



SPONSOR: Sen. Poore & Rep. Heffernan & Rep. Longhurst &
Rep. K. Williams
Sens. Hansen, Henry, Lopez, McBride, Sokola,
Townsend; Reps. Baumbach, Bentz, Bolden, Brady,
Hudson, J. Johnson, Keeley, Lynn, Osienski, Paradee,
Viola, Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 169

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SEXUAL OFFENSES AND SEXUAL
RELATIONS IN A DETENTION FACILITY.

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

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

3 § 780A. Sexual intercourse or penetration with a person in custody; class F felony.

4 (a) It is unlawful for a law-enforcement officer, an employee working at a detention facility, a contractor or
5 employee of a contractor working at a detention facility, or a volunteer working at a detention facility to engage in sexual
6 intercourse or sexual penetration with a person who is in custody, as defined in § 1258 of this title.

7 (b) Subsection (a) of this section does not apply to a licensed medical doctor or nurse when the penetration occurs
8 for the purpose of diagnosis or treatment or to a law enforcement officer who is lawfully performing job duties.

9 (c) Consent of the person in custody is not a defense to an act in violation of subsection (a) of this section.

10 (d) A violation of subsection (a) of this section is a class F felony.

11 § 780B. Unlawful sexual contact with a person in custody; class G felony.

12 (a) It is unlawful for a law-enforcement officer, an employee working at a detention facility, a contractor or
13 employee of a contractor working at a detention facility, or a volunteer working at a detention facility to intentionally have
14 sexual contact with a person in custody, as defined in § 1258 of this title.

15 (b) Subsection (a) of this section does not apply to a licensed medical doctor or nurse when the contact occurs for
16 the purpose of diagnosis or treatment or to a law enforcement officer who is lawfully performing job duties.

17 (c) Consent of the person in custody is not a defense to an act in violation of subsection (a) of this section.

18 (d) A violation of subsection (a) of this section is a class G felony.

19 Section 2. Amend § 1259, Title 11 of the Delaware Code by making deletions as shown by strike through and
20 insertions as shown by underline as follows:

21 § 1259. ~~Sexual relations in detention facility; class G felony.~~ [Reserved.]

22 ~~A person is guilty of sexual relations in a detention facility when, being an employee working at a detention~~
23 ~~facility, a contractor or employee of a contractor at a detention facility, or a volunteer at a detention facility, the person~~
24 ~~engages in consensual sexual intercourse or sexual penetration with a person in custody on the premises of a detention~~
25 ~~facility.~~

SYNOPSIS

 This Act makes a technical correction to SB 169 by changing the designations of the new statutes and incorporates Senate Amendment No. 1 to Senate Bill No. 169.

Author: Senator Poore