

CHAPTER 283
FORMERLY
SENATE BILL NO. 209

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

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

Section 1. Amend Chapter 5, Title 11 of the Delaware Code by adding a new section "1245A" thereto by making insertions as shown by underlining as follows:

"§ 1245A. Providing a false statement to law-enforcement; class G felony; class A misdemeanor.

(a) A person is guilty of providing a false statement to law-enforcement when, with intent to prevent, hinder or delay the investigation of any crime or offense by a law-enforcement officer or agency, the person knowingly provides any false written or oral statement to the law-enforcement officer or agency when such statement is material to the investigation.

(b) As used in this section:

(1) A 'statement' is any oral or written assertion and includes, but is not limited to, any oral utterance, any written document or instrument, any computer-generated document or instrument, any police report, or any representation that a person makes under circumstances evidencing an intent that such be used or knowledge that a law-enforcement officer or agency may use such as an assertion of fact.

(2) A statement is 'false' when such statement contains untrue, incomplete or misleading information concerning any fact or thing material to the investigation of a crime or offense by a law-enforcement officer or agency.

(3) A statement is 'material' when, regardless of its eventual use or admissibility in an official proceeding, it could have affected the course or outcome of the investigation of a crime or offense by a law-enforcement officer or agency.

(4) An 'official proceeding' includes any action or proceeding conducted by or before a legally constituted judicial, administrative or other governmental agency or official, in which evidence or testimony of witnesses may properly be received.

(c) Providing a false statement to law-enforcement is a class G felony if the crime or offense being investigated is a felony.

(d) Providing a false statement to law-enforcement is a class A misdemeanor if the crime or offense being investigated is other than a felony."

Approved June 28, 2012