



SPONSOR: Sen. Marshall & Rep. Mitchell

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 118

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO CHILD WELFARE.

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

1 Section 1. Amend Section 309(d), Chapter 3, Title 31 of the Delaware Code by making deletions as shown by
2 strike through and insertions as shown by underline as follows:

3 (d) Prohibitions.

4 (1) The following criminal convictions or entries on the Child Protection Registry shall prohibit an
5 individual from being an employee, volunteer, or contractor for a child-serving entity for the amount of time
6 indicated:

7 a. Felony convictions involving physical or sexual assault crimes against a child, an adult who
8 is impaired, or elderly person. Such convictions shall require a lifetime prohibition.

9 b. Felony convictions involving physical or sexual assault crimes against another adult. Such
10 prohibition shall last for 10 years following the date of conviction.

11 c. Adjudications of delinquency involving physical or sexual assault crimes, which include
12 §§ 604-607, 612-13, 629-36, 645, 651, 768-780, 1100A-1102, 1103A-1103B, 1105, 1108-1112B of Title
13 11, against another child or an adult. Such prohibition shall last for 10 years following the date of
14 adjudication.

15 ed. All other felony convictions shall prohibit the individual for 7 years following the date of
16 conviction, unless the felony is included within the crimes that can lead to entry on the Child Protection
17 Registry pursuant to § 923 of Title 16, in which case the length of time for the prohibition shall be as
18 provided in the Child Protection Registry regulations.

19 de. Misdemeanor convictions against children. Such prohibitions shall last for 7 years following
20 the date of conviction, unless the misdemeanor is included within the crimes that can lead to entry on the
21 Child Protection Registry pursuant to § 923 of Title 16, in which case the length of time for the
22 prohibition shall be as provided for in the Child Protection Registry regulations.

SYNOPSIS

This bill would prohibit individuals with an adjudication of delinquency involving physical or sexual assault crimes against another child or an adult from being an employee, volunteer, or contractor for a child-serving entity. Such prohibition shall last for 10 years following the date of adjudication. These crimes are: reckless endangering in the first degree; abuse of a pregnant female in the second degree; abuse of a pregnant female in the first degree; strangulation; assault in the second degree; assault in the first degree; vehicular assault in the first degree; vehicular homicide in the second degree; vehicular homicide in the first degree; criminally negligent homicide; manslaughter; murder by abuse or neglect in the second degree; murder by abuse or neglect in the first degree; murder in the second degree; murder in the first degree; promoting suicide; abortion; unlawful sexual contact in the second degree; unlawful sexual contact in the first degree; rape in the fourth degree; rape in the third degree; rape in the second degree; rape in the first degree; sexual extortion; bestiality; continuous sexual abuse of a child; dangerous crime against a child; sex offender unlawful sexual conduct against a child; sexual abuse of a child by a person in a position of trust, authority or supervision in the first degree; sexual abuse of a child by a person in a position of trust, authority or supervision in the second degree; dangerous crime against a child; female genital mutilation; dealing in children; abandonment of child; endangering the welfare of a child; child abuse in the second degree; child abuse in the first degree; crime against a vulnerable adult; sexual exploitation of a child; dealing in child pornography; subsequent convictions of sexual exploitation of a child or dealing in child pornography; possession of child pornography; sexual offenders, prohibitions from school zones; sexual solicitation of a child; and promoting sexual solicitation of a child.

Under Title 31, Section 309(b)(4), the term "Child-serving entity" is defined to mean:

- a. The DSCYF; which includes any employee or volunteer of DSCYF or 1 of its contractors who have regular direct access to children and/or adolescents under the age of 18, but who do not provide child-care services at a facility as referred to in paragraph (b)(4)b. of this section;
- b. Residential child-care facilities in Delaware which are under contract with or operated directly by DSCYF;
- c. Public and private schools, including employees of the Department of Education;
- d. Child-care providers as defined in § 342 of title 31;
- e. Youth camps or summer schools that are exempt from child-care licensing requirements; and
- f. Facilities and individuals registered and eligible for Federal Child Care Development Block Grant funds through the Delaware Department of Health and Social Services.

Author: Senator Marshall