



SPONSOR: Sen. Pinkney

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1
TO
SENATE BILL NO. 144

AMEND Senate Bill No. 144 on line 35 by deleting "misdemeanor; class G felony." and inserting in lieu thereof "misdemeanor.".

FURTHER AMEND Senate Bill No. 144 by deleting line 44 in its entirety and inserting in lieu thereof the following:

"conviction the court may impose a fine of up to \$2,300."

FURTHER AMEND Senate Bill No. 144 by deleting lines 46 through 47 in their entirety and inserting in lieu thereof the following:

"class A misdemeanor."

FURTHER AMEND Senate Bill No. 144 on line 48 by deleting "must" and inserting in lieu thereof "may".

FURTHER AMEND Senate Bill No. 144 on line 50 by deleting "misdemeanor; class G felony" and inserting in lieu thereof "misdemeanor.".

FURTHER AMEND Senate Bill No. 144 on line 53 by deleting "A violation of this subsection is a class G felony.".

FURTHER AMEND Senate Bill No. 144 on line 54 by deleting "(1)" after "(b)" and before "A" therein.

FURTHER AMEND Senate Bill No. 144 by deleting lines 59 through 60 in their entirety and inserting in lieu thereof the following:

"(c) A violation of this section is a class A misdemeanor.

(d) The Superior Court has exclusive jurisdiction over a violation of this section."

FURTHER AMEND Senate Bill No. 144 on line 77 by deleting "§ 1309" and inserting in lieu thereof "§ 1308".

FURTHER AMEND Senate Bill No. 144 by deleting lines 78 through 81 in their entirety and inserting in lieu thereof the following:

"(a) Police agencies shall report the number of violations, or investigations into a violation, of § 1304 of this title to the Division of Civil Rights and Public Trust, established under § 2553 of Title 29, at the request of the Division.

24 **(b) The Division of Civil Rights and Public Trust may request a police agency to provide any additional**
25 **information deemed necessary to effectuate the Division's mission.**
26 **(c) The Division of Civil Rights and Public Trust shall post on the Division's website annually the number and**
27 **nature of violations of § 1304 of this title."**

SYNOPSIS

This Amendment does all of the following:

(1) Revises the hate crime reporting requirements to better reflect current practice and to establish an annual report published by the Division of Civil Rights and Public Trust on the number and nature of hate crimes in Delaware.

(2) Updates the existing fine for desecration of a burial place to mirror the fine threshold set in Title 11 for class A misdemeanors. It makes the new requirement for restitution and community service at the court's discretion and removes the elevation of desecration and cross burning to maintain the offense level at the current level.

Author: Senator Pinkney