

CHAPTER 199
FORMERLY
HOUSE BILL NO. 9
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES.

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

Section 1. Amend § 1302, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1302. Riot; class F felony.

A person is guilty of riot when the person participates with 2 or more persons in a course of disorderly conduct:

- (1) With intent to commit or facilitate the commission of a felony or misdemeanor; or
- (2) With intent to prevent or coerce official action; or
- (3) When the accused or any other participant to the knowledge of the accused uses or plans to use a firearm or other deadly weapon.

Any other provision of this Criminal Code notwithstanding, whoever violates this section shall be guilty of a class F felony.

Any other provision of this Criminal Code or Title 10 notwithstanding, any person over 16 years old who violates this section ~~shall~~ may be prosecuted as an adult pursuant to §§1010 and 1011 of Title 10.

Section 2. Amend § 1338, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1338. Bombs, incendiary devices, Molotov cocktails and explosive devices; class D felony.

(c) Any other provision of this Criminal Code notwithstanding, any person over 16 years old who violates this section ~~shall~~ may be prosecuted as an adult pursuant to §§1010 and 1011 of Title 10.

Section 3. Amend § 1447, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1447. Possession of a deadly weapon during commission of a felony; class B felony.

(d) Every person charged under this section over the age of 16 years ~~shall~~ may be tried as an adult pursuant to §§1010 and 1011 of Title 10, notwithstanding any contrary provision of statutes governing the Family Court or any other state law.

Section 5. Amend § 1449, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1449. Wearing body armor during commission of felony; class B felony.

(d) Every person charged under this section over the age of 16 years ~~shall~~ may be tried as an adult pursuant to §§1010 and 1011 of Title 10, notwithstanding any contrary provision of statutes governing the Family Court or any other state law.

Approved October 12, 2017