

CHAPTER 148
FORMERLY
SENATE BILL NO. 185

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING
TO CRIMINAL PROCEDURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
DELAWARE (Two-thirds of all members elected to each house thereof
concurring therein):

Section 1. Amend § 4120(a), Title 11 of the Delaware Code by deleting the phrase “10 consecutive business” after the phrase “who is for more than”, but before the phrase “or for more than”, and inserting in lieu thereof the number “7”.

Section 2. Amend § 4120(a), Title 11 of the Delaware Code by adding the phrase “or enrolls in” before the phrase “any public or private educational facility”, and after the phrase “A student is any person who attends”.

Section 3. Amend § 4120(d)(1), Title 11 of the Delaware Code by adding the following sentence immediately following the phrase “signature representing the registering agency or court.”, “The Superintendent of the Delaware State Police shall notify the chief law enforcement officer having jurisdiction over the sex offender’s residence, place of employment, and/or study. The notice shall include, but is not limited to, all available registration information pertaining to the sex offender as set forth herein.”.

Section 4. Amend § 4120(d)(2), Title 11 of the Delaware Code by adding the phrase “Internet identifiers,” after the phrase “email address or addresses,” but before the phrase “and the age, gender, race”.

Section 5. Amend § 4120(d)(2), Title 11 of the Delaware Code by adding the following sentence at the end of the paragraph, “Notwithstanding any provision to the contrary, a DNA sample will also be taken from the offender. The resulting DNA profile will be submitted for entry into the Combined DNA Index System (CODIS). All information collected pursuant to this paragraph shall be kept in digitized form in an electronic database maintained by the designated Delaware Police facility responsible for registration.”

Section 6. Amend § 4120(e)(1), Title 11 of the Delaware Code by deleting the phrase, “the United States or any territory of the United States” after the phrase “laws of another state,” and before the phrase “or any foreign government, and inserting in lieu thereof, the phrase “commonwealth, territory, or other jurisdiction of the United States”

Section 7. Amend § 4120(e)(1), Title 11 of the Delaware Code by deleting the phrase “, and” after the phrase “§4121(a)(4) of this title”, but before the phrase “who is a permanent”, and inserting in lieu thereof, the phrase, “; or any person convicted of any federal or military offense enumerated in 42 U.S.C. § 16911(5)(iii) and (iv),”.

Section 8. Amend § 4120(e)(2), Title 11 of the Delaware Code by deleting the phrase “, and” after the phrase “§4121(a)(4) of this title”, but before the phrase “who is a permanent”, and inserting in lieu thereof, the phrase, “; or any person convicted of any federal or military offense enumerated in 42 U.S.C. § 16911(5)(iii) and (iv),”.

Section 9. Amend § 4120(g), Title 11 of the Delaware Code by adding a new subsection (4) to state as follows:

(4) There shall be assessed an annual administrative fee in the amount of \$30.00 collected from the offender by January 31st of each year payable at the time of verification.”

Section 10. Amend § 4120(h), Title 11 of the Delaware Code by deleting the word “may” after the phrase “pursuant to this section” but before the phrase “petition the Superior Court” and inserting in lieu thereof the phrase “who seeks relief or redesignation must”.

Section 11. Amend § 4120(m), Title 11 of the Delaware Code by adding the phrase “, any arrests not resulting in conviction, the offender’s social security number and travel and/or immigration document numbers” after the phrase “identity of a victim of the offense”, but before the phrase “shall not be released.”

Section 12. Amend § 4121(a)(4)a., Title 11 of the Delaware Code by adding the phrase “§787(b)(2)” after the phrase “§§ 765 through 780,” but before the phrase “§1100,” and adding the phrase “or conspiracy” after the phrase “of any attempt”, but before the phrase “to commit any of”.

Section 13. Amend § 4121(a)(4)c., Title 11 of the Delaware Code by deleting the phrase “the United States or any territory of the United States, or” and inserting in lieu thereof the phrase “commonwealth, territory, or other jurisdiction of the United States requiring registration in that jurisdiction, or a conviction in”.

Section 14. Amend § 4121(a)(4)c., Title 11 of the Delaware Code by adding the phrase “convicted of any federal or military offense enumerated in 42 U.S.C. § 16911(5)(iii) and (iv); or” after the phrase “or (a)(4)(d) of this section; or”.

Section 15. Amend § 4121(a)(4)d., Title 11 of the Delaware Code by deleting the phrase “or § 783A94) of this title, if the purpose of the crime was to facilitate any offense set forth in paragraph (a)(4)a., (a)(4)b. or (a)(4)c. of this section; or” and inserting in lieu thereof, the phrase “or § 783(6) or § 784A(4) or §783A(6) of this title; or”.

Section 16. Amend § 4121(d)(1)a., Title 11 of the Delaware Code by deleting the number “12” after the phrase “offense involved a child under” and inserting in lieu thereof the phrase “the age of 13”.

Section 17. Amend § 4121(d)(1)a., Title 11 of the Delaware Code by adding the phrase “Trafficking in Persons where the victim is under the age of 13 or the offense involved sexual servitude of a minor through force or threat of force, Sexual Extortion if the offense involved force or threat of force, Dangerous Crime Against a Child if the offense involved force or the threat of force” after the phrase “Sexual Exploitation of a Child,” and before the phrase “; or”.

Section 18. Amend § 4121(d)(1)b., Title 11 of the Delaware Code by adding the phrase “or (a)(6)”, after the phrase “paragraph (a)(4)” and before the phrase “of this section,”.

Section 19. Amend § 4121(d)(1)c., Title 11 of the Delaware Code by adding the phrase “or conspiracy” after the phrase “Any attempt” and before the phrase “to commit”.

Section 20. Amend § 4121(d)(1)d., Title 11 of the Delaware Code by deleting the phrase “the United States,” after the phrase “laws of another state” and before the phrase “any territory of”.

Section 21. Amend § 4121(d)(1)d., Title 11 of the Delaware Code by deleting the phrase “(d)(1)a. through (d)(1)(c)” after the phrase “set forth in paragraphs” and before the phrase “of this section” and inserting in lieu thereof, the phrase “(d)(1)a. through (d)(1)(d)”.

Section 21. Amend § 4121(d)(1), Title 11 of the Delaware Code by adding a new subsection c. to state as follows:

“c. Federal offenses found at 18 U.S.C. § 2241; § 2242; § 2244; or any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note); or”.

Section 22. Amend § 4121(d)(1), Title 11 of the Delaware Code by redesignating the existing subsections c., d., and e., as subsections d., e., and f. respectively.

Section 23. Amend § 4121(d)(2)a., Title 11 of the Delaware Code by adding the phrase “unless the offense involved force or the threat of force” after the phrase “Sexual Extortion” but before the phrase “Bestiality”, and after the phrase “Dangerous Crime Against a Child”, but before the phrase “Unlawfully Dealing in Child Pornography”.

Section 24. Amend § 4121(d)(2)a., Title 11 of the Delaware Code by adding the phrase “Trafficking in Persons where the offense involved sexual servitude of a minor aged 13 to 17 years old unless the offense involved force or threat of force, Promoting Prostitution in the Second Degree, Promoting Prostitution in the First Degree” after the phrase “Sexual Exploitation of a Child;” and before the phrase “; or”.

Section 25. Amend § 4121(d)(2)b., Title 11 of the Delaware Code by adding the phrase “or conspiracy” after the phrase “Any attempt” and before the phrase “to commit”.

Section 26. Amend § 4121(d)(2), Title 11 of the Delaware Code by adding new subsections b. and c. to state as follows:

“b. Federal offenses found at 18 U.S.C. § 2243; § 2244; §2251; §2251A; §2252; §2252A; §2260; §2421; §2422(b); § 2423(a); or

c. Any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note); or”

Section 27. Amend § 4121(d)(2), Title 11 of the Delaware Code by re-designating the subsections b., c., d., and e. as d., e., f., and g. respectively.

Section 28. Amend § 4121(d)(3), Title 11 of the Delaware Code by adding the following sentence at the end of the paragraph:

“Moreover, offenders convicted of the following federal offenses shall register under Tier I: 11 U.S.C. § 1591; §1801; § 2252 (CP); § 2252B; § 2252C; §2422(a); §2423(b); § 2423(c); § 2424; § 2425; or any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note).”

Section 29. Amend § 4121(d)(6)a., Title 11 of the Delaware Code by deleting the number “12” and inserting in lieu thereof, the number “13”.

Section 30. Amend § 4120A(d), Title 11 of the Delaware Code by deleting the phrase “January 1, 2009” where ever that phrase appears throughout this section and inserting in lieu thereof, the phrase “January 1, 2011”.

Section 31. Amend § 4120A(d), Title 11 of the Delaware Code by deleting the phrase “January 1, 2010” where ever that phrase appears throughout this section and inserting in lieu thereof, the phrase “January 1, 2012”.

Section 32. Amend § 4120A(d)(6), Title 11 of the Delaware Code by deleting the year “2009” as it appears after the phrase “July 15,” but before the phrase “, the Board shall prepare”, and inserting in lieu thereof, the year “2010”.

Section 33. Amend § 768, Title 11 of the Delaware Code, by deleting the number “16” after the phrase “who is less than”, but before the phrase “years of age”, and inserting in lieu thereof the number “18”.

Section 34. Amend § 769(a), Title 11 of the Delaware Code, by adding a new subsection (3) to state as follows:

“(3) The person intentionally has sexual contact with another person who is less than 13 years of age or causes the victim to have sexual contact with the person or a third person.”

Section 35. Amend § 783(6), Title 11 of the Delaware Code, by deleting the number “16” after the phrase “any child less than”, but before the phrase “years of age”, and inserting in lieu thereof the number “18”.

Section 36. Amend § 783A(6), Title 11 of the Delaware Code, by deleting the number “16” after the phrase any child less than”, but before the phrase “years of age”, and inserting in lieu thereof the number “18”.

Section 37. Amend § 1112(a)(1), Title 11 of the Delaware Code, by deleting the word, “sixteenth” after the phrase “any child who has not yet reached his or her”, but before the phrase “birthday to meet with”, and inserting in lieu thereof the word “eighteenth”.

Approved July 10, 2009