

CHAPTER 40
FORMERLY
HOUSE BILL NO. 7

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO RECOVERY OF DAMAGES FROM PARENTS OR GUARDIANS.

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

WHEREAS, it is becoming increasingly expensive to repair or replace property damaged by minors who commit property offenses that include, but are not limited to, graffiti, vandalism, and the physical destruction of private or public amenities; and

WHEREAS, currently any intentional or reckless act of a minor under the age of 18 years that results in the damage of property may be imputed to the parent or guardian having custody and control of the minor for all purposes of civil damages up to \$5,000; and

WHEREAS, it is desirable to increase this cap on damages to assist public and private owners in repairing or replacing property damaged or destroyed by a minor, as well as to safeguard the fiscal integrity of governmental entities that expend public funds to repair or replace such damaged property, enabling them to recoup a greater amount of the cost of such repair or replacement.

NOW, THEREFORE:

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

Section 1. Amend § 3922, Title 10 of the Delaware Code by deleting the term “\$5,000” appearing therein and substituting “\$10,000” in place thereof.

Section 2. The provisions of this Act shall become effective upon enactment into law.

Section 3. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect the provisions of this Act that can be given effect without such invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Approved June 16, 2009