

CHAPTER 297
FORMERLY
HOUSE BILL NO. 312
AS AMENDED BY
HOUSE AMENDMENT NO. 2

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

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

Section 1. Amend Title 11, § 3901(d) of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3901 Fixing term of imprisonment; credits.

(d) ~~No~~ The court shall direct whether the sentence of confinement of any criminal defendant by any court of this State shall be made to run concurrently or consecutively with any other sentence of confinement imposed on such criminal defendant. Notwithstanding the foregoing, no sentence of confinement of any criminal defendant by any court of this State shall be made to run concurrently with any other sentence of confinement imposed on such criminal defendant for any conviction of the following crimes:

Title 11, Section Crime

803 Arson in the first degree

826 Burglary in the first degree

825 Burglary in the second degree

826A Home Invasion

636 Murder in the first degree

635 Murder in the second degree

632 Manslaughter

783 Kidnapping in the second degree

783A Kidnapping in the first degree

606 Abuse of a pregnant female in the first degree

613 Assault in the first degree

832 Robbery in the first degree

836 Carjacking in the first degree

772 Rape in the second degree

773 Rape in the first degree

777A Sex offender unlawful sexual conduct against a child

778(1), (2) or (3) Sexual Abuse of a Child by a Person in a Position of Trust, Authority or Supervision in the First Degree

1254 Assault in a detention facility

1447A Possession of a firearm during the commission of a felony

or for any sentence for Possession of a Firearm by a Person Prohibited where the criminal defendant was previously convicted of a Title 11 violent felony.

(e) For purposes of this section, "Title 11 violent felony" means any Title 11 offense identified in § 4201(c) of this title, or any offense set forth under the laws of the United States, any other state or any territory of the United States which is the same as or equivalent to any of the offenses designated as a Title 11 offense identified in § 4201(c) of this title.

Approved July 09, 2014