

**EXHIBITS TO COMPLAINT**

HB 450.....A

SB 68.....B

*Bianchi v. Frosh*.....C

# EXHIBIT A



SPONSOR: Rep. Longhurst & Sen. Poore & Rep. Schwartzkopf & Rep. Mitchell & Rep. Dorsey Walker & Rep. Baumbach & Rep. Bolden & Rep. Griffith & Rep. Lynn Reprs. Bentz, Chukwuocha, Freel, Heffernan, K. Johnson, Kowalko, Lambert, Minor-Brown, Morrison, Osienski; Sens. Gay, Lockman, S. McBride, Paradee, Pinkney, Sokola, Sturgeon, Townsend

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 450  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND THE DELAWARE CODE RELATING TO DEADLY WEAPONS.

1 WHEREAS, on May 24 an 18-year-old gunman entered Robb Elementary School in Uvalde, Texas and murdered  
2 19 children and 2 teachers with an AR-15-style semi-automatic rifle; and

3 WHEREAS, this tragedy came just 10 days after a shooting in Buffalo, New York where a gunman with an AR-15-  
4 style semi-automatic rifle murdered 10 people in a grocery store; and

5 WHEREAS, there have been dozens more mass shootings during the last decade, including in 2019 at a Walmart in  
6 El Paso, Texas, where a gunman using a WASR-10 semi-automatic rifle murdered 23 people and wounded 23 others; and

7 WHEREAS, in 2018 at Stoneman Douglas High School in Parkland, Florida, a gunman with an AR-15-style semi-  
8 automatic rifle murdered 14 students and 3 adults and injured 17 more people; and

9 WHEREAS, in 2017, a gunman barricaded himself in a Las Vegas hotel room and used multiple AR-15 and AR-  
10 10-type rifles to murder 60 people and injure hundreds more at an outdoor music festival; and

11 WHEREAS, in 2012, a shooter walked into Sandy Hook Elementary School in Newtown, Connecticut armed with  
12 a Bushmaster semi-automatic rifle with 30-round magazines enabling him to fire 154 rounds in less than 5 minutes, murdering  
13 20 first-grade children and 6 adults; and

14 WHEREAS, assault-style weapons have been used disproportionately to their ownership in mass shootings; and

15 WHEREAS, in 1994, Congress adopted the Violent Crime Control and Law Enforcement Act of 1994, which  
16 prohibited the possession and sale of assault-style weapons and large capacity ammunition magazines which limited  
17 magazines to 10 rounds; and

18 WHEREAS, between 1994 and 2004 when the Act was in effect, there were fewer than 20 mass shootings during  
19 that decade, substantially lower than the decades since, and since the law expired in 2004 there has been a proliferation of  
20 assault-style weapons in the United States; and

21 WHEREAS, since 2009, there have been 274 mass shootings in the United States resulting in 1,536 people shot and  
22 killed and 983 people shot and wounded, including 362 children and teens and 21 law enforcement officers; and

23 WHEREAS, between 2009 and 2020, there were at least 30 mass shootings that involved the use of an assault-style  
24 weapon, resulting in 347 deaths and 719 injuries, with mass shootings that involved an assault-style weapon accounting for  
25 25 percent of all mass shooting deaths and 76 percent of injuries; and

26 WHEREAS, assault-style weapons have immense killing power which amplifies the deadly will of a person seeking  
27 to kill others and the use of an assault weapon has led to six times as many people shot per mass shooting; and

28 WHEREAS, the AR-15, AK-47 and other similar firearm profiles now recognized as assault-style weapons were  
29 originally designed solely for military use, and these weapons, which have been modified over time to be marketed and sold  
30 to civilians, were not intended for sport or self-defense; and

31 WHEREAS, the Delaware General Assembly has a compelling interest to ensure the safety of Delawareans and  
32 finds that assault-style weapons are exceptionally lethal weapons of war that have no place in civilian life.

33 NOW, THEREFORE:

34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

35 Section 1. Amend Subchapter VII, Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike  
36 through and insertions as shown by underline as follows:

37 ~~§§ 1464-1469. [Reserved.]~~

38 § 1464. Legislative findings.

39 The Legislature hereby finds and declares that the proliferation and use of assault weapons poses a threat to the  
40 health, safety, and security of all citizens of this state. The Legislature has restricted the assault weapons specified in § 1465  
41 of this title based upon finding that each firearm has such a high rate of fire and capacity for firepower that its potential  
42 function as a sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure  
43 human beings. It is the intent of the Legislature in enacting this chapter to place restrictions on the possession and use of  
44 assault weapons. It is not, however, the intent of the Legislature by this chapter to place restrictions on the use of those  
45 weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational  
46 activities.

47 § 1465. Definitions related to assault weapons.

48 For purposes of this section and § 1466 and § 1467 of this title:

49 (1) "Ammunition feeding device" means any magazine, belt, drum, feed strip, or similar device that holds  
50 ammunition for a firearm.

51 (2) "Assault long gun" means any of the following or a copy, regardless of the producer or manufacturer:

52 a. American Arms Spectre da Semiautomatic carbine.

53 b. Avtomat Kalashnikov semiautomatic rifle in any format, including the AK-47 in all forms.

54 c. Algimec AGM-1 type semi-auto.

55 d. AR 100 type semi-auto.

56 e. AR 180 type semi-auto.

57 f. Argentine L.S.R. semi-auto.

58 g. Australian Automatic Arms SAR type semi-auto.

59 h. Auto-Ordnance Thompson M1 and 1927 semi-automatics.

60 i. Barrett light .50 cal. semi-auto.

61 j. Beretta AR70 type semi-auto.

62 k. Bushmaster semi-auto rifle.

63 l. Calico models M-100 and M-900.

64 m. CIS SR 88 type semi-auto.

65 n. Claridge HI TEC C-9 carbines.

66 o. Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle.

67 p. Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2.

68 q. Dragunov Chinese made semi-auto.

69 r. Famas semi-auto (.223 caliber).

70 s. Feather AT-9 semi-auto.

71 t. FN LAR and FN FAL assault rifle.

72 u. FNC semi-auto type carbine.

73 v. F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun.

74 w. Steyr-AUG-SA semi-auto.

75 x. Galil models AR and ARM semi-auto.

76 y. Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3.

77 z. Holmes model 88 shotgun.

- 78                    aa. Manchester Arms "Commando" MK-45, MK-9.
- 79                    bb. Mandell TAC-1 semi-auto carbine.
- 80                    cc. Mossberg model 500 Bullpup assault shotgun.
- 81                    dd. Sterling Mark 6.
- 82                    ee. P.A.W.S. carbine.
- 83                    ff. Ruger mini-14 folding stock model (.223 caliber).
- 84                    gg. SIG 550/551 assault rifle (.223 caliber).
- 85                    hh. SKS with detachable magazine.
- 86                    ii. AP-74 Commando type semi-auto.
- 87                    jj. Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, and M1A, excluding the M1
- 88                    Garand.
- 89                    kk. Street sweeper assault type shotgun.
- 90                    ll. Striker 12 assault shotgun in all formats.
- 91                    mm. Unique F11 semi-auto type.
- 92                    nn. Daewoo USAS 12 semi-auto shotgun.
- 93                    oo. UZI 9mm carbine or rifle.
- 94                    pp. Valmet M-76 and M-78 semi-auto.
- 95                    qq. Weaver Arms "Nighthawk" semi-auto carbine.
- 96                    rr. Wilkinson Arms 9mm semi-auto "Terry".
- 97                    (2) "Assault pistol" means any of the following or a copy, regardless of the producer or manufacturer:
- 98                    a. AA Arms AP-9 pistol.
- 99                    b. Beretta 93R pistol.
- 100                   c. Bushmaster pistol.
- 101                   d. Claridge HI-TEC pistol.
- 102                   e. D Max Industries pistol.
- 103                   f. EKO Cobra pistol.
- 104                   g. Encom MK-IV, MP-9, or MP-45 pistol.
- 105                   h. Heckler and Koch MP5K, MP7, SP-89, or VP70 pistol.
- 106                   i. Holmes MP-83 pistol.
- 107                   j. Ingram MAC 10/11 pistol and variations, including the Partisan Avenger and the SWD Cobray.

108 k. Intratec TEC-9/DC-9 pistol in any centerfire variation.

109 l. P.A.W.S. type pistol.

110 m. Skorpion pistol.

111 n. Spectre double action pistol (Sile, F.I.E., Mitchell).

112 o. Stechkin automatic pistol.

113 p. Steyer tactical pistol.

114 q. UZI pistol.

115 r. Weaver Arms Nighthawk pistol.

116 s. Wilkinson "Linda" pistol.

117 (3) "Assault weapon" means any of the following:

118 a. An assault long gun.

119 b. An assault pistol.

120 c. A copycat weapon.

121 (4) "Completed a purchase" means that the purchaser completed an application, passed a background check,

122 and has a receipt or purchase order for the assault weapon, without regard to whether the purchaser has actual physical

123 possession of the assault weapon. If receipt of the assault weapon will not occur until more than 1 year after [the effective

124 date of this Act], it is not a completed purchase.

125 (5) "Copycat weapon" means any of the following:

126 a. A semiautomatic, centerfire rifle that can accept a detachable magazine and has at least 1 of the following:

127 1. A folding or telescoping stock.

128 2. Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which

129 would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger

130 being directly below any portion of the action of the weapon when firing.

131 3. A forward pistol grip.

132 4. A flash suppressor.

133 5. A grenade launcher or flare launcher.

134 b. A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

135 c. A semiautomatic pistol that can accept a detachable magazine and has at least 1 of the following:

136 1. An ability to accept a detachable ammunition magazine that attaches at some location outside of the pistol

137 grip.

138 2. A threaded barrel capable of accepting a flash suppressor, forward pistol grip or silencer.  
139 3. A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to  
140 fire the firearm without being burned, except a slide that encloses the barrel.

141 4. A second hand grip.

142 d. A semiautomatic shotgun that has both of the following:

143 1. A folding or telescoping stock.

144 2. Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which  
145 would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger  
146 being directly below any portion of the action of the weapon when firing.

147 e. A semiautomatic shotgun that has the ability to accept a detachable magazine.

148 f. A shotgun with a revolving cylinder.

149 g. A semiautomatic pistol with a fixed magazine that can accept more than 17 rounds.

150 h. A semiautomatic, centerfire rifle that has a fixed magazine that can accept more than 17 rounds.

151 (6) "Detachable magazine" means an ammunition feeding device that can be removed readily from a firearm  
152 without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.

153 (7) "Family" means as defined in § 901 of Title 10.

154 (8) "Flash suppressor" means a device that functions, or is intended to function, to perceptibly reduce or redirect  
155 muzzle flash from the shooter's field of vision.

156 (9) "Qualified retired law-enforcement officer" means as defined in § 1441B(c) of this title.

157 (10) "Shooting range" means any land or structure used and operated in accordance with all applicable laws and  
158 ordinances for the shooting of targets for training, education, practice, recreation, or competition.

159 (11) "Grenade launcher" means a device designed to fire, launch, or propel a grenade.

160 (12) "Secure storage" means a firearm that is stored in a locked container or equipped with a tamper resistant  
161 mechanical lock or other safety device that is properly engaged so as to render the firearm inoperable by a person other  
162 than the owner or other lawfully authorized user.

163 § 1466. Manufacture, sale, transport, transfer, purchase, receipt, and possession of assault weapons; class E or F  
164 felony.

165 (a) Prohibitions. - Except as provided in subsection (b) or (c) of this section, it is unlawful for a person to do any of  
166 the following:

167 (1) Transport an assault weapon into this State.



168 (2) Manufacture, sell, offer to sell, transfer, purchase, receive, or possess an assault weapon.

169 (b) Applicability - This section does not apply to any of the following:

170 (1) The following individuals, if acting within the scope of official business:

171 a. Personnel of the United States government or a unit of that government.

172 b. Members of the armed forces of the United States or of the National Guard.

173 c. A law-enforcement officer.

174 (2) An assault weapon modified to render it permanently inoperative.

175 (3) Possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage,  
176 purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who does any of the following:

177 a. Provides or services an assault weapon for a law-enforcement agency of this State or for personnel  
178 exempted under paragraph (b)(1) of this section.

179 b. Acts to sell or transfer an assault weapon to a licensed firearm dealer in another state or to an individual  
180 purchaser in another state through a licensed firearms dealer.

181 c. Acts to return to a customer in another state an assault weapon transferred to the licensed firearms dealer  
182 or manufacturer under the terms of a warranty or for repair.

183 (4) Organizations that are required or authorized by federal law governing their specific business or activity to  
184 maintain assault weapons.

185 (5) The receipt of an assault weapon by inheritance, and possession of the inherited assault weapon, if the  
186 decedent lawfully possessed the assault weapon and the person inheriting the assault weapon is not otherwise a person  
187 prohibited under § 1448 of this title.

188 (6) The receipt of an assault weapon by a personal representative of an estate for purposes of exercising the  
189 powers and duties of a personal representative of an estate, including transferring the assault weapon according to will  
190 or probate proceedings.

191 (7) Possession by a qualified retired law-enforcement officer who is not otherwise prohibited from receiving an  
192 assault weapon if either of the following applies:

193 a. The assault weapon is sold or transferred to the qualified retired law-enforcement officer by the law-  
194 enforcement agency on retirement.

195 b. The assault weapon was purchased or obtained by the qualified retired law-enforcement officer for  
196 official use with the law-enforcement agency before retirement.

197 (8) Possession or transport by an armored car guard, as defined in § 1302 of Title 24, if the armored car guard  
198 is acting within the scope of employment with an armored car agency, as defined under § 1302 of Title 24, and is licensed  
199 under Chapter 13 of Title 24.

200 (9) Possession, receipt, and testing by, or shipping to or from any of the following:

201 a. An ISO 17025 accredited, National Institute of Justice-approved ballistics testing laboratory.

202 b. A facility or entity that manufactures or provides research and development testing, analysis, or  
203 engineering for personal protective equipment or vehicle protection systems.

204 (c) Exceptions. -

205 (1) A licensed firearms dealer may continue to do all of the following with an assault weapon that the licensed  
206 firearms dealer lawfully possessed on or before [the effective date of this Act]:

207 a. Possess the assault weapon.

208 b. Sell the assault weapon or offer the assault weapon for sale. But, the licensed firearms dealer may only  
209 sell the assault weapon or offer the assault weapon for sale as permitted under paragraph (b)(3)b. of this section.

210 c. Transfer the assault weapon. But, the licensed firearms dealer may only transfer the assault weapon as  
211 permitted by paragraph (b)(3)b. or (b)(3)c. of this section.

212 (2)a. A licensed firearms dealer may take possession of an assault weapon from a person who lawfully possessed  
213 the assault weapon before [the effective date of this Act] for the purposes of servicing or repairing the assault weapon.

214 b. A licensed firearms dealer may transfer possession of an assault weapon received under paragraph  
215 (c)(2)a. of this section for purposes of accomplishing service or repair of the assault weapon.

216 (3) A person who lawfully possessed, or completed a purchase of an assault weapon prior to [the effective date  
217 of this Act], may possess and transport the assault weapon on or after [the effective date of this Act] only under the  
218 following circumstances:

219 a. At that person's residence, place of business, or other property owned by that person, or on property  
220 owned by another person with the owner's express permission.

221 b. While on the premises of a shooting range.

222 c. While attending any exhibition, display, or educational project that is about firearms and that is sponsored  
223 by, conducted under the auspices of, or approved by a law-enforcement agency or a nationally or state recognized  
224 entity that fosters proficiency in, or promotes education about, firearms.

225 d. While transporting the assault weapon between any of the places set forth in this this paragraph (c)(3) of  
226 this section, or to any licensed firearms dealer for servicing or repair under paragraph (c)(2) of this section, if the  
227 person places the assault weapon in secure storage.

228 (4) A person may transport an assault weapon to or from any of the following if the person places the assault  
229 weapon in secure storage:

230 a. An ISO 17025 accredited, National Institute of Justice-approved ballistics testing laboratory.

231 b. A facility or entity that manufactures or provides research and development testing, analysis, or  
232 engineering for personal protective equipment or vehicle protection systems.

233 (5) Ownership of an assault weapon may be transferred from the person owning the assault weapon to a member  
234 of that person's family, and it is lawful for the family member to possess the transferred assault weapon under paragraph  
235 (c)(3) of this section, if the transferor lawfully possessed the assault weapon and the family member to whom the assault  
236 weapon is transferred is otherwise lawfully permitted to possess it.

237 (d) Penalty. – A violation of this section is a class D felony.

238 (e) Disposal. - A law-enforcement agency in possession of a person's assault weapon as a result of an arrest under  
239 this section shall dispose of the assault weapon under the process established for deadly weapons and ammunition under §  
240 2311 of this title following the person's adjudication of delinquency or conviction under this section or by the person's  
241 agreement to forfeit the assault weapon under an agreement to plead delinquent or guilty to another offense.

242 § 1467. Voluntary certificate of possession.

243 (a) A person who is exempt from § 1466(a) of this title under § 1466(c)(3) of this title may, no later than 1 year from  
244 the [effective date of this Act], apply to the Secretary of the Department of Safety and Homeland Security for a certificate of  
245 possession.

246 (b) In a prosecution under § 1466 of this title, it is an affirmative defense that the defendant was lawfully in  
247 possession or had completed a purchase of the assault weapon prior to [the effective date of this Act]. A certificate of  
248 possession is conclusive evidence that a person lawfully possessed or had completed a purchase of an assault weapon before  
249 [the effective date of this Act] and is entitled to continue to possess and transport the assault weapon on or after [the effective  
250 date of this Act] under § 1466(c)(3) of this title.

251 (c) The Secretary of the Department of Safety and Homeland Security shall establish procedures with respect to the  
252 application for and issuance of certificates of possession for assault weapons that are lawfully owned and possessed before  
253 [the effective date of this Act]. Rules and procedures under this subsection must include all of the following:

254 (1) That the application contain proof that the person lawfully possessed or had completed a purchase of an  
255 assault weapon before [the effective date of this Act].

256 (2) That the certificate of possession must contain a description of the assault weapon, including the make,  
257 model, and serial number. For an assault weapon manufactured before 1968, identifying marks may be substituted for  
258 the serial number.

259 (3) That the certificate of possession must contain the full name, address, date of birth, and thumbprint of the  
260 person who owns the assault weapon, and any other information the Secretary deems appropriate.

261 (4) That the Department will not retain copies of the certificate or other identifying information relating to any  
262 individual who applies for a voluntary certificate of possession.

263 (d) A person who inherits or receives a weapon from a family member that is lawfully possessed under §  
264 1466(c)(3) of this title and lawfully transferred may apply for a certificate of possession within 60 days of taking  
265 possession of the weapon. To receive a certificate, the person must show that the transferor was lawfully in possession  
266 and that he/she is the lawful recipient of the transfer.

267 §§ 1468 – 1469. [Reserved.]

268 Section 2. Amend § 1457, Title 11 of the Delaware Code by making deletions as shown by strike through and  
269 insertions as shown by underline as follows:

270 § 1457. Possession of a weapon in a Safe School and Recreation Zone; class D, E, or F felony; class A or B  
271 misdemeanor.

272 (a) Any person who commits any of the offenses described in subsection (b) of this section, or any juvenile who  
273 possesses a firearm or other deadly weapon, and does so while in or on a "Safe School and Recreation Zone" shall be guilty  
274 of the crime of possession of a weapon in a Safe School and Recreation Zone.

275 (b) The underlying offenses in Title 11 shall be:

276 (1) Section 1442. — Carrying a concealed deadly weapon; class G felony; class D felony.

277 (2) Section 1444. — Possessing a destructive weapon; class E felony.

278 (3) Section 1446. — Unlawfully dealing with a switchblade knife; unclassified misdemeanor.

279 (4) Section 1448. — Possession and purchase of deadly weapons by persons prohibited; class F felony.

280 (5) Section 1452. — Unlawfully dealing with knuckles-combination knife; class B misdemeanor.

281 (6) Section 1453. — Unlawfully dealing with martial arts throwing star; class B misdemeanor.

282 (7) Section 14XX. – Manufacture, sale, transport, transfer, purchase, receipt, or possession of assault weapons;  
283 class E or F felony.

284           Section 3. If any provision of this Act or the application of this Act to any person or circumstance is held invalid,  
285 the provisions of this Act are severable if the invalidity does not affect the other provisions or applications of the Act which  
286 can be given effect without the invalid provision or application.

287           Section 4. This Act is to be known as the “Delaware Lethal Firearms Safety Act of 2022.”

# EXHIBIT B



SPONSOR: Sen. Townsend & Sen. McDowell & Rep. Chukwuocha  
Sens. Sokola, Sturgeon; Reps. Baumbach, Bentz, Bolden,  
Heffernan, K. Johnson, Kowalko

DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE BILL NO. 68

AN ACT TO AMEND THE DELAWARE CODE RELATING TO DEADLY WEAPONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Subchapter VII, Chapter 5, Title 11 of the Delaware Code by making deletions as shown by  
2 strike through and insertions as shown by underline as follows:

3 ~~§§ 1462–1469. [Reserved.]~~

4 § 1463. Definitions related to assault weapons.

5 For purposes of this section and §§ 1464 and 1465 of this title:

6 (1) “Ammunition feeding device” means any magazine, belt, drum, feed strip, or similar device that holds  
7 ammunition for a firearm.

8 (2) “Assault long gun” means any of the following or a copy, regardless of the producer or manufacturer:

9 a. American Arms Spectre da Semiautomatic carbine.

10 b. Avtomat Kalashnikov semiautomatic rifle in any format, including the AK-47 in all forms.

11 c. Algimec AGM-1 type semi-auto.

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- 49 nn. Daewoo USAS 12 semi-auto shotgun.
- 50 oo. UZI 9mm carbine or rifle.
- 51 pp. Valmet M-76 and M-78 semi-auto.
- 52 qq. Weaver Arms "Nighthawk" semi-auto carbine.



53 rr. Wilkinson Arms 9mm semi-auto "Terry".

54 (2) "Assault pistol" means any of the following or a copy, regardless of the producer or manufacturer:

55 a. AA Arms AP-9 pistol.

56 b. Beretta 93R pistol.

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58 d. Claridge HI-TEC pistol.

59 e. D Max Industries pistol.

60 f. EKO Cobra pistol.

61 g. Encom MK-IV, MP-9, or MP-45 pistol.

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73 s. Wilkinson "Linda" pistol.

74 (3) "Assault weapon" means any of the following:

75 a. An assault long gun.

76 b. An assault pistol.

77 c. A copycat weapon.

78 (4) "Copycat weapon" means any of the following:

79 a. A semiautomatic centerfire rifle that can accept a detachable magazine and has any 2 of the following:

80 1. A folding stock.

81 2. A grenade launcher or flare launcher.

82 3. A flash suppressor.

- 83 4. A pistol grip that protrudes conspicuously beneath the action of the weapon.
- 84 b. A semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10
- 85 rounds.
- 86 c. A semiautomatic centerfire rifle that has an overall length of less than 29 inches.
- 87 d. A semiautomatic pistol with a fixed magazine that can accept more than 10 rounds.
- 88 e. A semiautomatic shotgun that has a folding stock.
- 89 f. A shotgun with a revolving cylinder.

90 (5) "Detachable magazine" means an ammunition feeding device that can be removed readily from a firearm

91 without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.

92 (6) "Flash suppressor" means a device that functions, or is intended to function, to perceptibly reduce or

93 redirect muzzle flash from the shooter's field of vision.

94 (7) "Qualified retired law-enforcement officer" means as defined in § 1441B(c) of this title.

95 (8) "Shooting range" means any land or structure used and operated in accordance with all applicable laws

96 and ordinances for the shooting of targets for training, education, practice, recreation, or competition.

97 (9) "Grenade launcher" means a device designed to fire, launch, or propel a grenade.

98 (10) "Secure storage" means a firearm that is stored in a locked container or equipped with a tamper resistant

99 mechanical lock or other safety device that is properly engaged so as to render the firearm inoperable by a person other

100 than the owner or other lawfully authorized user.

101 § 1464. Manufacture, sale, transport, transfer, purchase, receipt, and possession of assault weapons; class E or F

102 felony.

103 (a) Prohibitions. - Except as provided in subsection (b) or (c) of this section, it is unlawful for a person to do any of

104 the following:

105 (1) Transport an assault weapon into this State.

106 (2) Manufacture, sell, offer to sell, transfer, purchase, receive, or possess an assault weapon.

107 (b) Applicability - This section does not apply to any of the following:

108 (1) The following individuals, if acting within the scope of official business:

109 a. Personnel of the United States government or a unit of that government.

110 b. Members of the armed forces of the United States or of the National Guard.

111 c. A law-enforcement officer.

112 (2) An assault weapon modified to render it permanently inoperative.

113 (3) Possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage,  
114 purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who does any of the following:

115 a. Provides or services an assault weapon for a law-enforcement agency of this State or for personnel  
116 exempted under paragraph (b)(1) of this section.

117 b. Acts to sell or transfer an assault weapon to a licensed firearm dealer in another state or to an  
118 individual purchaser in another state through a licensed firearms dealer.

119 c. Acts to return to a customer in another state an assault weapon transferred to the licensed firearms  
120 dealer or manufacturer under the terms of a warranty or for repair.

121 (4) Organizations that are required or authorized by federal law governing their specific business or activity to  
122 maintain assault weapons.

123 (5) The receipt of an assault weapon by inheritance, and possession of the inherited assault weapon, if the  
124 decendent lawfully possessed the assault weapon and the person inheriting the assault weapon is not otherwise a person  
125 prohibited under § 1448 of this title.

126 (6) The receipt of an assault weapon by a personal representative of an estate for purposes of exercising the  
127 powers and duties of a personal representative of an estate.

128 (7) Possession by a qualified retired law-enforcement officer who is not otherwise prohibited from receiving  
129 an assault weapon if either of the following applies:

130 a. The assault weapon is sold or transferred to the qualified retired law-enforcement officer by the law-  
131 enforcement agency on retirement.

132 b. The assault weapon was purchased or obtained by the qualified retired law-enforcement officer for  
133 official use with the law-enforcement agency before retirement.

134 (8) Possession or transport by an armored car guard, as defined in § 1302 of Title 24, if the armored car guard  
135 is acting within the scope of employment with an armored car agency, as defined under § 1302 of Title 24, and is  
136 licensed under Chapter 13 of Title 24.

137 (9) Possession, receipt, and testing by, or shipping to or from any of the following:

138 a. An ISO 17025 accredited, National Institute of Justice-approved ballistics testing laboratory.

139 b. A facility or entity that manufactures or provides research and development testing, analysis, or  
140 engineering for personal protective equipment or vehicle protection systems.

141 (c) Exceptions. -

142 (1) A licensed firearms dealer may continue to do all of the following with an assault weapon that the licensed  
143 firearms dealer lawfully possessed on or before [the effective date of this Act]:

144 a. Possess the assault weapon.

145 b. Sell the assault weapon or offer the assault weapon for sale. But, the licensed firearms dealer may only  
146 sell the assault weapon or offer the assault weapon for sale as permitted under paragraph (b)(3)b. of this section.

147 c. Transfer the assault weapon. But, the licensed firearms dealer may only transfer the assault weapon as  
148 permitted by paragraph (b)(3)b. or (b)(3)c. of this section or by paragraph (d)(2)b. of this section.

149 (2)a. A licensed firearms dealer may take possession of an assault weapon from a person who lawfully  
150 possessed the assault weapon before [the effective date of this Act] for the purposes of servicing or repairing the  
151 assault weapon.

152 b. A licensed firearms dealer may transfer possession of an assault weapon received under paragraph  
153 (c)(2)a. of this section for purposes of accomplishing service or repair of the assault weapon.

154 (3) A person who lawfully possessed, had a purchase order for, or completed an application to purchase an  
155 assault weapon before [the effective date of this Act], may possess and transport the assault weapon on or after [the  
156 effective date of this Act] only under the following circumstances:

157 a. At that person's residence, place of business, or other property owned by that person, or on property  
158 owned by another person with the owner's express permission.

159 b. While on the premises of a shooting range.

160 c. While attending any exhibition, display, or educational project that is about firearms and that is  
161 sponsored by, conducted under the auspices of, or approved by a law-enforcement agency or a nationally or state  
162 recognized entity that fosters proficiency in, or promotes education about, firearms.

163 d. While transporting the assault weapon between any of the places set forth in this this paragraph (c)(3)  
164 of this section, or to any licensed firearms dealer for servicing or repair under paragraph (c)(2) of this section, if  
165 the person places the assault weapon in secure storage.

166 (4) A person may transport an assault weapon to or from any of the following if the person places the assault  
167 weapon in secure storage:

168 a. An ISO 17025 accredited, National Institute of Justice-approved ballistics testing laboratory.

169 b. A facility or entity that manufactures or provides research and development testing, analysis, or  
170 engineering for personal protective equipment or vehicle protection systems.

171 (5) The transfer of an assault weapon from the person owning the assault weapon to a family member, and  
172 possession of the transferred assault weapon, if the person lawfully possessed the assault weapon and the family  
173 member to whom the assault weapon is transferred is not otherwise a person prohibited under § 1448 of this title. For  
174 purposes of this paragraph, “family member” means a spouse or an individual related by consanguinity within the third  
175 degree as determined by the common law.

176 (d) Penalty. - A violation of this section is a class F felony for a first offense and a class E felony for any  
177 subsequent offense within 10 years of a prior offense.

178 (e) Disposal. - A law-enforcement agency in possession of a person’s assault weapon as a result of an arrest under  
179 this section shall dispose of the assault weapon under the process established for deadly weapons and ammunition under §  
180 2311 of this title following the person’s adjudication of delinquency or conviction under this section or by the person’s  
181 agreement to forfeit the assault weapon under an agreement to plead delinquent or guilty to another offense.

182 § 1465. Voluntary certificate of possession.

183 (a) A person who is exempt from § 1464(a) of this title under § 1464(c) of this title may, no later than 1 year from  
184 the [effective date of this Act], apply to the Secretary of the Department of Safety and Homeland Security for a certificate  
185 of possession.

186 (b) A certificate of possession is conclusive evidence that person lawfully possessed, had a purchase order for, or  
187 completed an application to purchase an assault weapon before [the effective date of this Act] and is entitled to continue to  
188 possess and transport the assault weapon on or after [the effective date of this Act] under § 1464(c)(3) of this title.

189 (c) The Secretary of the Department of Safety and Homeland Security shall promulgate regulations to establish  
190 procedures with respect to the application for and issuance of certificates of possession for assault weapons that are  
191 lawfully owned and possessed by person [the effective date of this Act]. Regulations under this subsection must include all  
192 of the following:

193 (1) That the application contain proof that the person lawfully possessed, had a purchase order for, or  
194 completed an application to purchase an assault weapon before [the effective date of this Act].

195 (2) That the certificate of possession must contain a description of the assault weapon, including the make,  
196 model, and serial number. For an assault weapon manufactured before 1968, identifying marks may be substituted for  
197 the serial number required by paragraph (c)(1) of this section.

198 (3) That the certificate of possession must contain the full name, address, date of birth, and thumbprint of the  
199 person who owns the assault weapon, and any other information the Secretary deems appropriate.

200           (4) That the name and address of the person issued a certificate of possession is confidential and may not be  
201           disclosed, except to a law-enforcement agency and its employees acting in the performance of official duties.

202           (5) That the Secretary shall make certificates of possession available in a searchable, centralized database, to  
203           any state or federal law enforcement agency to be used only for valid law enforcement purposes.

204           (d) A certificate of possession only authorizes the possession of an assault weapon specified in the certificate by  
205           the resident to whom the Secretary issued the certificate.

206           (e) A person in possession of multiple assault weapons on [the effective date of this Act] must apply for a separate  
207           certificate for each assault weapon the person wants to certify lawfully possessed, had a purchase order for, or completed an  
208           application to purchase an assault weapon before [the effective date of this Act].

209           §§ 1466 – 1469. [Reserved.]

210           Section 2. Amend § 1457, Title 11 of the Delaware Code by making deletions as shown by strike through and  
211           insertions as shown by underline as follows:

212           § 1457. Possession of a weapon in a Safe School and Recreation Zone; class D, E, or F felony; class A or B  
213           misdemeanor.

214           (a) Any person who commits any of the offenses described in subsection (b) of this section, or any juvenile who  
215           possesses a firearm or other deadly weapon, and does so while in or on a "Safe School and Recreation Zone" shall be guilty  
216           of the crime of possession of a weapon in a Safe School and Recreation Zone.

217           (b) The underlying offenses in Title 11 shall be:

218                   (1) Section 1442. — Carrying a concealed deadly weapon; class G felony; class D felony.

219                   (2) Section 1444. — Possessing a destructive weapon; class E felony.

220                   (3) Section 1446. — Unlawfully dealing with a switchblade knife; unclassified misdemeanor.

221                   (4) Section 1448. — Possession and purchase of deadly weapons by persons prohibited; class F felony.

222                   (5) Section 1452. — Unlawfully dealing with knuckles-combination knife; class B misdemeanor.

223                   (6) Section 1453. — Unlawfully dealing with martial arts throwing star; class B misdemeanor.

224                   (7) Section 1464. – Manufacture, sale, transport, transfer, purchase, receipt, or possession of assault weapons;  
225           class E or F felony.

226           Section 3. If any provision of this Act or the application of this Act to any person or circumstance is held invalid,  
227           the provisions of this Act are severable if the invalidity does not affect the other provisions or applications of the Act which  
228           can be given effect without the invalid provision or application.

229           Section 4. This Act is to be known as the "Delaware Assault Weapons Prohibition Act of 2019."

230

Section 5. This Act takes effect 60 days after its enactment into law.

#### SYNOPSIS

This Act prohibits the manufacture, sale, offer to sell, transfer, purchase, receipt, possession, or transport of assault weapons in Delaware, subject to certain exceptions. One exception relevant to individuals is that the Act does not prohibit the possession and transport of firearms that were lawfully possessed or fully applied for before the effective date of this Act; although for these firearms there are certain restrictions relating to their possession and transport after the effective date of this Act. This Act creates a voluntary certificate of possession, to enable persons who lawfully possess an assault weapon before the effective date of this Act to be able to prove ownership after the effective date of this Act.

This Act is based on the Firearm Safety Act of 2013 (“FSA”) passed in Maryland in the wake of the tragic slaughtering of children on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut. The FSA’s assault weapons ban was upheld as constitutional on February 21, 2017, by the full membership of the United States Court of Appeals for the Fourth Circuit, in the case of *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017).

The names Newtown, Aurora, San Bernardino, Orlando, Las Vegas, and Parkland, among others, have become synonymous with tragic killing of innocent, unsuspecting Americans of all ages and backgrounds, amidst a framework of federal and state laws that have permitted the purchase of weapons designed for the battlefield — not for our schools, our theaters, our places of worship, or our homes.

Safety — both for the general public, as well as members of Delaware's law-enforcement community — is the objective of this Act, as it was for the FSA. And, as with the FSA, a primary goal of this Act is to reduce the availability of assault weapons so that when a criminal acts, he or she does so with a less dangerous weapon and less severe consequences.

Relying on United States Supreme Court precedent from *District of Columbia v. Heller*, 554 U.S. 570 (2008), as well as the holdings of its sister circuits, the full Fourth Circuit concluded that the assault weapons banned by the FSA are not protected by the Second Amendment. The Fourth Circuit was convinced that the banned assault weapons are among those arms that are “like” “M-16 rifles” — “weapons that are most useful in military service” — which the *Heller* Court singled out as being beyond the Second Amendment’s reach.

The Fourth Circuit concluded that Maryland had presented extensive uncontroverted evidence demonstrating that the assault weapons outlawed by the FSA are exceptionally lethal weapons of war. The Fourth Circuit also concluded that the evidence showed the difference between the fully automatic and semiautomatic versions of military-style weapons is slight. Further evidence considered by the Fourth Circuit that motivates this Act is as follows:

(1) Like their fully automatic counterparts, the banned assault weapons are firearms designed for the battlefield, for the soldier to be able to shoot a large number of rounds across a battlefield at a high rate of speed, and that their design results in a capability for lethality — more wounds, more serious, in more victims — far beyond that of other firearms in general, including other semiautomatic guns.

(2) The banned assault weapons have been used disproportionately to their ownership in mass shootings and the murders of law-enforcement officers.

(3) The banned assault weapons further pose a heightened risk to civilians in that rounds from assault weapons have the ability to easily penetrate most materials used in standard home construction, car doors, and similar materials, and that criminals armed with the banned assault weapons possess a “military-style advantage” in firefights with law-enforcement officers, as such weapons allow criminals to effectively engage law-enforcement officers from great distances and their rounds easily pass through the soft body armor worn by most law-enforcement officers.

(4) Although self-defense is a conceivable use of the banned assault weapons, most individuals choose to keep other firearms for that purpose.

(5) Prohibitions against assault weapons will promote public safety by reducing the availability of those armaments to mass shooters and other criminals, by diminishing their especial threat to law-enforcement officers, and by hindering their unintentional misuse by civilians.

(6) In many situations, the semiautomatic fire of an assault weapon is more accurate and lethal than the automatic fire.

Finding this evidence and these conclusions by the Fourth Circuit to be strongly persuasive of the applicable framework of constitutional rights, and firmly believing that promoting the safety of the Delaware public and Delaware law-enforcement is a paramount function of the Delaware General Assembly, Delaware legislators file this Act in the name of public safety and with adherence to core constitutional principles.

Author: Senator Townsend

# Delaware General Assembly (/)



## Senate Amendment 1 to Senate Bill 68 150th General Assembly (2019 - 2020)

### Bill Progress

**Current Status:**

PWB 5/6/19

**What happens next?**

The General Assembly has ended, the current status is the final status.

### Bill Details

**View Parent Bill:**

[SB 68 -SA 1 \(/BillDetail/47326\)](#)

**Introduced on:**

5/6/19

**Primary Sponsor:**

[Paradee \(/LegislatorDetail?personId=355\)](#)

**Additional Sponsor(s):**

**Co-Sponsor(s):**

**Original Synopsis:**

This Amendment preserves many of the gun safety measures contained within the Act, but exempts the following individuals who are not otherwise prohibited from possessing a firearm from being prohibited from owning, purchasing, or transferring an assault weapon: 1. Delaware residents born on or before June 30, 1998. 2. Delaware residents who hold a valid license to carry a concealed deadly weapon. 3. Delaware residents who have completed a firearms training course that is sponsored by a federal, state, county or municipal law enforcement agency; a college; a nationally recognized organization that customarily offers firearms training; or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. In addition, this Amendment permits licensed firearm dealers to sell or transfer an assault weapon to the 3 types of individuals exempted from the Act's prohibition by this Amendment.

### Bill Text

**Original Text:**

[View HTML \(/json/BillDetail/GenerateHtmlDocument?legislationId=47416&legislationTypeId=5&docTypeId=2&legislationName=SA1toSB68\)](#)

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### Amendments





Amendment	Status	Introduction Date	Primary Sponsor	View Details
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No Records Available

### Roll Calls

Chamber	Result	Date	Vote Type	Yes	No	Not Voting	Absent	PDF
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No Records Available

### Actions History

Date	Action
5/6/19	Introduced and Placed With Bill

### Legislation Detail Feeds


[Roll Calls \(/rss/RssFeeds/RollCallsByLegislation?legislationId=47416\)](#)


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# Delaware General Assembly (/)



## Senate Substitute 1 for Senate Bill 68 150th General Assembly (2019 - 2020)

### Bill Progress

#### Current Status:

Senate Executive 5/9/19

#### What happens next?

The General Assembly has ended, the current status is the final status.

### Bill Details

#### View Parent Bill:

[SB 68 -SA 1 \(/BillDetail/47326\)](#)

#### Introduced on:

5/9/19

#### Primary Sponsor:

[Townsend \(/LegislatorDetail?personId=13\)](#)

#### Additional Sponsor(s):

Sen. [McDowell \(/LegislatorDetail?personId=133\)](#)  
Rep. [Chukwuocha \(/LegislatorDetail?personId=13589\)](#)

#### Co-Sponsor(s):

Sen. [Sokola \(/LegislatorDetail?personId=90\)](#), [Sturgeon \(/LegislatorDetail?personId=13602\)](#)  
Reps. [Baumbach \(/LegislatorDetail?personId=252\)](#), [Bentz \(/LegislatorDetail?personId=42\)](#), [Bolden \(/LegislatorDetail?personId=332\)](#), [Heffernan \(/LegislatorDetail?personId=97\)](#), [K. Johnson \(/LegislatorDetail?personId=13591\)](#), [Kowalko \(/LegislatorDetail?personId=176\)](#)

#### Long Title:

AN ACT TO AMEND THE DELAWARE CODE RELATING TO DEADLY WEAPONS.

#### Original Synopsis:

This Substitute Act takes the place of Senate Bill No. 68 (150th General Assembly) and removes the voluntary certificate of possession process. In all other respects this Act is similar to Senate Bill No. 68. Specifically, this Act prohibits the manufacture, sale, offer to sell, transfer, purchase, receipt, possession, or transport of assault weapons in Delaware, subject to certain exceptions. One exception relevant to individuals is that the Act does not prohibit the possession and transport of firearms that were lawfully possessed or fully applied for before the effective date of this Act; although for these firearms there are certain restrictions relating to their possession and transport after the effective date of this Act. This Act is based on the Firearm Safety Act of 2013 ("FSA") passed in Maryland in the wake of the tragic slaughtering of children on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut. The FSA's assault weapons ban was upheld as constitutional on February 21, 2017, by the full membership of the United States Court of Appeals for the Fourth Circuit, in the case of *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017). The names Newtown, Aurora, San Bernardino, Orlando, Las Vegas, and Parkland, among others, have become synonymous with tragic killing of innocent, unsuspecting Americans of all ages and backgrounds, amidst a framework of federal and state laws that have permitted the purchase of weapons designed for the battlefield — not for our schools, our theaters, our places of worship, or our homes. Safety — both for the general public, as well as members of D... ctive of this Act, as it was for the FSA. And, as with the FSA, a primary c

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**Volume:Chapter:** 

N/A

**Advisory Number:**

N/A

**Fiscal Note/Fee Impact:**

Not Required

**Effective Date:**

Takes effect upon being signed into law

**Sunset Date:**

N/A

## Bill Text

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**Original Text:**


[View HTML \(/json/BillDetail/GenerateHtmlDocument?legislationId=47464&legislationTypeId=6&docTypeId=2&legislationName=SS1forSB68\)](/json/BillDetail/GenerateHtmlDocument?legislationId=47464&legislationTypeId=6&docTypeId=2&legislationName=SS1forSB68)

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## Amendments

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Amendment	Status	Introduction Date	Primary Sponsor	View Details
				

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## Committee Reports

Date	Committee	# Members	Favorable	On Its Merits	Unfavorable
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*No Records Available*

## Roll Calls

Chamber	Result	Date	Vote Type	Yes	No	Not Voting	Absent	PDF
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*No Records Available*


## Actions History


Date	Action
5/9/19	Adopted in lieu of the original bill SB 68, and Assigned to Executive Committee in Senate

## Legislation Detail Feeds

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[ULC \(/Footer/ULC\)](#)

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[Legislative Notifications \(\[f669d9a7-009d-4d83-ddaa-000000000002\]a913defe-af2a-6dfe-ae60-ff0000a39f38\)](#)

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# EXHIBIT C

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 21-1255**

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DOMINIC BIANCHI, an individual and resident of Baltimore County; DAVID SNOPE, an individual and resident of Baltimore County; MICAH SCHAEFER, an individual and resident of Anne Arundel County; FIELD TRADERS LLC, A resident of Anne Arundel County; FIREARMS POLICY COALITION, INC.; SECOND AMENDMENT FOUNDATION; CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS,

Plaintiffs - Appellants,

v.

BRIAN E. FROSH, in his official capacity as Attorney General of Maryland; COL. WOODROW W. JONES, III, in his official capacity as Secretary of State Police of Maryland; R. JAY FISHER, in his official capacity as Sheriff of Baltimore County, Maryland; JIM FREDERICKS, in his official capacity as Sheriff of Anne Arundel County, Maryland,

Defendants - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Baltimore.  
James K. Bredar, Chief District Judge. (1:20-cv-03495-JKB)

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Submitted: September 14, 2021

Decided: September 17, 2021

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Before THACKER and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Raymond M. DiGuiseppe, THE DIGUISEPPE LAW FIRM, P.C., Southport, North Carolina; Adam Kraut, FIREARMS POLICY COALITION, Sacramento, California; David H. Thompson, Peter A. Patterson, Tiernan B. Kane, COOPER & KIRK, PLLC, Washington, D.C., for Appellants. Brian E. Frosh, Attorney General of Maryland, Robert A. Scott, Assistant Attorney General, Ryan R. Dietrich, Assistant Attorney General, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Plaintiffs appeal the district court's order dismissing their 42 U.S.C. § 1983 complaint for failure to state a claim upon which relief may be granted. In this action, Plaintiffs sought to challenge Maryland's Firearm Safety Act's ban on assault weapons as violative of the Second Amendment. As Plaintiffs concede, however, their argument is squarely foreclosed by this court's decision in *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc). "As a panel, we are not authorized to reconsider an en banc holding." *Joseph v. Angelone*, 184 F.3d 320, 325 (4th Cir. 1999). Accordingly, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*