendment makes the bill a much better bill. Mr. Armitage expressed concern that if this bill is passed into law,

people who currently own a bump stock or trigger crank will immediately own an illegal item. In addition, he expressed concern over their only option being to turn in their property since the sale of these devices will be illegal as well.

Jeff Hague, the President of the Delaware State Sportsmen's Association, stated that he represents all the sportsmen in the State, which amounts to about 6,000 people. Mr. Hague expressed concern for Delawareans' items being taken away from them, in addition to the fact that bump stocks and trigger cranks have never been used negatively in State of Delaware. He added that this bill may result in unintended consequences for law abiding sportsmen hunters who take their firearms to gunsmiths to have the triggers made smoother. He was concerned if this kind of work would fall under the definition of a device that increases rate of fire. Mr. Hague requested the bill be tabled until the Federal Government takes action on this issue.

Suzanne Bateman of Moms Demand Action for Gun Sense in America stated that the safety of all Delawareans should not be threatened by the danger posed by bump stocks or trigger cranks, and that she supports HB 300.

George Higgins, Executive Director for the Delaware Coalition Against Gun Violence, stated that bump stocks pose a serious threat and risk to public safety, and he expressed concern for the safety of Delawareans as bump stocks enable mass shootings. Mr. Higgins said he supports the passage of HB 300.

Paul Johnston, resident of Smyrna, stated that he is a disabled veteran and corrections officer and that he is against this bill. He said sometimes the trigger pull on firearms is too hard for disabled veterans and officers and they need the trigger to be altered so that they can use their firearms to protect themselves and their families. He expressed concern for being considered a criminal for needing his firearm altered. He said this bill needs to be rewritten to allow disabled veterans and officers to have the necessary alterations made to their firearms.

Dennis Greenhouse of the Delaware Coalition Against Gun Violence and the Giffords Organization stated that he supports HB 300. He said that since the Federal Government seems unwillingly to pass a national law to ban bump stocks, state and local governments must take the lead. He said bump stocks circumvent the National Firearms Act, and that other state governments have taken action to ban bump stocks. He emphasized that it is Delaware's turn to ban bump stocks.

Tracie Johnston, wife of Paul Johnston, stated that she is also against this bill. She said that if someone needs the trigger of their firearm altered so that the trigger pull is not as hard for them, then they should be able to do so. She stated there are law abiding citizens in the State who own guns and she believes this bill criminalizes them. She asked the Committee to table this bill.

Shannon Alford, Delaware State Liaison for the NRA, stated that she is here to answer any questions that come up. In response to a question that was asked earlier, she said last year bump stocks cost between \$100 and \$200, and now the price is much higher. She said the amendment to the bill is a step in the right direction, but she would still like to see the bill fail.

Sandy Spence of the League of Women Voters of Delaware stated that her organization strongly supports this bill. She expressed concern that the price of bump stocks has increased in the aftermath of the Las Vegas shooting and that the gun industry is profiting from the mass tragedy instead of regulating such deadly weapons. Ms. Spence stated that there were 20,000 other people at the concert in Las Vegas who weren't killed or injured, but have been traumatized by the incident. She emphasized that Delaware needs to protect its residents' physical and mental health from gun violence.

Thomas Brackin, Lieutenant with the Delaware State Police and President of the Delaware State Troopers Association (DSTA), stated that the DSTA is in full support of this bill. In regards to law abiding citizens, Mr. Brackin noted that the shooter in Las Vegas was a law abiding citizen up until he pulled the trigger at the concert, and expressed concern that law abiding citizens currently in possession of bump stocks may not remain this way. He stated that the state troopers he represents run toward gun fire and would appreciate a reduction in the amount of gun fire shot, which this bill would do.

Rep. D. Short asked Mr. Brackin if he thought the shooter in Las Vegas would have turned in his bump stock if he knew this bill was in effect.

Mr. Brackin responded that it was not likely the shooter would have done so.

Darren Lester, Sergeant from the Delaware State Police, stated that the Delaware State Police fully supports HB 300. Sergeant Lester said that HB 300 is a logical approach to public safety concerns within the State of Delaware, and thanked Chair Longhurst for her leadership on this important issue.

Macky Marker stated that he opposes HB 300. Mr. Marker said this bill will affect other firearm enhancements that are legal for law abiding citizens. He said these enhancements make firearms more accurate and more efficient, and if he as a law abiding citizen needs to protect himself he wants the most accurate firearm. He expressed concern that this bill is too broad since it states any modification that enhances the fire rate of a firearm is illegal. He stated that this bill punishes law abiding gun owners for the mistakes and evil of the minority of gun owners and shows citizens that their government does not trust them. He said that some people are inherently evil and evil behavior cannot be fixed through legislation.

In response to Mr. Marker's comments, Chair Longhurst said that she worked with the NRA on the bill's amendment and that the modification of a trigger to improve its handling would not be covered by the bill in order to make the legislation surrounding the trigger pull clearer and less broad.

Chair Longhurst stated that it has been three months since the Las Vegas shooting and the Federal Government has not taken any action on bump stocks, which is why many state governments have decided to take this issue into their own hands. She emphasized how important this issue is and that bump stocks are not necessary for non-combatant civilians to own.

Rep. D. Short thanked the law enforcement officials for showing up to the hearing and for their comments. He stated that bump stocks should not be used, that they are illegal at the shooting range he attends, and that they do not make a firearm more accurate, but just accelerate the rate of fire. Rep. D. Short said that the problem he has with the bill is that it creates unintended consequences such as Delawareans buying bump stocks in other states where they are not illegal and bringing them back to Delaware, the issue of taking Delawareans' property away without any remuneration for the cost of what they purchased the bump stocks for, and that people looking to perform evil acts will find a way to inflict pain on others even if this bill passes.

Rep. D. Short asked Jeff Hague to play a video for him to show the committee. Due to technology issues, the video did not play.

Rep. D. Short said the video makes the point that individuals who want to hurt other people will find a way to do so. He stated that if someone has the will to go across state lines to buy a bump stock then they will and this is an unintended consequence of this bill.

Chair Longhurst stated that although she understands that if there is a will there is a way and that people will find ways to do harmful things, she emphasized that bump stocks need to be taken out of the hands of Delawareans.

In response to Paul Johnston's comments, Speaker Schwartzkopf said that the way the bill is worded is not intended to offend or impact anyone with a disability, but that the intention is to prevent the acceleration of the rate of fire, which is different than Mr. Johnston's need to modify his trigger to fire.

Chair Longhurst stated that HA 1 was created to differentiate between legal firearm modifications and rate of fire acceleration.

Chair Longhurst requested a motion. A motion to table HB 300 was made by Rep. D. Short and seconded by Rep. Hudson; motion failed. Yes - 2 (Hudson and Short); No – 3 (Longhurst, Schwartzkopf, and Viola). Chair Longhurst requested another motion. A motion to release HB 300 was made by Rep. Viola and seconded by Speaker Schwartzkopf; motion carried. Yes – 3 (Longhurst, Schwartzkopf, and Viola); No – 2 (Hudson and Short). HB 300 was released from committee with a F=2, M=1, U=0 vote.

Chair Longhurst adjourned the meeting at 3:50 p.m.

Respectfully submitted by:

Lauren Barkachy

Speaker List

1. Rick Armitage (National Rifle Association)
2. Jeff Hague (Delaware State Sportsmen's Association)
3. Suzanne Bateman (Moms Demand Action For Gun Sense In America)
4. George Higgins (Delaware Coalition Against Gun Violence)
5. Dennis Greenhouse (Delaware Coalition Against Gun Violence; Giffords Organization)
6. Paul Johnston
7. Tracie Johnston
8. Shannon Alford (National Rifle Association)
9. Sandy Spence (League of Women Voters of Delaware)
10. Thomas Brackin (Delaware State Troopers Association)
11. Darren Lester (Delaware State Police)
12. Macky Marker