

CHAPTER 136
FORMERLY
HOUSE BILL NO. 146
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING
TO DOMESTIC VIOLENCE

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

Section 1. Amend § 2105(a), Title 13 of the Delaware Code by striking said subsection in its entirety and inserting in lieu thereof the following:

“(a) The Council shall have the power to investigate and review, through a review panel, the facts and circumstances of all deaths and near deaths that occur in Delaware as a result of domestic violence. Near deaths means a victim in serious or critical condition as certified by a physician. This review shall include both homicides and suicides resulting from domestic violence. Reviews may also include cases where the victim suffered a substantial risk of serious physical injury or death. The review of deaths or near deaths involving criminal investigations will be delayed for at least 6 months, and will under no circumstances begin until authorized by the Attorney General's office. Any case involving the death of a minor (any child under the age of 18) related to domestic violence will be reviewed jointly by the appropriate regional panel of the Child Death, Near Death and Stillborn Commission and the domestic violence fatal incident review panel. The death of a minor will only be reviewed by the domestic violence fatal incident review panel where the minor's parents or guardians were involved in an abusive relationship and the minor's death is directly related to that abuse.”.

Section 2. Amend § 2105(d), Title 13 of the Delaware Code by inserting the words “or near death” each time they appear after the word “death” and before the word “under” in said subsection.

Section 3. Amend § 2105(h), Title 13 of the Delaware Code by inserting the words “or near death” after the words “each death” and before the comma as it appears in said subsection.

Section 4. Amend §2105(b), Title 21, Delaware Code, by adding after the word “death” at each location found therein, the phrase “or near death”, and further by adding after the phrase “the decedent”, the phrase “or near death victim”.

Approved July 08, 2009