

CHAPTER 391  
FORMERLY  
SENATE BILL NO. 203

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO CRIMINAL PENALTIES FOR VIOLATIONS OF LAW RELATING TO WETLANDS AND SUBAQUEOUS LANDS.

WHEREAS, Delaware's wetlands provide critical function and value, including reducing flood damage by capturing, slowing, and holding water; helping purify the State's waters; contributing to groundwater supplies; providing critical habitat for fish and wildlife species; and supporting economic development related to waterfowl hunting, bird watching, and other outdoor recreation; and

WHEREAS, Delaware's subaqueous lands provide critical function and value, including recreational opportunities, wildlife habitat, water quality preservation, and help grow Delaware's tourism economy; and

WHEREAS, 2013 amendments to Chapter 66, Title 7 related to Wetlands, and Chapter 72, Title 7 related to Subaqueous Lands, made by Chapter 147, Volume 79 of the Laws of Delaware, inadvertently removed the ability to assess criminal penalties pursuant to § 6013, Title 7 related to Criminal Penalties; and

WHEREAS, DNREC needs the necessary flexibility to choose between civil, administrative, or criminal enforcement for a given violation;

NOW, THEREFORE:

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

Section 1. Amend § 6617, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6617. Penalties.

(a) Whoever violates this chapter or any rule or regulation duly promulgated thereunder, or any condition of a permit issued pursuant to § 6604 of this title, or any order of the Secretary, shall be subject to enforcement ~~under~~ in accordance with § 6005 or § 6013, or both, of this title.

Section 2. Amend § 7214, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7214. Violations; enforcement; civil and criminal penalties.

(a) Whoever violates this chapter or any rule or regulation duly promulgated, or any condition of a permit issued pursuant to § 7205 of this title, or any order of the Secretary, shall be subject to enforcement ~~under~~ in accordance with § 6005 or § 6013, or both, of this title.

Approved August 10, 2016