

NEWS:

Bill Mandating Firearm Storage Heads to Senate

March 29, 2019 -- By a vote of 22 to 19, the House of Representatives approved a controversial gun bill on Tuesday, sending it to the Senate for consideration.



Sponsored by State Rep. Sean Lynn, D-Dover, [House Bill 63](#) seeks to expand the scope of an existing law that mandates that the owners of firearms secure them or risk being charged with an offense if one of their guns is obtained by a minor. HB 63 would add "unauthorized persons" to the statute.

Under the legislation, a person would be guilty of the "unsafe storage of a firearm" if he or she "intentionally or recklessly" stored or left a loaded firearm within easy access of a minor or unauthorized person (someone legally prohibited from possessing it).

While the bill includes a defense for gun owners who lose their weapons as the result of a home burglary, it contains no provision for losses due to theft.

Under the legislation, a gun owner could be charged with a class A or class B misdemeanor for a violation. The more serious charge (class A) would apply if the person who obtained the gun used it in a crime or inflicted a serious injury.

Many of the critics of the bill appreciated its intent and agreed that gun owners have a duty to be responsible with their firearms. However, opponents cited a long list of concerns during Tuesday's debate, including:

Rep. Charles Postles, R-Milford North, said he thought it was unfair that the severity of the crime is dependent on the actions of a third person over which the gun owner has no control.

Rep. Ruth Briggs King, R-Georgetown, said the measure places gun owners in the untenable position of having to ascertain if the people allowed to enter their homes are legally prohibited from possessing a weapon. "How am I to know that some person is prohibited from possession of a firearm?" she said. "There is no registry I can access, ... so I am relying on the person, who I may not be able to trust, to tell me if they are prohibited."

Rep. Shannon Morris, R-Harrington, said he believes the bill is not in keeping with the

spirit of the state constitution because it restricts how guns can be stored and accessed in the home. "I think it violates Article I, Section 20 of the Delaware Constitution, which states that a person has the right to keep and bear arms to protect one's self, family, and home," he said.

Rep. Rich Collins, R-Millsboro, used an experience he had while having work done at his home to illustrate that the bill places unrealistic burdens on gun owners. "I engaged a contractor to come and work on my house," he told the chamber during the debate. "He engaged sub-contractors, who in turn, hired their own workers. Here's what happened. I had some cash, which I thought was hidden in a very, very safe place. I found out about two weeks after the job was done that cash was gone. It could have been a gun [that had been stolen]."

Speaking on the House floor, **Rep. Jeff Spiegelman, R-Clayton**, said House Bill 63 could have unintended consequences because Delaware's legal definition for what constitutes a "firearm" is so broad it includes items such as crossbows and slingshots. "I understand, Representative Lynn, that none of these things are close to what you intend with your piece of legislation. I accept that. However, the piece of legislation you have written, with that definition of firearm attached to it, covers these things, whether you like it or not, whether we in this room like it or not."

Rep. Jesse Vanderwende, R-Bridgeville, said the bill is misguided, potentially punishing people who are guilty of nothing more than misplacing their trust. "I don't think the victim of a crime, who has had their trust violated and their property stolen, should be doubly victimized by being charged by the state."

A nearly identical measure cleared the House last May, but died without action in the Senate.

House Bill 63 has been assigned to the Senate Judicial Committee.

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