

CHAPTER 216  
FORMERLY  
SENATE BILL NO. 115

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ENVIRONMENTAL VIOLATIONS.

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

Section 1. Amend § 1304, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1304. Environmental misdemeanors, environmental violations, sentences and fines.

(i) Any conviction of a class C or class D environmental violation, for a first offense, shall not be reported on criminal history records ~~kept by DELJIS or the State~~ provided by the State Bureau of Identification for employment purposes under § 8513(c) of Title 11. This provision shall not apply to a subsequent conviction of a class C or class D environmental violation within 5 years, and any such subsequent conviction shall be reported on a criminal history record provided by the State Bureau of Identification for employment purposes under § 8513(c) of Title 11. ~~DNREC is authorized to retain records on environmental violations in whatever form the Secretary deems necessary in order to ensure that the second offense and higher penalties are pursued when appropriate, and the Justice of the Peace Courts are instructed to take judicial notice of DNREC's records for this purpose.~~

Approved April 20, 2016