

CHAPTER 103
FORMERLY
SENATE BILL NO. 133

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF VIOLENT CRIMES.

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

Section 1. Amend Section 9009(10) of Title 11 of the Delaware Code by striking that paragraph in its entirety and by adding a new paragraph to read as follows:

“(10) Where compensation has been paid to a claimant, the Agency shall not reopen or reinvestigate a case after 2 years from the date of the last payment by the Agency, except where the Agency in its discretion determines that the circumstances render this requirement unreasonable. Where compensation has been denied to a claimant, reopening and reinvestigation shall be limited to the circumstances set forth in Superior Court Civil Rule 60.”

Section 2. Amend Section 9009(12) of Title 11 of the Delaware Code by striking the words “minor by an adult” and substituting in lieu thereof the word “child”.

Section 3. Amend Section 9010(d) of Title 11 of the Delaware Code by striking the words “by an adult” wherever they appear therein.

Section 4. Amend Section 9010(a)(4) of Title 11 of the Delaware Code by adding the following to the end of the sentence: “or the Agency in its discretion determines that the circumstances render this requirement unreasonable”.

Section 5. Amend Section 9010(a)(5)(c) of Title 11 of the Delaware Code by adding the following after the word “involving” and before the words “sexual assault”: “domestic violence,”.

Section 6. Amend Section 9002(5)(c) of Title 11 of the Delaware Code by adding the words “or in violation of the United States Criminal Code,” after the words “United States” and before the words “in which”.

Section 7. Amend Section 9002(5)(f) of Title 11 of the Delaware Code by striking that paragraph in its entirety and by adding a new paragraph (f) to read as follows:

“(f) Any offense under the Criminal Code or the Motor Vehicle Code containing as an element the act of driving under the influence of alcohol or any drug or driving with a prohibited blood alcohol concentration, Vehicular Homicide in any degree, Vehicular Assault in any degree, operation of a Motor Vehicle Causing Death, or leaving the scene of an accident involving personal injury; or”.

Section 8. Amend Section 9011(d) of Title 11 of the Delaware Code by striking the words “who are permanently and totally disabled” and substituting therefor the words “who sustain a permanent injury, or are totally disabled”.

Approved July 08, 2011