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DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 190

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO EQUAL PROTECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1 Section 1. Amend Article I of the Delaware Constitution by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 21. Equal protection.

4 Section 21. Equal protection under the law shall not be denied or abridged because of race, sex, age, religion,
5 creed, color, familial status, disability, sexual orientation, gender identity, or national origin.

SYNOPSIS

This Act is the first leg of an amendment to the Delaware Constitution to provide for equal protection regardless of race, sex, age, religion, creed, color, familial status, disability, sexual orientation, gender identity, or national origin. This Act enshrines the value of equality in the Delaware Constitution and will cause any unequal treatment of or discrimination against members of the protected classes listed to be subject to the strictest scrutiny. This Act also enables the Delaware courts to establish their own rules for proof of equal protection violations under state law applying Delaware values.

Author: Senator Peterson