

RES 17-074

Wilmington, Delaware  
October 19, 2017

#4431

Sponsor:

Council  
Member  
Guy

**WHEREAS**, it is beyond dispute that governments have a legitimate and important interest in promoting public safety to include prevention of mass shootings; and

**WHEREAS**, the proliferation of guns in, moving through, and being used in Wilmington, Delaware have lead to the City of Wilmington and the State of Delaware being offensively labeled Murdertown USA; and

**WHEREAS**, when a single pull of a gun trigger results in a continuous stream of bullets being shot, the gun is generally considered to be an automatic weapon, the sale of which is regulated; and

**WHEREAS**, legal semiautomatic weapons can be easily modified to operate like a fully automatic machine gun using devices that are easily purchased such as a bump-stock or gat crank; and

**WHEREAS**, the "bump stock" is one of a few attachments that can make a rifle more dangerous facilitating a semi-automatic weapon to fire as if it were an automatic, with the recoil working with the action of the springing stock to continually fire rounds so long as the shooter keeps a finger on the trigger. *Murphy v. Guerrero*, 2016 U.S. Dist. LEXIS 135684 (D. N. Mar. I. Sep. 28, 2016); and

**WHEREAS**, citing the reasoning in *United States v. Henry*, 688 F.3d 637, 638 (9th Cir. 2012), with respect to the regulation of the "bump stock," a federal district Court Judge believes that this type of attachment can be restricted without running afoul of the Second Amendment because it is an attachment that effectively converts a lawful weapon into an unlawful weapon. *Murphy v. Guerrero*, 2016 U.S. Dist. LEXIS 135684 (D. N. Mar. I. Sep. 28, 2016); and

**WHEREAS**, Council deems it appropriate to request the Delaware Attorney General to complete a study identifying the present lawfulness of these devices under Delaware law, convene a public hearing to obtain public input from all stake holders regarding these devices, and to make post-hearing recommendations identifying whether there are any changes in Delaware law that are warranted.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that Council deems it appropriate to request the Delaware Attorney General to perform a study and issue a report identifying the present lawfulness, under Delaware law, of these devices that essentially modify weapons to operate like a fully automatic machine gun, convene a public hearing to obtain public input on the results of the study, and make recommendations for any changes in Delaware law that are warranted.

Passed by City Council,  
October 19, 2017

Attest: Maribel Seijo  
City Clerk

Approved as to form this 18<sup>th</sup>  
day of October, 2017.

Elizabeth D. Power  
Senior Assistant City Solicitor

**SYNOPSIS:** This Resolution requests that the Delaware Attorney General perform a study and issue a report regarding the present legality of devices that essentially modify weapons to operate like a fully automatic machine gun, a process which should include public input and the recommendation of law changes as warranted.