



SPONSOR: Sen. Marshall & Sen. McDowell
Sen. Henry & Reprs. Bolden, Brady, Keeley, Potter

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 23

AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO MUNICIPALITIES AND
LIMITATIONS ON FIREARM REGULATIONS.

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

1 Section 1. Amend Section 111, Chapter 1, Title 22 of the Delaware Code by making deletions as shown by strike though as
2 follows:
3 ~~§ 111. Limitation on firearm regulations.~~
4 ~~The municipal governments shall enact no law, ordinance or regulation prohibiting, restricting or licensing the ownership,~~
5 ~~transfer, possession or transportation of firearms or components of firearms or ammunition except that the discharge of a~~
6 ~~firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title~~
7 ~~11. Nothing contained herein shall be construed to invalidate municipal ordinances existing before July 4, 1985, and any~~
8 ~~ordinance enacted after July 4, 1985, is hereby repealed. Notwithstanding the provisions of this section to the contrary, the~~
9 ~~City of Wilmington may, in addition to the nature and extent of regulation permitted by this section, enact any law or~~
10 ~~ordinance governing the possession or concealment of a paintball gun within its corporate limits as it deems necessary to~~
11 ~~protect the public safety.~~

SYNOPSIS

This act would repeal Section 111 of Title 22 of the Delaware Code in its entirety, and eliminate the limitations imposed upon municipalities to regulate firearms and ammunition within their jurisdictions. This act would leave in place the limitations imposed upon counties by Title 9 of the Delaware Code, Section 330 to regulate firearms and ammunition.

According to the National Center for Injury Prevention and Control at the Centers for Disease Control, over 30,000 people in the United States die each year from gunfire. Many are children. Additionally, more than 75,000 individuals suffer non-fatal injuries caused by gunfire in the United States annually, including thousands of children. Therefore, over the next decade, the number of deaths from firearms in America will likely exceed 300,000 persons, and the total number of persons killed or injured by guns can be expected to significantly exceed one million persons.

According to a report from the Children's Defense Fund, in 2008, 2,947 children and teens died from guns in the United States and 2,793 died in 2009, for a total of 5,740 -- one child or teen every three hours, eight every day, 55 every week for two years. Over a four year period, the number of children and teens killed by guns in the United States will easily exceed the number of first graders enrolled in all of Delaware's public schools in the 2007-2008 school year: 9,903 children.

The 5,740 children and teens killed in the United States by guns in 2008 and 2009:

- a. Would fill more than 229 public school classrooms of 25 students each.
- b. Was greater than the number of U.S. military personnel killed in action in Iraq and Afghanistan (5,013).
- c. The number of preschoolers killed by guns in 2008 (88) and in 2009 (85) was nearly double the number of law enforcement officers killed in the line of duty in 2008 (41) and 2009 (48).
- d. Black children and teens accounted for 45 percent of all child and teen gun deaths in 2008 and 2009, but were only 15 percent of the total child population.
- e. Black males 15-19 were eight times as likely as White males of the same age and two-and-a-half times as likely as their Hispanic peers to be killed in a gun homicide in 2009.

- f. The leading cause of death among Black teens ages 15 to 19 in 2008 and 2009 was gun homicide. For White teens 15 to 19 it was motor vehicle accidents followed by gun homicide in 2008 and gun suicide in 2009.
- g. The most recent analysis of data from 23 industrialized nations shows that 87 percent of the children under age 15 killed by guns in these nations lived in the United States. The gun homicide rate in the United States for teens and young adults ages 15 to 24 was 42.7 times higher than the combined rate for the other nations.

Given that 2,800 children and teens die from guns each year, if no action is taken to curb gun violence, about 28,000 American children can be expected to be killed by guns over the next decade. For the 2012 school year, the total non-public school enrollment in Delaware for grades K through 12 is approximately 21,000 students.

In 2010, 48 people were murdered in Delaware, and 38 of those were by firearm. In 2011, 41 people were murdered in Delaware, and 28 were by firearm. In 2010, there were 125 shootings in City of Wilmington, with 142 victims; 58 of the victims were under the age of 21, and 26 of the victims died.

A report on the economic costs of gun violence in the United States issued in October 2012 by the Johns Hopkins Bloomberg School of Public Health concluded: "Firearm related deaths and injuries resulted in medical and lost productivity expenses of about \$32 billion in 2005. But the overall cost of gun violence goes well beyond these figures. When lost quality of life, psychological and emotional trauma, decline in property values, and other legal and societal consequences are included, the cost of gun violence in the U.S. was estimated to be about \$100 billion annually in 1998. A new study has examined the direct and indirect costs of violent crime in eight geographically-diverse U.S. cities, and estimated the average annual cost of violent crime was more than \$1,300 for every adult and child. Because much of these costs are due to lowering residential property values, violent crime greatly reduces tax revenues that local governments need to address a broad array of citizens' needs. The direct annual cost of violent crime to all levels of government was estimated to be \$325 per resident."

The unnecessary human suffering caused by gun violence both nationally and in Delaware is enormous. The economic toll caused by gun violence in the United States and Delaware is likewise enormous.

The residents of each municipality in Delaware should be permitted to engage in legitimate regulation of firearms and ammunition within the boundaries of their communities, if they so choose. If the residents of a municipality do not support such regulation, they may simply elect not to enact ordinances on the subject. However, if the residents of a municipality conclude that their communities can be made safer by enacting ordinances to regulate firearms and ammunition, consistent with the Second Amendment to the United States Constitution, they should not be prohibited by the State from doing so.

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