

Wilmington, Delaware
June 16, 2022

#0189

Sponsor:

Council Member Gray

Co-Sponsors:

Council Members Harlee Johnson Mills Oliver

WHEREAS, the City of Wilmington government has a compelling interest in promoting public safety by reducing gun violence and preventing potential mass shootings; and

WHEREAS, prior to July 4, 1985, the City of Wilmington had broad home rule authority to enact legislation regulating the ownership, transfer, possession, carry and concealment of firearms within the City limits; and

WHEREAS, on June 4, 1986, the General Assembly approved legislation that preempted all municipalities in Delaware, including the City of Wilmington, from enacting legislation regulating firearms; and

WHEREAS, the preemption statute, which was codified at Title 22, Section 111(a) of the Delaware Code, included a grandfather clause for municipal ordinances that regulated guns in existence before July 4, 1985; and

WHEREAS, on August 17, 2015, the General Assembly approved legislation, codified at Title 22, Section 111(b) of the Delaware Code, that carved out a minor exception to the preemption statute by enabling municipal governments to adopt ordinances regulating the possession of firearms in police stations and municipal buildings, subject to certain requirements set forth in Section 111(b); and

WHEREAS, the City of Wilmington has continued to experience the escalation of gun violence and gun trafficking within its borders since the enactment of the preemption statute, causing trauma to generations of families of both the victims and perpetrators, as well as fear and anxiety for residents and businesses regarding public safety in neighborhoods throughout the City; 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 Delaware residents, and provides the greatest percentage of corporate tax revenue to the State of Delaware, all of which is at risk through the continued and escalating gun violence in the City; and

WHEREAS, given the impact of gun violence that has been building dramatically over the past several decades throughout the City, and the increase in mass shootings and gun violence throughout the nation, the General Assembly must restore the City's pre-1985 home rule authority to regulate firearms within its borders so that the City can ensure public safety by reducing the rampant gun violence in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington City Council urges the General Assembly to enact legislation restoring the home rule authority of the City of Wilmington to enact laws to regulate firearms within its borders by exempting it from the preemption statute that prohibits the City of Wilmington from enacting firearm regulations within City limits.

BE IT FURTHER RESOLVED that the Wilmington City Council specifically requests that the members of the General Assembly amend Title 22, Section 111(a) of the Delaware Code as follows:

§ 111. Limitation on firearm regulations.

- (a) Excluding the City of Wilmington, ~~F~~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. Nothing contained herein shall be construed to invalidate municipal ordinances existing before July 4, 1985, and any ordinance, excluding an ordinance of the City of Wilmington, 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.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution requests that the Delaware General Assembly restore the pre-1985 home rule authority of the City of Wilmington to enact legislation to regulate firearms within the limits of the City of Wilmington by exempting the City of Wilmington from the Delaware Code's preemption statute that prohibits all municipalities from regulating firearms post-1985.