

Wilmington, Delaware  
November 19, 2020

**#4879**

**Sponsors:**

**Council  
Members  
Oliver  
Johnson**

**Co-Sponsor:**

**Council  
Member  
Harlee**

**WHEREAS**, Delaware Code Annotated Title 22, Section 111(a) creates the following limitation on municipal firearm regulations: “The municipal governments shall enact no law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or components of firearms or ammunition except that the discharge of a firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title 11 [of the Delaware Code]. Nothing contained herein shall be construed to invalidate municipal ordinances existing before July 4, 1985, and any ordinance enacted after July 4, 1985, is hereby repealed. Notwithstanding the provisions of this section to the contrary, the City of Wilmington may, in addition to the nature and extent of regulation permitted by this section, enact any law or ordinance governing the possession or concealment of a paintball gun within its corporate limits as it deems necessary to protect the public safety”; and

**WHEREAS**, Delaware Code Annotated Title 22, Section 835(a)(6) specifically prohibits amending a municipal charter to “[p]rohibit, restrict or license ownership, transfer, possession or transportation of firearms or components of firearms or ammunition, except that the discharge of a firearm may be regulated; provided that any regulation or ordinance incorporates the justification defenses as found in Title 11 [of the Delaware Code] . . . .”; and

**WHEREAS**, there has been over 1,132 reports of gun incidences in Wilmington since 2011. In 2017, Wilmington ranked first in the entire nation for teen shootings. In 2017, there were 3.4 people injured aged 12-17 in the City per 1,000 people, which is nearly 9 times the national average as reported in 2015 by the U.S. Centers for Disease Control and Prevention.

Between 2009 and 2014, 15% of the people arrested in Wilmington for gun-related crimes were under the age of 18; and

**WHEREAS**, the year-to-date total (January 1 - October 1, 2020) of incidences of gun violence in the City of Wilmington is 111 shooting incidents, 20 homicide incidents, 141 shooting victims, and 23 killed by shooting, with “homicide incidents” defined by a specific incident/location rather than number of victims that resulted from the incident and “killed” refers to the number of people killed during a specific incident; and

**WHEREAS**, within the City of Wilmington from January 1, 2020 to October 1, 2020 in the age categories of 10 and younger, 11 - 15, 16 - 24, and 25+, the number of individuals killed or wounded by gun violence were 0, 1, 25, and 17, respectively; and

**WHEREAS**, these incidents of gun violence causing deaths and serious injuries of youth from the ages of 10 to adults aged 25 and over causes trauma to the families of both the victims and perpetrators, as well as anxiety for residents and businesses regarding public safety in a number of neighborhoods throughout the City; and

**WHEREAS**, research collected by the Gifford’s Law Center demonstrates that licensing has been proven to reduce gun violence and trafficking, and remains a necessary component to crafting comprehensive, lifesaving gun laws; and

**WHEREAS**, a 2018 study of gun licensing laws across 80 large urban counties found that these laws are associated with an 11% decrease in firearm homicides; and

**WHEREAS**, the City of Wilmington is the largest City in Delaware by population, has the highest number of large corporations employing tens of thousands of people, and provides the greatest percentage of corporate tax revenue to the State of Delaware; and

**WHEREAS**, given the impact of gun violence being experienced for more than a decade throughout the City of Wilmington, the ability of the City of Wilmington to enact legislation requiring the registration of guns is necessary and appropriate to further the City's efforts to provide additional public safety protocols to support law enforcement and to address the public's right to expect safety in their neighborhoods, businesses and commercial areas; and

**WHEREAS**, the City of Wilmington's proposed gun registration legislation would require every City of Wilmington resident or organization who possesses or controls a firearm or a destructive device to register such firearm or device with the Wilmington Police Department, with the exception of current or retired law enforcement officers, members of the United States Armed Forces, or other persons authorized to possess a firearm or device while on duty in the performance of official authorized functions; and

**WHEREAS**, machines guns, assault weapons, sawed-off shotguns, short-barreled rifles, and .50 BMG rifles would not be permitted to be registered firearms or devices under the City of Wilmington's proposed gun registration legislation; and

**WHEREAS**, the City of Wilmington's proposed gun registration legislation would require a person or organization to apply in person to register any other type of firearm or device with the Wilmington Police Department prior to completing a firearms training and safety class provided free of charge by the Wilmington Police Department, or submitting evidence that the registrant had received comparable training in a military or law enforcement capacity in another U.S. jurisdiction where such firearms training is required; and

**WHEREAS**, the Delaware Code preempts the enactment of gun control laws on a city-to-city basis; however, the Delaware Code has exceptions for local governments and other

such bodies to install ordinances to regulate firearms in police stations and county buildings if they have signs restricting the weapons in the designated zones; and

**WHEREAS**, due to the ongoing incidents of gun violence being experienced for more than a decade in various neighborhoods in the City of Wilmington by residents, families and businesses that have taken lives, caused serious injuries, traumatized residents and eroded public safety, Wilmington City Council requests for the Delaware General Assembly to enact legislation exempting the City of Wilmington from the Delaware Code’s preemption that prohibits the City of Wilmington from enacting its proposed gun registration legislation, which would provide the City with an additional tool to reduce gun violence, deaths and injuries and increase the public safety to the over 70,000 residents, businesses, workers and visitors in the City of Wilmington.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the City Council requests for the Delaware General Assembly to enact legislation exempting the City of Wilmington from the Delaware Code’s preemption that prohibits the City from enacting proposed gun registration legislation for and within the City of Wilmington.

Passed by City Council,

ATTEST: \_\_\_\_\_  
City Clerk

**SYNOPSIS:** This Resolution requests the Delaware General Assembly to enact legislation exempting the City of Wilmington from the Delaware Code’s preemption that prohibits the City from enacting proposed gun registration legislation.