

Former Congressman and Governor Mike Castle Joins Governor Markell, Lt. Gov. Denn and AG Biden to Unveil Background Check Bill

Legislation sponsored by Rep. Longhurst, Sen. McDowell and others would require criminal history checks in connection with virtually all gun sales

(Wilmington, DE) Joined by former Congressman and Governor Mike Castle and members of Delaware's law enforcement community, Governor Jack Markell, Lt. Gov. Matt Denn, Attorney General Beau Biden today unveiled legislation to require background checks for virtually all gun sales, with a few limited exceptions.

"I am proud to endorse this initiative to expand background checks for firearm purchases," said former Congressman and Governor Castle. In 2009, I sponsored the *Bipartisan Gun Show Loophole Closing Act* in Congress because of my firm belief that only people who are not prohibited under law from having a gun should be allowed to buy one. This is a common-sense measure that can save lives."

“Under existing law, when a licensed dealer sells a firearm, he or she must perform a background check on the potential buyer. But when the sale does not involve a licensed dealer, no background check is required,” said Governor Markell. “We know that people who are prohibited by



law from possessing firearms still try to acquire them. This bill is an important tool to keep guns away from convicted felons and other persons who have no business having a gun in their hands.”

“Everyone who says we should do a better job of enforcing existing laws should be for this bill, because that’s exactly what it does: allow us to ensure that the people who we have legally prohibited from owning guns don’t in fact get them,” said Lt. Governor, Matt Denn. “Everyone who says we should be focused on dangerous people should be for this bill, because that’s exactly what it does: it ensures that people who we have already decided through the passage of laws are potentially dangerous do not get guns.”

“The evidence is clear that background checks keeps guns away from people not allowed to possess them under the law—especially criminals,” said Attorney General Biden, who helped to implement the Brady background check law when he worked at the U.S. Department of Justice in the late 1990s. “Requiring universal background checks is a common-sense approach to protect public safety by keeping weapons away from even more people who should not have them.”

In 2011, House Majority Leader Rep. Valerie Longhurst sponsored legislation to sync Delaware’s background check system with the federal database for firearm purchases. Rep. Longhurst said two years ago she listened to the testimony of parents of two victims in the 2007 Virginia Tech shootings and

in light of recent events, Delaware needs to reevaluate its background checks system.

“Keeping firearms out of the hands of criminals is critical to cutting down on gun violence and protecting our citizens. One way to do that is through background checks for gun purchases, but there is a significant loophole in our current system that we need to address,” said Rep. Longhurst, D-Bear. “In just the last six years, close to 3,500 people were denied firearms because they failed a background check at a gun store. Unless we establish universal background checks, those same people can just go to a gun show or another private gun seller to buy a firearm. Why shouldn’t the same criteria apply to all of these gun sales? This bill would close that loophole and keep guns out of the hands of people who should never have the chance to purchase them.”



“Loopholes are ways people circumvent the law,” said Senator Harris McDowell, III, D-Wilmington North. “This closes a giant loophole through which guns are pouring into the hands of criminals and others prohibited from possessing firearms.”

The legislation unveiled today would require that a background check be performed in connection with the sale or transfer of any firearm, regardless of whether the transaction involves a licensed dealer. The bill includes a few narrow exceptions, including sales or transfers of firearms involving:

- Immediate family members (parent, grandparent, child, grandchild, spouse or sibling);

- Law enforcement officers who meet the training and qualification standards required by police agencies to carry firearms;
- Antique (pre-1899) firearms and certain replicas thereof; and
- The return of a firearm by a pawnbroker to the person from whom it was received.

Background checks would be performed by licensed dealers, who would be permitted (but not required) to charge up to \$50 per background check. (Under existing law, a dealer may charge up to \$20 for a background check requested by a private party.) Dealers would be required to maintain records of all background checks in accordance with state and federal law.

The penalty for a first offense would be a class A misdemeanor. Any subsequent offense would be a class G felony.