

CHAPTER 370
FORMERLY
HOUSE BILL NO. 389

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO CONSTABLES.

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

Section 1. Amend § 2704, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2704 Term of office; discharge.

(a) The term of office for constables shall be ~~1 year~~ 2 years. Those constables appointed prior to July 13, 1990, shall have their commissions reviewed by the Board of Examiners within 1 year of July 13, 1990, and after review may be discharged by the Board for cause prior to the expiration of their term. A constable, including one appointed before July 13, 1990, may be discharged by the Board for cause prior to the expiration of the term. The Board of Examiners shall establish procedures for notification to the appropriate persons and authorities of its discharge of a constable. For the purposes of this section, "cause" shall mean:

(1) Conviction of a crime involving moral turpitude;
(2) Conviction of a felony;
(3) A finding by the Board that an individual used fraud or deceit in obtaining a constable's commission; or

(4) Gross negligence or incompetence in performing a constable's duties.

(b) It shall be the duty of the constable to notify the Board of Examiners immediately if the constable's employment with the individual, firm, corporation, civic association or governmental entity at whose instance the constable was appointed is terminated. It shall also be the duty of the individual, firm, corporation, civic association or governmental entity to notify the Board of Examiners immediately if a constable in their employ is terminated, and such individual performed duties as a constable during and as part of the employment.

Section 2. This Act shall take effect for any commission issued on or after January 1, 2015.

Approved July 29, 2014