

**Delaware House of Representatives**

**Rep. Larry Mitchell**

**For Immediate Release:**

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**Mitchell Bill Would Strengthen Background Checks**

**by Re-Establishing Local Firearm Check Program**

*HB 423 would reinstitute FTAP as point of contact agency for firearm purchases and checks.*

DOVER – In an effort to strengthen background checks, reduce straw purchases and provide more local control over firearms purchases, lawmakers filed a measure Friday that would reinstitute the Firearm Transaction Approval Program (FTAP).

Federal law permits states to require federal firearms licensees to conduct background checks through a state agency or other point of contact instead of directly through the National Instant Criminal Background Check System (NICS). Delaware passed legislation in 2011 that led to the state relying on NICS for background checks and abolishing its existing FTAP program.

Sponsored by **Rep. Larry Mitchell**, HB 423 would re-establish FTAP within the State Bureau of Identification (SBI) of the Delaware State Police and designate the bureau’s FTAP as the point of contact between a federal firearms licensee and the federal databases checked by the FBI to conduct background checks for firearm purchases or transfers.

By establishing SBI as the point of contact for all firearm purchases or transfers in Delaware, the bureau would become responsible for determining if a potential buyer or transferee is prohibited from receipt or possession of a firearm under state or federal law. This would enable SBI to search other databases in addition to relying on the required NICS check, enhancing background checks conducted in the state.

“Thorough and complete background checks are still one of the best ways to ensure that people who should not possess firearms are not able to obtain them,” said **Rep. Mitchell**, D-Elsmere. “NICS helped Delaware tremendously in giving us immediate access to criminal databases across the country. But a national system can create gaps that potentially problematic buyers could slip through.

“Re-establishing FTAP will help us identify people who would otherwise be prohibited but NICS might have missed, such as a person convicted of a misdemeanor domestic violence offense. It will make our background check system stronger and more thorough and provide more protection for residents.”

Persons who are convicted of a misdemeanor domestic violence offense are prohibited from possessing a firearm for five years. NICS would not be aware of such an offense unless it was identified as a domestic violence offense in a particular system. FTAP, however, would have access to state records and would be able to more easily identify the relationship between victim and offender for a particular conviction.

Additionally, any person who has an outstanding warrant is prohibited. However, NICS only has access to a national database capturing those persons with outstanding warrants who the prosecuting agency has requested be extradited back to answer to the charges. The vast majority of misdemeanor warrants are not in this database, meaning those individuals are not flagged. FTAP would have access to local databases to identify and deny those persons.

“Keeping deadly firearms out of the hands of people who pose a risk to themselves or others is one of the surest ways we can prevent the gun-related homicides and suicides that have plagued our communities for far too long,” said **Senate President Pro Tempore Dave Sokola**, the Senate prime sponsor of HB 423. “Closing the gaps in our current background-check system by restoring the role of local law enforcement will represent a significant step forward in those efforts. I am committed to continuing this progress by working with my colleagues to pass common-sense public safety legislation that further raises the level of responsible gun ownership in Delaware.”

Under HB 423, firearms dealers who suspect a straw purchase has or is occurring would be able to notify SBI using the same hotline that would be established for background checks through FTAP.

The new FTAP system would be required to be up and running within one year of the bill’s signing into law.

HB 423 has been assigned to the House Public Safety & Homeland Security Committee.

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