



DELAWARE STATE SPORTSMEN'S ASSOCIATION

P.O. Box 94
Lincoln, Delaware 19960



March 1, 2018

The Honorable R. Thomas Wagner, Jr.
Auditor of Accounts
State of Delaware
401 Federal Street
Townsend Building Suite #1
Dover, Delaware 19901

RE: REQUEST FOR AUDIT

Dear Sir,

I am writing to you today in my capacity as the President of the Delaware State Sportsmen's Association (DSSA), the official state affiliate of the National Rifle Association (NRA) in Delaware. Both NRA and DSSA firmly and steadfastly support the concept that persons who are adjudicated as being mentally ill and who are persons prohibited from owning and/or possessing firearms by operation of both state and federal law should be included in the FBI's National Instant Check System (NICS). As you are aware, Delaware law requires that Delaware report that information to NICS. Unfortunately, it appears that Delaware may not have been reporting that information and/or that whatever reporting that is being done is not being accomplished in a timely, and meaningful manner.

In 2011, HB 48 was considered by the General Assembly. During the committee hearing in the House, there was testimony, that at that time, Delaware was at least 3 years delinquent in providing the requisite mental health information to the FBI for inclusion in the NICS system. There was also testimony that at the time Delaware's FTAP system could not "communicate" with the NICS system and transfer that information. Assurances were made that despite these problems, Delaware would make sure the information would be forwarded. The legislation passed and was signed into law by Governor Markell on July 13, 2011.

To the best of my knowledge, there has been no follow up to determine if, in fact, the systems were ever able to "talk" to each other. We, the DSSA believe that it is in the public's best interest to know if the required information is being transmitted to NICS. Therefore, please accept this letter as this organization's formal request that you and your office conduct a formal audit of the relevant agencies of the State of Delaware to determine whether the required mental health adjudication and commitment records have been and/or are continuing to be reported to the FBI's NICS system as required by law. We respectfully suggest that said audit should cover each year since Delaware's own Instant Check system was repealed and eliminated when Governor Markell signed House Bill 48 into law on July 13, 2011, including the current year.

I have every confidence that you will agree that public safety demands that the adjudicated mentally ill not be afforded access to firearms and that it is incumbent upon the state of Delaware to supply the required information to the Federal Bureau of Investigation's NICS system in a timely manner. I sincerely hope that your audit of the appropriate State agencies will show that Delaware is in full and complete compliance, and that if it is not, why not, and what must be done to ensure that such information is duly reported as required by law.

Thank you for entertaining this request.

Respectfully submitted,

Jeffrey W. Hague,
President DSSA