



SPONSOR: Sen. McBride & Rep. Schwartzkopf
Sens. Henry, Poore, Simpson, Lavelle; Reps. Longhurst,
Viola, D. Short, Hudson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 1

AN ACT TO AMEND TITLE 4, TITLE 7, TITLE 10, TITLE 11, TITLE 14, TITLE 16, TITLE 18, TITLE 19, TITLE 21,
TITLE 24, TITLE 25, TITLE 28, TITLE 29, TITLE 30, AND TITLE 31 OF THE DELAWARE CODE RELATING TO
TECHNICAL CORRECTIONS.

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

Section 1. Amend § 554, Title 4 of the Delaware Code by making deletions as shown by strikethrough and
insertions as shown by underline as follows:

§ 554. License fees.

(i) For a license to sell alcoholic liquors at gatherings of persons, the license fee shall be as follows:

(1) For a group-type gathering license, the license fee shall be \$5.00 for each such license granted, unless the
said license shall be for a period of more than 2 days in which case the license fee shall be \$5.00 plus the additional
sum of \$2.00 for each such additional day or unless the said license shall be for ~~any holiday specified in [former] §~~
~~709(d) of this title [repealed]~~, a Sunday, Thanksgiving, Christmas, or Easter, in which case the license fee shall be an
additional \$5.00 for each such day.

(2) Biennial license. —

a. For a biennial premises type gathering license for a facility in which not more than 25 gatherings of
persons at which alcoholic liquors are to be sold are to be held, the biennial license fee shall be \$200.

b. For a biennial premises type gathering license for a facility in which more than 25 but not more than 75
such gatherings of persons are to be held, the biennial license fee shall be \$400.

c. For a biennial premises type gathering license for a facility in which more than 75 such gatherings of
persons are to be held, the biennial license fee shall be \$1,000.

d. For the holder of a biennial premises type gathering license to sell alcoholic liquor on ~~any holiday~~
~~specified in [former] § 709(d) of this title [repealed]~~, a Sunday, Thanksgiving, Christmas, or Easter, the biennial
license fee shall be:

Section 2. Amend § 6058, Title 7 of the Delaware Code by making deletions as shown by strikethrough and
insertions as shown by underline as follows:

§ 6058. Establishment, composition and responsibility of the Recycling Public Advisory Council.

(a) There is hereby established a Recycling Public Advisory Council (the "Council"). The Council shall be composed of 16 members who shall be appointed by the Governor as follows:

(1) One member from the Department;

(2) One member from the Authority;

(3) One member representing county governments, with such member being recommended by the Delaware Association of Counties;

(4) One member representing municipal governments, with such member being recommended by the Delaware League of Local Governments;

(5) One member representing the recycling industry;

(6) One member representing the waste hauling industry;

(7) Two members, 1 representing the soft drink industry and 1 representing the alcohol beverage industry, ~~representing the beverage industry;~~

Section 3. Amend § 7402A, Title 7 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 7402A. Definitions.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(17) "Owner" means a person:

a. Who has or has had a legal interest in a facility or aboveground storage tank; or

b. Who has or has had an equitable interest in a facility or aboveground storage tank.

c. "Owner" does not mean any person who, without participating in the management of a facility or aboveground storage tank, holds indicia of ownership in a facility or aboveground storage tank primarily to protect the person's security interest or is a fiduciary which has a legal title to or manages any property for purposes of administering an estate or trust of which such property is part. In the case of foreclosure the person shall not be deemed the owner of the aboveground storage tank provided that the person provides notification to the Department within 30 days of the initiation of foreclosure proceedings for any property containing an aboveground storage tank, either in-service or out-of-service utilizing a form provided by the Department.

d. Participation in management.

d.1. For purposes of this paragraph (17), the term "participate in management":

g. The exclusion from liability contained in ~~this paragraph e.~~ paragraph (17)c. of this section does not limit liability pertaining to the release or threatened release of a regulated substance if negligence of a fiduciary causes or contributes to the release or threatened release.

h. Nothing contained in ~~this paragraph e.~~ paragraph (17)c. of this section:

1. Affects the rights or immunities or other defenses that are available under this chapter or other law that is applicable to a person subject to this paragraph; or

2. Creates any liability for a person or a private right of action against a fiduciary or any other person.

i. Nothing in ~~this paragraph e.~~ paragraph (17)c. of this section applies to a person if the person:

1. Acts in a capacity other than that of a fiduciary or in a beneficiary capacity, and in that capacity, directly or indirectly benefits from a trust or fiduciary relationship; or

2. Is a beneficiary and a fiduciary with respect to the same fiduciary estate and, as a fiduciary, receives benefits that exceed customary or reasonable compensation, and incidental benefits, permitted under other applicable law.

j. ~~This paragraph e.~~ Paragraph (17)c. of this section does not preclude a claim under this chapter against:

1. The assets of the estate or trust administered by the fiduciary; or

2. Nonemployee agent or independent contractor retained by a fiduciary.

Section 4. Amend § 901, Title 10 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 901. Definitions.

For the purpose of this chapter, unless the context indicates differently:

(3) "Care, custody and control" or "those responsible for care, custody and control" shall mean a person or persons in a position of trust, authority, supervision or control over a child. It may include:

a. A parent, guardian, or custodian;

b. Other members of the child's family or household, meaning persons living together permanently or temporarily without regard to whether they are related to each other and without regard to the length of time or continuity of such residence, and it may include persons who previously lived in the household such as paramours of a member of the child's household;

c. Any person who, regardless of whether a member of the child's household, is defined as family or relatives in this section or as an adult individual defined in ~~§ 1009(b)(3)a. [repealed]~~ of this title § 351 of Title 31;

(14) "Intrafamilial child abuse or neglect" is any child abuse or neglect committed by:

a. A parent, guardian, or custodian;

b. Other members of the child's family or household, meaning persons living together permanently or temporarily without regard to whether they are related to each other and without regard to the length of time or continuity of such residence, and it may include persons who previously lived in the household such as paramours of a member of the child's household;

c. Any person who, regardless of whether a member of the child's household, is defined as family or a relative in this section or as an adult individual as defined in ~~§ 1009(b)(3)a. [repealed] of this title~~ § 351 of Title 31.

Section 5. Amend § 4319, Title 10 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4319. Confidential communications involving first responders.

(d) Exceptions. — The privileges established under subsections (b) and (c) of this section are not applicable if:

(1) The communication indicates an intent to engage in conduct likely to result in imminent death or serious physical injury to the first responder who received critical incident stress management services or another individual;

(2) The first responder who obtained critical incident stress management services expressly waives the privilege or gives consent to disclosure of the privileged communication;

(3) The first responder who obtained critical incident stress management services is deceased and the surviving spouse or the executor or administrator of the estate of the deceased first responder expressly waives the privilege or gives consent to disclosure of the privileged communications; or

(4) The first responder who received critical incident stress management services sought or obtained the services to enable or aid anyone to commit or plan to commit what the first responder who received critical incident stress management services knew, or reasonably should have known, was a crime or fraud or mental or physical injury to the first responder who received critical incident stress management services or another individual.

Section 6. Amend § 4916, Title 10 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4916. Exemption of Delaware College Investment Plan Accounts and Delaware Achieving a Better Life Experience Accounts.

(a) In addition to the exemptions provided in §§ 4902 and 4903 of this title, there shall be exempt from execution or attachment process assets held in and proceeds payable under ~~Chapter 5 of Title 13,~~ or from any account established under the Delaware College Investment Plan pursuant to subchapter XII of Chapter 34 of Title 14 (a "Plan Account") or

any account established under the Delaware Achieving a Better Life Experience Program pursuant to Chapter 96A of Title 16 (an "ABLE Account"). This exemption shall only apply to such amount as does not exceed the total contributions permitted under § 529(b)(6) of the Internal Revenue Code [26 U.S.C. § 529(b)(6)] with respect to any Plan Account or ABLE Account.

(b) This section shall not exempt from execution or attachment assets contributed by a debtor to any Plan Account or ABLE Account within 365 days to the extent that such assets contributed within said 365 days exceed the greater of:

(1) \$5,000; or

(2) The average annual contribution made by such debtor to such Plan Account or ABLE Account for the 2 calendar years preceding the date of the filing of such execution or attachment or the filing of such petition.

(c) This section shall not exempt from execution or attachment any judgment obtained under Chapter 5 of Title 13 or § 554 of Title 30. If any portion of this section is held invalid or is preempted by federal law, in whole or in part, the remaining portions shall remain in effect to the maximum extent permitted by law.

(d) In the case of a Plan Account or ABLE Account owned by a trust, nothing in this section may be construed to limit the protections afforded to trusts by § 3536 of Title 12.

Section 7. Amend § 8142, Title 10 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 8142. Limitations on shooting range and hunting operations nuisance suits.

(a) For the purposes of this section, the terms "shooting range" and "hunting operations" and "its appurtenances" mean an operation including any of the following:

(1) Lands, including the buildings and improvements thereon, which are used or which are intended for use for the shooting of targets for training, education, practice, recreation or competition;

(2) Lands, including the buildings and improvements thereon, which are used or which are intended for use as a hunting club, hunting preserve, shooting ~~preserve~~ preserve, or a restricted ~~experimental~~ propagating and shooting preserve as provided for in subchapter V of Chapter 5 of Title 7;

Section 8. Amend § 406, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 406. Transfer of convicted persons becoming mentally disabled from prison to Delaware Psychiatric Center; appointment of physicians to conduct inquiry; expenses of transfer.

(b) The expenses of the removal of such a person with a mental illness and of admission into such Psychiatric Center and maintenance therein up and until the time the person is discharged by the Court shall be borne by the State. If

any such person with a mental illness has any real or personal estate, the Department of Health and Social Services shall have for the expenses and charges so incurred the same remedy as is provided in ~~§ 5127~~ § 5019 of Title 16 ~~[repealed]~~.

Section 9. Amend § 1102, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1102. Endangering the welfare of a child; class A misdemeanor; class E or G felony.

(a) A person is guilty of endangering the welfare of a child when:

(1) Being a parent, guardian or any other person who has assumed responsibility for the care or supervision of a child the person:

a. Intentionally, knowingly or recklessly acts in a manner likely to be injurious to the physical, mental or moral welfare of the child; or

b. Intentionally, knowingly or recklessly does or fails to do any act, including failing to report a missing child, with the result that the child becomes a neglected or abused ~~child~~ child; or

(2) The person knowingly contributes to the delinquency of any child less than 18 years old by doing or failing to do any act with the result, alone or in conjunction with other acts or circumstances, that the child becomes a delinquent child; or

(3) The person knowingly encourages, aids, abets or conspires with the child to run away from the home of the child's parents, guardian or custodian; or the person knowingly and illegally harbors a child who has run away from home; or

(4) The person commits any violent felony, or reckless endangering second degree, assault third degree, terroristic threatening, unlawful imprisonment second degree, or child abuse third degree against a victim, knowing that such felony or misdemeanor was witnessed, either by sight or sound, by a child less than 18 years of age who is a member of the person's family or the victim's ~~family~~ family; or

(5) The person commits the offense of driving under the influence as set forth in § 4177 of Title 21, or the offense of operating a vessel or boat under the influence as set forth in § 2302 of Title 23, and during the commission of the offense knowingly permits a child less than 18 years of age to be a passenger in or on such vehicle, vessel or ~~boat~~ boat; or

(6) The person commits any offense set forth in Chapter 47 of Title 16 in any dwelling, knowing that any child less than 18 years of age is present in the dwelling at the ~~time~~ time; or

(7) The person provides or permits a child to consume or inhale any substance not prescribed to the child by a physician, as defined in §§ 4714, 4716, 4718, 4720, and 4722 of Title 16.

Section 10. Amend § 1258, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1258. Escape and offenses relating to custody; definitions.

As used in §§ 1251-1257 of this title:

(1) "Contraband" means any intoxicating liquor or drug prohibited under Chapter 47 of Title 16, except as prescribed by a physician for medical ~~treatment~~, treatment; ~~tobacco~~, tobacco; nicotine ~~products~~, products; any money without the knowledge or consent of the Department of Health and Social ~~Services~~, Services or the Department of Correction; or any deadly weapon or part thereof or any instrument or article which may be used to effect an escape.

Section 11. Amend § 1335, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1335. Violation of privacy; class A misdemeanor; class G felony.

e. In addition to when the consent of the person depicted is given, the introductory paragraph of this paragraph (a)(9) and paragraph (a)(9)b. of this section do not apply to any of the following:

1. When the visual depiction is of an individual less than 18 years of age and does not violate § 1108, § 1109, or § 1111 of this title, or any similar provision of this title, and the reproduction, distribution, exhibition, publication, transmission, or other dissemination is not for commercial purposes.

2. When the visual depiction is reproduced, distributed, exhibited, published, transmitted, or otherwise disseminated in the course of lawful and common practices of a law-enforcement officer, the reporting of unlawful conduct, legal proceedings, ~~and~~ or medical treatment procedures.

Section 12. Amend § 1367, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1367. Unauthorized promotion of boxing, mixed martial arts or of a combative sports or combative sports entertainment or combative fighting match, contest, or event; class A misdemeanor.

(a) A person is guilty of the unauthorized promotion of boxing, mixed martial arts or of a combative sports or combative sports entertainment or combative fighting match, contest, or event if the person promotes, arranges, advertises, or conducts a combative sports entertainment or combative fighting match, contest, or event in violation of Chapter 1 of Title 28.

(b) A charge of the unauthorized promotion of boxing, mixed martial arts or of a combative sports or combative sports entertainment or combative fighting match, contest, or event shall not exclude prosecution for other offenses or violations of this Code.

(c) The unauthorized promotion of boxing, mixed martial arts or of a combative sports or combative sports entertainment or combative fighting match, contest, or event is a class A misdemeanor.

Section 13. Amend § 1368, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1368. Unauthorized participation in a boxing, mixed martial arts or in a combative sports or combative sports entertainment or combative fighting match, contest, or event; class A misdemeanor.

(a) A person is guilty of the unauthorized participation in a boxing, mixed martial arts or in a combative sports or combative sports entertainment or combative fighting match, contest, or event if the person participates as a competitor in a boxing, mixed martial arts or in a combative sports entertainment or combative fighting match, contest, or event in violation of Chapter 1 of Title 28.

(b) A charge of the unauthorized participation in a boxing, mixed martial arts or in a combative sports or combative sports entertainment or combative fighting match, contest, or event shall not exclude prosecution for other offenses or violations this Code.

(c) The unauthorized participation in a boxing, mixed martial arts or in a combative sports or combative sports entertainment or combative fighting match, contest, or event is a class A misdemeanor.

Section 14. Amend § 1448B, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1448B. Criminal history record checks for sales of firearms — Unlicensed persons.

(c) The provisions of this section shall not apply to:

(5) Transactions in which the potential purchaser or transferee is a qualified ~~active-duty~~ law-enforcement officer, as defined in § 1441A of this title, or a qualified retired law-enforcement officer, ~~as such terms are defined in § 1441A~~ § 1441B of this title;

Section 15. Amend § 4123, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4123. Juveniles adjudicated delinquent of sex offenses.

(c) Following receipt by Family Court and the parties of the comprehensive evaluation, risk assessment and treatment recommendations required by subsection (b) of this section, Family Court shall conduct a sentencing hearing in which the Court shall address appropriate treatment for the juvenile, and the registration and community notification requirements for the juvenile as follows:

(1) If the juvenile was at least 14 years old on the date of the sex offense, and was adjudicated delinquent of any of the offenses enumerated in § 770(a)(3)a. of this title where "without the victim's consent" has the definition specified in § 761(j) of this title, §§ 771-778, § 780, § 783 or § 783A of this title if the purpose of the crime was to violate or abuse the victim sexually, ~~§ 787(b)(2), § 787(b)(3) and (4),~~ or § 1100A of this title, or if the victim of the felony level offense was 5 years old or younger, or of conspiracy, under §§ 512 and 513 of this title, or attempt, under § 531 of this title, to commit any of those enumerated offenses, the juvenile shall be immediately registered as a sex offender as prescribed by § 4120 of this title, and the community shall be provided notification as prescribed by § 4121 of this title. The Family Court shall have no discretion to modify these registration or community notification requirements.

Section 16. Amend § 8564, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 8564. Adult Abuse Registry check.

(a) Definitions. — As used in this section:

(9) "Nursing facility" and "similar facility" means any facility required to be licensed under Chapter 11 of Title 16. This includes, but is not limited to, facilities commonly called nursing homes, assisted living facilities, intermediate care facilities for persons with intellectual disabilities, neighborhood group homes, family care homes and rest residential care facilities. Also included are the Stockley Center, the Delaware Psychiatric ~~Center~~ Center, and hospitals ~~certified by the Department of Health and Social Services pursuant to as defined by § 5001 or § 5136~~ [repealed] of Title 16.

Section 17. Amend § 511, Title 14 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 511. Approval procedure [For application of this section to the City of Wilmington, see 80 Del. Laws, c. 17, § 2]

(r) Charter school board members and founders shall be required to complete the criminal background checks in the same manner as persons seeking employment with a public school pursuant to ~~§ 8571(a) of Title 11 [repealed]~~ § 309 of Title 31. In addition, the authorizer shall complete a check of the Child Protection Registry established by § 921 of Title 16 for charter school founders and board members. The results of said background and Child Protection Registry checks shall be provided to the authorizer for review as part of the application process and on an ongoing basis if new board members are seated or current board members are convicted of a crime or placed on the Child Protection Registry. Any person convicted of a felony offense or of any crime against a child in this State or any other jurisdiction shall not be permitted to serve as a founder or member of a charter school board of directors. No individual shall be permitted to serve as a charter

261 school founder or board member if the individual would not be permitted to be employed in a public school pursuant to
262 ~~§8563 of Title 11 [sic]~~ § 309 of Title 31 regarding the Child Protection Registry. Other crimes may be considered
263 disqualifying, in the discretion of the authorizer. The State Bureau of Identification may release any subsequent criminal
264 history to the authorizer. Individuals currently serving as board members of a charter school must complete a criminal
265 background check and the Department shall complete a Child Protection Registry check for such members on or before
266 February 1, 2012.

267 Section 18. Amend § 1082, Title 14 of the Delaware Code by making deletions as shown by strikethrough and
268 insertions as shown by underline as follows:

269 § 1082. Procedure at the polling place.

270 (d) If a person's eligibility to vote is challenged by anyone for any reason, the inspector and both judges shall
271 immediately hear and consider the evidence and then by majority vote decide whether or not the person is eligible to vote.
272 Once the inspector and both judges have made their decision, there is no appeal at the polling place. The person shall either
273 be permitted to vote, or shall not be permitted to vote and directed to depart the polling place. A person who has not been
274 permitted to vote may appeal the decision of the inspector and both judges to the ~~administrative~~ county director or, in the
275 ~~administrative~~ county director's absence, to the deputy ~~administrative~~ county director for the Department of Elections
276 conducting the election.

277 (e) Upon hearing the evidence of an appeal by a voter, the ~~administrative~~ county director or deputy ~~administrative~~
278 county director for the Department of Elections conducting the election shall rule on the appeal. A person whose appeal is
279 successful shall be permitted to vote at the polling place or by absentee ballot at the Department of Elections conducting the
280 election.

281 Section 19. Amend § 1331, Title 14 of the Delaware Code by making deletions as shown by strikethrough and
282 insertions as shown by underline as follows:

283 § 1331. Statewide Programs for the Deaf, Hard of Hearing and Deaf-Blind including the Delaware School for the
284 Deaf; special staff.

285 (d) In addition to staff otherwise authorized, the Statewide Programs for the Deaf, Hard of Hearing and Deaf-Blind
286 may employ the following:

287 (6) Speech therapist (~~in addition to those employed pursuant to [former] paragraph (a)(1) of this section~~
288 ~~[repealed]~~);

289 Section 20. Amend § 2410, Title 14 of the Delaware Code by making deletions as shown by strikethrough and
290 insertions as shown by underline as follows:

§ 2410. Hiring of prison employees.

(b) The Department of Education shall provide names of all selected new employees to the Department of Correction a minimum of 15 working days before the starting date of a scheduled Department of Correction training program set forth in ~~§ 2402~~ § 2405 of this title. The Department of Correction shall provide the date of any Department of Correction Training Program (CEIT) in sufficient time to allow for the selection of new employees prior to the upcoming training.

Section 21. Amend § 804A, Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 804A. Newborn and infant hearing screening programs.

(a) As a condition of its licensure, each hospital shall establish a Universal Newborn Hearing Screening (UNHS) program. Each UNHS program shall:

(3) Provide for appropriate training and monitoring of the performance of individuals responsible for performing hearing screening tests. These individuals shall be trained properly in:

a. The performance of the tests required by this chapter;

b. The risks of the tests, including psychological stress for the parent or parents;

c. Infection control practices; and

d. The general care and handling of newborns and infants in hospital settings.

~~e. Perform the hearing testing prior to the newborn's discharge; provided, however, that if the newborn is expected to remain in the hospital for a prolonged period, testing shall be performed prior to the date on which the child attains the age of 3 months.~~

(4) Perform the hearing testing prior to the newborn's discharge; if the newborn is expected to remain in the hospital for a prolonged period, testing shall be performed prior to the date on which the child attains the age of 3 months.

Section 22. Amend § 5003, Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 5003. Voluntary admission procedure.

(f) If any applicant is under the age of 18 years old, the following provisions shall apply:

(3) Voluntary outpatient treatment. — A person between 14 and 18 years of age, who is in need of mental health treatment, may request voluntary outpatient treatment from a licensed treatment facility or community provider.

If the individual in need of treatment is a minor under 14 years of age, a parent, legal custodian, or legal guardian shall make the request for voluntary outpatient mental health treatment and give written consent for treatment.

a. If a minor is 14 years of age or over, then either the minor, or a parent, legal custodian, or legal guardian may give written consent to a licensed treatment facility or community provider for voluntary, outpatient treatment.

Section 23. Amend § 5121, Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

~~§ 5121. Voluntary admission procedure.~~

~~The Department may establish, under the direction and supervision of the Delaware Psychiatric Center, a voluntary admission procedure for the observation, study, psychiatric diagnosis and treatment of persons suffering from mental and nervous diseases.~~

Section 24. Amend § 5121A, Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

~~§ 5121A. Emergency detention of a person with a mental condition; justification; procedure.~~

~~(a) Until July 1, 2013, and in conjunction with § 5122 of this title, an alleged mentally ill person shall be taken by the peace officer, with all reasonable promptness, to a medical doctor licensed to practice medicine or surgery in the State for examination. The written complaint shall be delivered to the doctor who shall, if reasonably possible, give telephonic notice of the examination to the nearest relative as shown on the complaint, unless such person has signed the complaint. If it reasonably appears to the doctor that the alleged mentally ill person is a dangerous mentally ill person, the said doctor shall so certify in writing and the alleged mentally ill person shall be transported by the peace officer or, in the sole discretion of the examining physician, by designated transport personnel to the Delaware Psychiatric Center or other hospital as defined in § 5101 of this title with all reasonable promptness and delivered to the officials of the said hospital, together with the complaint and the certificate of the examining doctor. If the examining doctor finds that the alleged mentally ill person is not a dangerous mentally ill person, the said doctor shall so certify in writing, the alleged mentally ill person shall be discharged from custody forthwith and the doctor shall forward the complaint and the doctor's certificate to the Delaware Psychiatric Center. The doctor's certificate shall set forth a description of the behavior and symptoms of the alleged mentally ill person which led the doctor to the doctor's conclusion. It shall also set forth whether or not the nearest known relative was notified of the examination. On and after July 1, 2013, this subsection ceases to have effect and, pursuant to § 5122 of this title, only a psychiatrist or credentialed mental health screener may complete the steps necessary to institute the 24-hour detention for evaluation.~~

(b) Until July 1, 2013, and in conjunction with § 5122 of this title, upon receiving an alleged mentally ill person at the Delaware Psychiatric Center or other hospital as defined in § 5101 of this title, the Superintendent shall detain, care for and treat as medically appropriate, the said patient for a period not to exceed 24 hours; provided, however, that this period shall be 72 hours for minors admitted in conformity with § 5135 of this title. If it appears that the nearest known relative has not received prior notice of the proceedings, the Superintendent shall, if reasonably possible, promptly give such notice. Unless the patient is discharged from the hospital within that period, then at the termination of the period the person shall be discharged unless the person is admitted or committed to the said hospital under some other provision of law. A psychiatrist designated by the Secretary of the Department of Services for Children, Youth and Their Families may conduct an independent review of a determination that a person under 18 years of age admitted to any mental health facility pursuant to this chapter is a dangerously mentally ill person. A psychiatrist designated by the Secretary of the Department of Health and Social Services may conduct an independent review of a determination that a person 18 years of age or older admitted to any mental health facility pursuant to this chapter is a dangerously mentally ill person. On and after July 1, 2013, this subsection ceases to have effect.

(c) Until July 1, 2013, the term "dangerous mentally ill person" means that an individual meets the criteria of either "dangerous to self" or "dangerous to others" as defined in § 5122 of this title.

Section 25. Amend § 5123, Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 5123. Voluntary hospitalization of patients at Delaware Psychiatric Center; authority to receive; procedure; discharge.

(a) A licensed psychiatrist or licensed independent practitioner who is credentialed and authorized by the Delaware Psychiatric Center may admit for observation, diagnosis, care and treatment any individual who is a person with an apparent mental condition or who has symptoms of a mental condition and who requests admission subject to the payment of charges for care, maintenance and support as provided in § 5127 of this title [repealed]. The Delaware Psychiatric Center may establish criteria for voluntary admission that differ from the criteria for involuntary admissions.

(b) If any applicant is under the age of 18 years, the request for admission to a designated psychiatric treatment facility shall also be signed by either of the applicant's parents, spouse or legal guardian.

(c) The attending psychiatrist or licensed independent practitioner who is appropriately credentialed and authorized by the Delaware Psychiatric Center shall discharge any voluntary patient who has recovered or whose hospitalization the attending psychiatrist determines is no longer clinically indicated.

(d) A voluntary patient who requests the patient's own discharge or whose discharge is requested, in writing, by the patient's legal guardian, parent, spouse or adult next of kin shall be discharged within 5 days from the receipt of the request, except that:

(1) If the request for discharge is made by a person other than the patient, discharge may be conditioned upon the agreement thereto of the patient;

(2) If the patient is under the age of 18 years, the patient's discharge may be conditioned upon the consent of the patient's parent, spouse or guardian; and

(3) If it has been observed and documented that the person currently admitted voluntarily is currently demonstrating behaviors believed to be dangerous to self or others and these behaviors are documented in the medical record, the attending psychiatrist may initiate involuntary commitment status as set forth in Chapter 50 of this title.

(e) A psychiatrist designated by the Secretary of the Department of Services for Children, Youth and Their Families may conduct an independent review to determine whether an applicant under 18 years of age who receives financial assistance from such Department or who is in the custody of such Department is appropriate for voluntary hospitalization. A psychiatrist designated by the Secretary of the Department of Services for Children, Youth and Their Families may conduct an independent review to determine whether a voluntary patient under 18 years of age who receives financial assistance from such Department or who is in the custody of such Department is appropriate for voluntary hospitalization.

(f) A psychiatrist designated by the Secretary of the Department of Health and Social Services may conduct an independent review to determine whether an applicant 18 years of age or older who receives financial assistance from the Department or who is in the custody of the Department is appropriate for voluntary hospitalization. A psychiatrist designated by the Secretary of the Department of Health and Social Services may conduct an independent review to determine whether a voluntary patient 18 years of age or older who receives financial assistance from the Department or who is in the custody of the Department is appropriate for voluntary hospitalization.

(g) Nothing contained in subsection (d) of this section shall require the discharge of a voluntary patient if within the 5-day period from receipt of the request for discharge the patient is admitted or committed to the said Psychiatric Center under some other provision of law.

(h) Notwithstanding any other section of the Delaware Code, the Director of the Department's Division of Substance Abuse and Mental Health shall have the independent authority to discharge persons at the Delaware Psychiatric Center.

Section 26. Amend § 5154, Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 5154. Liability for cost of maintenance and care.

The expenses of the removal of an adult with a criminally mental condition or a criminally inclined juvenile and of the adult's or juvenile's admission to a hospital under this subchapter, and the charges and expense for the maintenance and care at such hospital shall be paid by the institution which had charge of such case. Where such persons are committed by the proper courts otherwise than from an institution of the State, the State Treasurer shall pay such hospital for such removal, admission, maintenance and care. If any such adult with a criminally mental condition or criminally inclined juvenile has any real or personal estate, the Department of Health and Social Services or the Department of Services for Children, Youth and Their Families shall have, for the expenses and charges incurred, the same remedy as is provided in § ~~5127 of this title [repealed]~~. § 5019 of this title.

Section 27. Amend § 5161, Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 5161. Rights of patients in mental health hospitals or residential centers.

(a) As used in this section:

(1) "Department " means the Department of Health and Social Services, except that Department means the Department of Services for Children, Youth and Their Families for facilities certified under §§ ~~5135 [repealed]~~ §§ 5025(a) and 5001(9) of this title.

(b) Any hospital or residential center that admits persons pursuant to Chapter 50, 51, or 55 of this title shall prominently post in English and Spanish the list of patients rights set forth in this subsection. In addition to the posting, the Department shall distribute a copy of the list to each patient and to other persons, as provided in Department regulations. Each patient shall have the rights listed below, which shall be liberally construed to fulfill their beneficial purposes. Furthermore, in defining the scope or extent of any duty imposed by this section, higher or more comprehensive obligations established by otherwise applicable federal, state, or local enactments as well as certification standards of accrediting agencies may be considered.

(10) A patient's right to retain reasonable personal belongings shall be respected, except that the facility may temporarily retain custody of a patient's personal property for the patient's protection; provided, that such property is used or conserved for the support of the patient. The patient is entitled to a receipt for any personal property over which the facility retains temporary custody. Nothing in this paragraph shall be construed to relieve any patient from the obligations arising out of § ~~5127~~ § 5019 of this title ~~[repealed]~~.

Section 28. Amend § 5174, Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline and renumbering accordingly as follows:

§ 5174. Patient participation restricted.

The following patients shall be ineligible to participate in pharmaceutical research:

(1) Any patient who has been placed in the jurisdiction of the hospital under Chapter 4 of Title 11 or § 5153 of this title; provided, however, that a patient placed in the jurisdiction of the hospital under Chapter 4 of Title 11 or § 5153 of this title shall be eligible with the prior approval of Superior Court, upon affidavit filed by the medical director of the hospital. Such affidavit shall state that the patient for whom eligibility to participate is sought has given the patient's informed consent and that, with respect to that patient, all provisions of this subchapter have been and will continue to be complied with. The Court may deny approval for failure to comply with any provision of this subchapter or for any other reason it deems appropriate. Any affidavit filed pursuant to this subdivision shall be served upon the Attorney General, and no action shall be taken by the Court for 10 days after the date of such service. Superior Court may by rule prescribe procedures for review of affidavits filed pursuant to this subdivision.

(2) Any patient who has been placed in the jurisdiction of the hospital under Chapter 50 of this title; provided, however, that a patient initially committed under Chapter 50 of this title shall be eligible if that patient has voluntarily applied for and has been accepted for hospitalization pursuant to ~~§ 5123~~ § 5003 of this title.

~~(3) Any patient who has been released from the hospital on convalescent status under § 5131 of this title [repealed].~~

(4) Any patient who has been placed in the jurisdiction of the hospital under Chapter 57 of this title.

Section 29. Amend § 2607, Title 18 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2607. Membership in advisory organization.

The advisory organization shall file a rating plan with the Department of Insurance not later than 90 days after the adoption of a health-care payment system provided for by ~~§ 2322B(14) of Title 19 [repealed]~~, § 2322B of Title 19 and shall also file a rating plan not later than 90 days after the adoption of health-care practice guidelines provided for by § 2322C(7) of Title 19. Thereafter, the advisory organization shall file a rating plan at least annually. Within 60 days of each such rating plan becoming effective pursuant to this chapter, each authorized insurer shall make a rate filing pursuant to § 2609 of this title.

Section 30. Amend § 3571M, Title 18 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 3571M. Comprehensive health insurance coverage [For application of this section, see 79 Del. Laws, c. 99, § 19]

(d) Dental only. — This section shall not apply to a plan described in ~~§ 1302(d)(2)(B)(ii)(I)~~ § 1311(d)(2)(B)(ii) of the Patient Protection and Affordable Care Act.

Section 31. Amend § 3610, Title 18 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 3610. Comprehensive health insurance coverage [For application of this section, see 79 Del. Laws, c. 99, § 19]

(d) Dental only. — This section shall not apply to a plan described in ~~§ 1302(d)(2)(B)(ii)(I)~~ § 1311(d)(2)(B)(ii) of the Patient Protection and Affordable Care Act.

Section 32. Amend § 4004, Title 18 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4004. Definitions.

As used in this chapter:

(a) (1) "Department" means the Delaware Department of Health and Social Services.

~~(b) For the purposes of this chapter, the term "health insurer" includes,~~ (2) "Health insurer" includes all of the following: ~~without limitation,~~

~~an~~ a. An insurer providing insurance of human beings against bodily injury, disablement or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness, and every insurance appertaining ~~thereto;~~ thereto.

a b. A health service ~~corporation;~~ corporation.

a c. A health maintenance ~~organization;~~ organization.

a d. A group health plan, as defined in § 607(1) of the federal Employee Retirement Income Security Act of 1974 [~~29 U.S.C. § 1167(1)~~]; [29 U.S.C. § 1167(1)].

~~any~~ e. Any entity offering a service benefit ~~plan;~~ plan.

a- f. A self-funded entity or group providing health-care ~~coverage;~~ coverage.

a g. A pharmacy benefit ~~manager;~~ manager.

~~any~~ h. Any other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health-care item or ~~service;~~ service.

~~any~~ i. Any person or other entity which provides coverage in this State for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, ~~hospital~~ hospital, or optometric expenses, whether such coverage is by direct payment, ~~reimbursement~~ reimbursement, or otherwise.

Section 33. Amend § 2379, Title 19 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2379. Workplace safety program.

(f) Inspections and cost. —

(4) Beginning on September 1, 2013, each workplace safety inspection conducted pursuant to paragraph (f)(1) or (3) shall include a determination as to whether the employer has complied with its obligations under § 2322E(d) of this title to provide a list of possible ~~b [sic]~~ modified-duty jobs assignments for injured workers. Failure to comply with the requirements of § 2322E(d) of this title shall disqualify an employer from receiving the workplace safety credit. The period of review shall extend back to July 1, 2013, and beginning on July 1, 2016, shall be limited to a period of 3 years prior to the date of application for the workplace safety credit.

Section 34. Amend § 2603, Title 21 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2603 Definitions.

Notwithstanding any other provision of this title, the following definitions apply to this chapter:

(4) "CDL downgrade" means either:

a. Except where otherwise provided in this title, the Division allows the driver to change his or her self-certification to interstate but operating exclusively in transportation or operation excepted from 49 C.F.R. Part 391, as provided in § 390.3(f), § 391.2, § 391.68, or § 398.3;

b. The Division allows the driver to change his or her self-certification to intrastate only if the driver is physically qualified for intrastate-only driving under § 4704(b) of this title;

c. The Division allows the driver to change his or her certification to intrastate but operating exclusively in transportation or operations excepted under § 4704(c)(1) ~~[or]~~ or (2) of this title driver physical qualification requirements; or

d. The Division removes the CDL privilege from the driver license.

Section 35. Amend § 2713, Title 21 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2713. Examination of applicants; waiver of examination.

(a) The Department shall examine every applicant for an operator's license before issuing any such license, except as otherwise provided in subsections (b) and (c) of this section. The Department shall examine the applicant as to the

applicant's physical and mental ~~disabilities~~ abilities to operate a motor vehicle in such manner as not to jeopardize the safety of persons or property and as to whether any facts exist which would bar the issuance of a license under this chapter. Such examination shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to operate a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter.

Section 36. Amend § 4502(c), Title 21 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4502. Size and weight of vehicles except on interstate highways and United States numbered routes.

(9) Farm operations. — Notwithstanding the other provisions of this section, the following applies to vehicles registered as (i) farm trucks or (ii) registered commercial motor vehicles that are controlled or operated by a farmer and while used in the operation of a farm. For these vehicles, no single axle load shall exceed 22,400 pounds, and with respect to any vehicle equipped with coupled axles spaced less than 48 inches apart measured horizontally between their center lines, the combined weight on the coupled axles shall not exceed 20,000 pounds and, with respect to a vehicle equipped with coupled axles spaced 48 inches or more apart measured horizontally between their center lines, the combined weight on the coupled axle shall not exceed 40,000 pounds. Furthermore, any farm loaded truck or farm vehicle carrying harvested products or livestock may exceed the weight limits established under this subsection by no more than 3 percent.

Section 37. Amend § 1101, Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1101. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them under this section except where the context clearly indicates a different meaning:

(1) ~~Academic license.~~ — ~~Full-time~~ “Academic license” means a license issued under § 1132A of this title to a full-time director, ~~chairperson~~ chairperson, or attending faculty member of a hospital based dental, oral and maxillofacial surgery or other specialty dental residency program for the purposes of teaching.

Section 38. Amend Chapter 11, Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

~~§ 1196. Volunteer license, application procedures. [Expired July 3, 2010, subject to the provisions of 76 Del. Laws, c. 309, § 2]~~

~~In order to apply for a volunteer license, an applicant must:~~

(1) ~~Submit proof of current license or proof of licensure within the past 2 years (from another U.S. state and/or Canadian province);~~

(2) ~~Submit record of continuing education (CE) credit that meets the State of Delaware's requirement for the preceding 2 years as determined in the Board's rules and regulations;~~

(3) ~~Submit to background check, both professional and criminal;~~

(4) ~~Pass the Jurisprudence test for the State of Delaware;~~

(5) ~~Show proof of 25 years of continuous licensure in another U.S. state or states and/or Canadian province or provinces; and~~

(6) ~~Have no verifiable complaints on the National Practitioner Data Bank.~~

~~§ 1197. Restrictions under the volunteer license for practicing dentistry. [Expired July 3, 2010, subject to the provisions of 76 Del. Laws, c. 309, § 2]~~

~~(b) License is site specific to charitable clinics as approved by the Delaware State Board of Dental Examiners;~~

~~(c) Must work under the supervision of the dentist in charge of the approved, site specific clinic; and~~

~~(d) Must renew license annually. A 2-year license will not be issued.~~

~~§ 1198. Volunteer license; maintenance requirements. [Expired July 3, 2010, subject to the provisions of 76 Del. Laws, c. 309, § 2]~~

~~In order to maintain a license under this section, an applicant:~~

~~(1) Must complete a minimum of 125 hours of volunteer dentistry per year; and~~

~~(2) Must follow any other requirements that any licensed dentist in this State must follow (e.g., CPR, CE requirements, etc.).~~

~~§ 1199. Evaluation of volunteer license. [Expired July 3, 2010, subject to the provisions of 76 Del. Laws, c. 309, § 2]~~

~~(a) Every volunteer dentist and hygienist will be evaluated using an evaluation/review form by the supervising dentist. This form will be developed by the Delaware State Board of Dental Examiners and will be submitted bimonthly for the first 6 months and once every 6 months after the initial 6-month period.~~

~~(b) If the supervising dentist finds that the volunteer dentist is incompetent and/or is a danger to the public, the supervising dentist shall immediately notify the Delaware State Board of Dental Examiners. The Board may suspend the license until a hearing is held based on the notification. The complaint and hearing process in §§ 1127 through 1130 of this title is incorporated herein.~~

588 § 1199A. Penalties, civil violation. [~~Expired July 3, 2010, subject to the provisions of 76 Del. Laws, c. 309, § 2]~~

589 Penalties for violating the requirement of not practicing dentistry for profit will result in a \$2500 fine for each
590 offense.

591 Section 39. Amend § 2602, Title 24 of the Delaware Code by making deletions as shown by strikethrough and
592 insertions as shown by underline as follows:

593 § 2602. Definitions.

594 As used in this chapter, unless the content requires otherwise, the following words shall have the following
595 meanings:

596 (10)a. "Practice of physical therapy" means:

597 b. Nothing in this chapter shall be construed to limit the practice of physical therapy by physical
598 therapists as is currently being practiced or determined by the Board so long as such practice does not include
599 surgery ~~and~~ or the medical diagnosis of disease. Advanced services may require advanced training, as determined
600 by the Board's rules and regulations, to assure the licensee meets the accepted standard of care.

601 Section 40. Amend § 5304, Title 24 of the Delaware Code by making deletions as shown by strikethrough and
602 insertions as shown by underline as follows:

603 § 5304. Organization; meetings; officers; quorum.

604 (c) A majority of the members shall constitute a quorum for the purpose of transacting business. The affirmative
605 vote of at least 4 members of the Board is required to certify and license applicants or to discipline a certificate holder or
606 ~~license~~ licensee. All other actions will be by simple majority vote.

607 Section 41. Amend § 81-323, Title 25 of the Delaware Code by making deletions as shown by strikethrough and
608 insertions as shown by underline as follows:

609 § 81-323. Removal of members of executive board.

610 Notwithstanding any provision of the declaration or bylaws to the contrary, the unit owners, by a two-thirds vote
611 of all persons present, in person, by proxy or by ballot, and entitled to vote at any meeting of the unit owners at which a
612 quorum is present, may remove any member of the executive board with or without cause, except that: (i) a member
613 appointed by the declarant may not be removed by a unit owner vote during the period of declarant control, and (ii) a
614 person appointed under ~~§ 81-303(h) of this title [sic]~~ § 81-303(f) of this title may only be removed by the person that
615 appointed that member:

616 Section 42. Amend § 929, Title 28 of the Delaware Code by making deletions as shown by strikethrough and
617 insertions as shown by underline as follows:

§ 929. Definitions.

The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

(2) "Entertainment event" shall mean any form of circus or carnival, stage play, variety show, concert, magic, puppet or mime show, pageant, musical or similar type of public entertainment program other than ~~boxing~~ combative sports, wrestling, racing and outdoor music festivals.

Section 43. Amend § 5502, Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 5502. Employment of pensioners.

(a) An individual shall not receive a service or disability pension under this chapter for any month during which the individual is an employee unless the individual is:

(1) An official elected by popular vote at a regular state election; ~~or~~

(2) An official appointed by the Governor;

(3) A temporary, casual, seasonal or substitute employee as defined by the Board of Pension

~~Trustees.~~ Trustees;

(4) A substitute teacher employed by a school district in the State; ~~or~~

(5) A temporary justice of the peace appointed pursuant to § 9211 of Title 10; or

(6) A per diem employee of the ~~legislature~~ General Assembly.

Section 44. Amend § 8059, Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 8059. Sustainable Energy Utility.

(d) SEU Oversight Board. —

(3) Board members shall serve without compensation ~~except for travel allowed in [former] paragraph (e)(8) of this section [repealed]~~.

Section 45. Amend § 8735, Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 8735. Division of Professional Regulation [Effective Jan. 1, 2017]

(b) The Division of Professional Regulation shall have the powers, duties and functions related to the regulation of amateur and professional ~~boxing~~ boxing, combative sports, and combative sports entertainment as set forth in Chapter 1 of Title 28.

Section 46. Amend § 6502, Title 30 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 6502. Quality assessment.

(b) The quality assessment fees for each non-Medicare resident day shall:

(1) For assessment periods ending prior to June 1, 2013, not exceed:

a. \$14 per non-Medicare resident day for each nursing facility that is described in paragraph (d)(2) of this section; and

b. \$16 per non-Medicare resident day for all other nursing facilities subject to the quality assessment; and

(2) For assessment periods beginning on and after June 1, 2013, be in amounts determined by the Secretaries of the Department of Finance and the Department of Health and Social Services on an annual basis, not later than May 1, which amounts shall not exceed:

a. \$14 per non-Medicare resident day for each nursing facility that is described in paragraph (d)(2) of this section; and

b. \$26 per non-Medicare resident day for all other nursing facilities subject to the quality assessment.

(3) For assessment periods beginning on or after June 1, 2016, be in amounts determined by the Secretaries of the Department of Finance and the Department of Health and Social Services on an annual basis, not later than May 1, which amounts shall not exceed:

a. \$19 per non-Medicare resident day for each nursing facility that is described in paragraph (d)(2) of this section; and

b. \$35 per non-Medicare resident day for all other nursing facilities subject to the quality assessment.

(4) The rates in ~~paragraphs a. and b. of this section~~ can be modified if required by the Centers for Medicare and Medicaid to meet the redistribution test of 42 C.F.R. § 433.68(e)(2);

(5) The quality assessment fees in the aggregate for all facilities assessed will not exceed the maximum allowed under federal law.

Section 47. Amend § 2824, Title 31 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2824. Recording anatomical gift data.

(a) The Delaware Hospital for the Chronically Ill shall, if possible, ascertain from a patient upon admission whether or not the patient has donated all or part of that patient's own body as an anatomical gift either by will or ~~by form~~

provided for in § 2719 of Title 16 ~~[repealed]~~ in a manner permitted by § 2713 of Title 16 and the person, institution or organization to which such gift has been made.

Section 48. Amend § 4715, Title 31 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4715. Public records and public meetings.

(d) A land bank shall be required to maintain a publicly-available website, which shall set forth the inventory required in § 4709(d) of this title ~~and the bidding information required in § 4712(d) of this title [sic]~~.

Section 49. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application; and, to that end, the provisions of this Act are declared to be severable.

SYNOPSIS

In every December in the years 2010 through 2015, the Code Revisors provided the General Assembly with a list of potential technical corrections they identified as they revised the Delaware Code to reflect legislation enacted that year. While technical in nature, these changes are beyond the authority of the Code Revisors to make and can only be done by the General Assembly through legislation. After reviewing the 148 items provided for the years 2010 through 2015, the following changes included in this Act are identified as technical in nature and in need of correction. Of the other 99 items, many had already been corrected, some statutes no longer existed or were subsequently amended so that the correction is no longer necessary, and some would be substantive changes.

Each technical correction made by this Act is explained below:

Section 1: HB 156 of the 148th General Assembly revised § 709 of Title 4. Section 709(d) now establishes rules for Sunday sales but does not list holidays. Holidays are now covered in § 709(c) of Title 4. This Act revises § 554 of Title 4 to codify current practice by listing the days that are covered by this rule.

Section 2: SB 234 of the 145th General Assembly established the Recycling Public Advisory Council. This change corrects a drafting error in the language regarding the members representing the beverage industry.

Section 3: HB 368 of the 147th General Assembly revised § 7402A of Title 7, adding language from federal law that does not follow the Delaware drafting style. The Code Revisors identified that the references to “paragraph c” were not clear because there are many paragraphs of § 7402A that are identified with the letter c. This Section clearly identifies which “paragraph c” is intended and corrects a typographical mistake and an additional instance where a paragraph reference is unclear.

Section 4: SB 99 of the 147th General Assembly made changes to § 1009 of Title 10, eliminating paragraph (b)(3)a. The language that was in that paragraph is in § 351 of Title 31. Therefore, the reference is changed to refer to § 351 of Title 31 both times the repealed section appears in § 901 of Title 10.

Section 5: SB 174, as amended by SA 1 and HA 2, of the 146th General Assembly amended § 4319 of Title 10 but failed to put “or” after the semicolon at the end of § 4319(d)(3). The word “or” is appropriate instead of “and” because all four of these conditions cannot be met at the same time. This Section makes the needed change.

Section 6: HB 107, as amended by SA 1, of the 141st General Assembly intended to exclude child support obligations from the garnishment exemption for College and Able Act Savings plans. The citation was erroneously placed in § 4916 of Title 10 so that child support is exempted from garnishment rather than still available for garnishment. This Section corrects that error.

Section 7: HB 427 of the 145th General Assembly amended Subchapter V, Chapter 5 of Title 7 to remove the word “experimental” throughout. Title 10 references Subchapter V, Chapter 5 of Title 7 so the word “experimental” should be removed in Title 10. This Section makes that change.

Section 8: HB 346 of the 147th General Assembly substantially revised Delaware’s civil mental health laws. The exact language from what had been § 5127 of Title 16 was placed in the new § 5019(a) of Title 16. The reference to § 5127 of Title 16 was not updated in § 406 of Title 11 by HB 346. This Section makes that change.

Section 9: SB 234 of the 144th General Assembly revised § 1102 of Title 11. Existing drafting errors in the provision were identified by the Code Revisors when the Code was being revised pursuant to SB 234. This Section makes the needed changes.

Section 10: SB 174 of the 147th General Assembly revised the definition of contraband in § 1258 of Title 11 using incorrect punctuation. This Section corrects the punctuation to increase clarity. In addition, the Department of Correction is being added. This correction is consistent with HB 47 of the 148th General Assembly which corrected instances where the Department of Correction was still referred to as the State Board of Correction or the Department of Health and Social Services, where it used to be located.

Section 11: HB 260 of the 147th General Assembly revised § 1335 of Title 11 and in combining the exemptions for legal and medical procedures used the word “and” when “or” is the correct grammatical choice. This Section corrects that error.

Section 12: HB 427 of the 145th General Assembly added “combative sports” to the activities regulated by Title 28 and said all violations of Title 28 are subject to prosecution under Title 11. The term “combative sports” was not added to the section of Title 11 covering these specific offenses. This Section makes the needed changes.

Section 13: HB 427 of the 145th General Assembly added “combative sports” to the activities regulated by Title 28 and said all violations of Title 28 are subject to prosecution under Title 11. The term “combative sports” was not added to the section of Title 11 covering these specific offenses. This Section makes the needed changes.

Section 14: SB 45 of the 148th General Assembly amended the state implementation of the federal Law Enforcement Officers Safety Act of 2004 to mirror federal law. Prior to SB 45, § 1441A of Title 11 used the term “qualified active duty law-enforcement officer” and also covered retired law-enforcement officers. SB 45 removed the words “active duty” from § 1441A of Title 11 consistent with federal law and created a new § 1441B in Title 11 to cover retired law-enforcement officers. The changes to § 1441A of Title 11 were not updated in § 1448B of Title 11. This Section makes the needed changes.

Section 15: SB 197 of the 147th General Assembly revised Delaware’s Human Trafficking crimes. It revised § 787 of Title 11 so that (b)(2) is the crime of forced labor and (b)(3) and (b)(4) refer to sex crimes. The reference in § 4121(a)(4), community notification of sex offenders, was changed from §787(b)(2) to §787(b)(3)-(4), but the same reference was not revised in § 4123(c) of Title 11 which addresses sentencing for a juvenile adjudicated delinquent of a sex offense. This Section makes the needed changes.

Section 16: HB 346 of the 147th General Assembly substantially revised Delaware’s civil mental health laws. Section 5136 of Title 16 was repealed and the facilities referenced in the repealed § 5136 are now included in § 5001 by HB 346. This Section makes the needed changes.

Section 17: SB 144 of the 148th General Assembly revised Delaware law regarding background checks for child-serving entities. The references in § 511 of Title 14 were not updated to reflect the new sections. This Section makes the needed changes.

Section 18: HB 245 of the 145th General Assembly and HB 302 of the 147th General Assembly made changes to Title 15 of the Delaware Code relating to elections. Subchapter IV, Chapter 10 of Title 14 references the job titles used in Title 15 but Title 14 still uses the job titles in place prior to both bills. Title 15 is clear that all references to job titles that appear in any other act of law, to the extent they are consistent with a function transferred by this chapter to the Department, shall be construed as referring or relating to such person or persons and their powers, duties, and functions as established and created by Chapter 2 of Title 15. This Section makes the needed changes.

Section 19: HB 1 of the 146th General Assembly deleted what was at the time paragraph (a)(1) of this section but did not delete the reference in (d)(6) so the Code Revisors inserted an explanation. The old language and explanation should be stricken. This Section makes the needed changes.

Section 20: SB 20 of the 147th General Assembly created a prison education unit. The correct reference to the Department of Correction training program is § 2405 of Title 14. Section 2402 states that employees for the prison Education Program shall have the same qualifications as employees in public high schools and does not reference any Department of Correction training program. This Section makes the needed changes.

Section 21: HB 384 of the 144th General Assembly revised the Universal Newborn and Infant Hearing Screening, Tracking, and Intervention program. An existing drafting error in the statute was identified when the Code was being revised pursuant to HB 384. The error is that the language of § 804A(a)(3)e and § 804A(a)(4) of Title 16 are substantially similar without any legal reason for the duplication. This Section removes § 804A(a)(3)e of Title 16.

Section 22: HB 346 of the 147th General Assembly substantially revised Delaware's civil mental health laws. In section 5003 of Title 16, the word "licensed" was omitted from paragraph (a) of subsection (3). This Section corrects that error.

Section 23: HB 346 of the 147th General Assembly substantially revised Delaware's civil mental health laws. The Code Revisors identified that the citation to § 5127 of Title 16 is no longer correct. Researching that correction identified that § 5121 of Title 16 was also updated and moved to § 5003 of Title 16. Thus, § 5121 of Title 16 should be stricken. This Section makes the needed change.

Section 24: HB 346 of the 147th General Assembly substantially revised Delaware's civil mental health laws. The Code Revisors identified that the citation to § 5127 of Title 16 is no longer correct. Researching that correction identified that pursuant to HB 311 in the 146th General Assembly, § 5121A of Title 16 states that it is only in effect until July 1, 2013. Thus, § 5121A of Title 16 should be stricken. This Section makes the needed change.

Section 25: HB 346 of the 147th General Assembly substantially revised Delaware's civil mental health laws. The Code Revisors identified that the citation to § 5127 of Title 16 is no longer correct. Researching that correction identified that § 5123 of Title 16 was updated and moved to § 5003 of Title 16 so to correct the mistake, § 5123 of Title 16 should be stricken. This Section makes the needed change.

Section 26: HB 346 of the 147th General Assembly substantially revised Delaware's civil mental health laws. The exact language from what had been § 5127 of Title 16 was placed in the new § 5019(a) of Title 16. The reference to § 5127 of Title 16 was not updated in § 5154 of Title 16. This Section corrects that error.

Section 27: HB 346 of the 147th General Assembly substantially revised Delaware's civil mental health laws. Section 5135 of Title 16 was repealed and that language was included in the new § 5025(a) of Title 16. Also, the exact language from what had been § 5127 of Title 16 was placed in the new § 5019(a) of Title 16. The reference to § 5127 of Title 16 was not updated in § 5161 of Title 16. This Section corrects that error.

Section 28: HB 346 of the 147th General Assembly substantially revised Delaware's civil mental health laws. Section 5131 of Title 16 was repealed and that type of treatment is covered under Chapter 50. Section 5174(2) of Title 16 contains a reference to § 5123 of Title 16 which was updated by the same Act and moved to § 5003 of Title 16. This Section makes the needed changes.

Section 29: HB 373 of the 147th General Assembly revised the process by which a health care payment system is published and eliminated (14) of § 2322B of Title 19. The correct reference should now be § 2322 of Title 19. This Section makes the needed change.

Section 30: HB 162 of the 147th General Assembly added §§ 3571 and 3610 to Title 18 and both reference § 1302(d)(2)(B)(ii)(I) of the Patient Protection and Affordable Care Act. There is no § 1302(d)(2)(B)(ii)(I) of the Patient Protection and Affordable Care Act so this reference is being changed § 1311(d)(2)(B)(ii) of the Patient Protection and Affordable Care as originally intended. This Section makes the needed change.

Section 31: HB 162 of the 147th General Assembly added §§ 3571 and 3610 to Title 18 and both reference § 1302(d)(2)(B)(ii)(I) of the Patient Protection and Affordable Care Act. There is no § 1302(d)(2)(B)(ii)(I) of the Patient

Protection and Affordable Care Act so this reference is being changed to § 1311(d)(2)(B)(ii) of the Patient Protection and Affordable Care Act as originally intended. This Section makes the needed change.

Section 32: As part of revising Title 18, the Code Revisors reversed the order of subsections (a) and (b) so as to maintain alphabetical order of the terms. Prior to this reversal, the term “Department” in Chapter 40 of Title 18 was modified by the phrase, “for the purposes of this chapter,” defining it for this Chapter as the Department of Health & Social Services. Reversing the order of the subsections changed “Department” to its definition in Chapter 1 of Title 18 as meaning the “Insurance Department.” This Section corrects that error and makes additional technical corrections to conform to the Delaware Legislative Drafting Manual.

Section 33: HB 175 of the 147th General Assembly Synopsis created a new section § 2379(f)(4) of Title 19. There is a typographical error so that the statute reads “whether the employer has complied with its obligations under § 2322E(d) of this title to provide a list of possible b [sic] assignments for injured workers.” The letter “b” is an error. The synopsis for HB 175 states that this section “requires that companies be compliant with their ‘back to work’ responsibilities for injured employees before being eligible for the credit.” Section 2379(f)(4) references § 2322E(d) of Title 19 which requires employers to provide a report of “modified-duty jobs.” Instead of “b”, the statute should reference “modified-duty jobs.” This Section makes the needed change.

Section 34: HB 99 of the 146th General Assembly referenced “§ 4704(c)(1)(2)”. There is no such section. Section 4704 has a (c)(1) and a (c)(2). The Code Revisors assumed the word “or” was intended and placed it in the provision in brackets. This Section removes the brackets.

Section 35: HB 416 of the 147th General Assembly corrected insensitive language regarding persons with disabilities. The Bill erroneously changed this term in a manner that it is incorrect. This Section corrects that error.

Section 36: SB 200 of the 145th General Assembly created a new subsection (c) in § 4502 of Title 21. A sentence in paragraph (c)(9) needs the word “that” to be grammatically correct. This Section makes the needed change.

Section 37: SB 189 of the 147th General Assembly eliminated the “limited” license and created the “academic” license but did not use definition language when adding the new term to the statute. This Section makes the needed change.

Section 38: Subchapter VI of Chapter 11 of Title 24 was created by HB 392 of the 144th General Assembly. It contains a sunset provision stating that the Act will expire 2 years from date of enactment, if not re-enacted. The Act was not re-enacted. Section 1106(a)(13) of Title 24 gives the State Board of Dentistry and Dental Hygiene the authority to issue a volunteer license. This Section makes the needed change.

Section 39: HB 359 of the 147th General Assembly revised the definition of the practice of physical therapy and in referencing the prior practice rules used the word “and” instead of “or” which was the language in the prior statute. This Section makes the needed change.

Section 40: HB 357 of the 146th General Assembly amended § 5304 of Title 24 and referred to documents instead of the people holding the documents in § 5304(c). The regulations implementing this section refer to certificate holders and licensees and this change makes the provision consistent with the regulations and grammatically correct. This Section makes the needed change.

Section 41: Chapter 81 of Title 25 was created by SB 273 of the 144th General Assembly and contains a reference to § 81-303(h) which has never existed. The correct reference should be to § 81-303(f). This Section makes the needed change.

Section 42: HB 427 of the 145th General Assembly replaced the word “boxing” with “combative sports” in the title to Chapter 1 of Title 28 but did not replace it in § 929(2) of Title 28. Chapter 1 regulates combative sports so section 929(d) exclude events regulated by Chapter 1 from the catchall regulations for events not otherwise regulated. Since Chapter 1 covers all combative sports, not just boxing, § 929(2) of Title 28 should have been changed by HB 427. This Section makes the needed change.

Section 43: SS1 for SB 28 of the 147th General Assembly allows a per diem employee of the General Assembly who receives a service pension to be exempt from the earnings limit while working for the General Assembly. In revising the statute, the Code Revisors noted punctuation errors. This Section makes the needed change.

Section 44: SB 150 of the 147th General Assembly made changes to § 8059 of Title 29, which included repealing § 8059(e)(8). The reference to the repealed section remained in the revised § 8059(d)(3) and should be stricken because there is no such section. This Section makes the needed change.

Section 45: HB 427 of the 145th General Assembly amended Chapter 1 of Title 28 by replacing the language “boxing, mixed martial arts” with “combative sports”. Included in this change was § 103 which directs the Division of Professional Regulation to promulgate and enforce rules and regulations relating to the regulation of combative sports and combative sports entertainment. Section 8735 of Title 29 also gives the Division of Professional Regulation this authority but it was not amended by HB 427. Adding “combative sports” to § 8735 of Title 29 of makes the sections consistent. This Section makes the needed change.

Section 46: SB 140 of the 148th General Assembly amended § 6502 of Title 30 so that paragraph (b)(4) refers to "paragraphs a. and b." of the section. Section 6502 has "paragraphs a. and b." in sections (1), (2), and (3), making the reference in paragraph (b)(4) unclear. Because paragraph (b)(4) refers to "paragraphs a. and b." in all 3 of the sections, this Section makes the needed change by striking the language about "paragraphs a. and b.".

Section 47: HB 205 of the 148th General Assembly revised Subchapter II of Chapter 27 of Title 16 and repealed the model form that was contained in § 2719. Section 2713 of Title 16 sets forth the manner of executing anatomical gifts, including an indication on a person's driver's license and is the correct reference. This Section changes the reference to § 2713 of Title 16.

Section 48: SB 66 of the 148th General Assembly created The Delaware Neighborhood Conservation and Land Banking Act. Language requiring bidding information to be posted on a website was included in one amendment, but not included in the amendment that ultimately passed, however, this reference to bidding information remained. This Section makes the necessary change.

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