

CHAPTER 281
FORMERLY
HOUSE BILL NO. 350

AN ACT TO AMEND TITLE 11 THE DELAWARE CODE RELATING TO CHOKEHOLDS.

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

Section 1. Amend Chapter 5, Title 11 by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 607A Aggravated Strangulation; penalty; defenses.

(a) As used in this section:

(1) "Chokehold" means of any of the following:

a. A technique intended to restrict another person's airway, or prevent or restrict the breathing of another person.

b. A technique intended to constrict the flow of blood by applying pressure or force to the carotid artery, the jugular vein, or the side of the neck of another person.

(2) "Law-enforcement officer" means as defined in § 222 of this title.

(b) A person commits the offense of Aggravated Strangulation if all of the following conditions are satisfied:

(1) The person is a law-enforcement officer.

(2) The person knowingly or intentionally uses a chokehold on another person.

(3) The person is acting within the person's official capacity as a law-enforcement officer.

(c) Notwithstanding §§ 462-468 of this title to the contrary, the use of a chokehold is only justifiable when the person reasonably believes that the use of deadly force is necessary to protect the life of a civilian or a law enforcement officer.

(d) Except as provided in paragraph (e) of this section, Aggravated Strangulation is a class D felony.

(e) Aggravated Strangulation is a Class C felony if the person caused serious physical injury or death to the other person while committing the offense.

(f) A person charged under this section shall not limit or preclude any other charge being brought against the person.

Approved August 13, 2020