

CHAPTER 162
FORMERLY
HOUSE BILL NO. 152

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING
TO RULES OF THE ROAD.

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

Section 1. Amend § 4177(d)(1), Title 21 of the Delaware Code by deleting the amounts "\$230" and "\$1,150", and inserting in lieu thereof the amounts "\$500" and "\$1,500", respectively.

Section 2. Amend § 4177(d)(2), Title 21 of the Delaware Code by deleting the amounts "\$575" and "\$2,300", and inserting in lieu thereof the amounts "\$750" and "\$2,500", respectively.

Section 3. Amend § 4177(d)(3), Title 21 of the Delaware Code by deleting the amounts "\$1,000" and "\$3,000", and inserting in lieu thereof the amounts "\$1,500" and "\$5,000", respectively.

Section 4. Amend § 4177(d)(4), Title 21 of the Delaware Code by deleting paragraph (4) and inserting in lieu thereof the following.

"(4) For a fourth offense occurring any time after 3 prior offenses, be guilty of a class E felony, be fined not less than \$3,000 nor more than \$7,000, and imprisoned not less than 2 years nor more than 5 years.

(5) For a fifth offense occurring any time after 4 prior offenses, be guilty of a class E felony, be fined not less than \$3,500 nor more than \$10,000 and imprisoned not less than 3 years nor more than 5 years.

(6) For a sixth offense occurring any time after 5 prior offenses, be guilty of a class D felony, be fined not less than \$5,000 nor more than \$10,000 and imprisoned not less than 5 years nor more than 8 years.

(7) For a seventh offense occurring any time after 6 prior offenses, or for any subsequent offense, be guilty of a class C felony, be fined not less than \$10,000 nor more than \$15,000 and imprisoned not less than 10 years nor greater than 15 years.

(8) For the fourth, fifth, sixth, seventh offense or greater, the provisions of § 4205(b) or § 4217 of Title 11 or any other statute to the contrary notwithstanding, the first six months of the sentence shall not be suspended, but shall be served at Level V and shall not be subject to any early release, furlough or reduction of any kind. No conviction for violation of this section for which a sentence is imposed pursuant to this paragraph shall be considered a predicate felony conviction for sentencing pursuant to § 4214 of Title 11. No offense for which sentencing pursuant to this paragraph is applicable shall be considered any underlying felony for a murder in the first degree charge pursuant to § 636(a)(2) of Title 11."

Section 5. Amend § 4177(d)(6)a, Title 21 of the Delaware Code by striking the phrase "minimum of \$230 and not more than an additional \$1,150" and substituting in lieu thereof, "minimum of \$500 and not more than an additional \$1,500", in § 4177(d)(6)b, by striking the phrase "minimum of \$575 and not more than an additional \$2,300" and substituting in lieu thereof "minimum of \$750 and not more than an additional \$2,500".

Section 6. Amend § 4177(d)(5), § 4177(d)(6) and § 4177(d)(7), Title 21 of the Delaware Code by renumbering the aforesaid paragraphs as § 4177(d)(9), § 4177(d)(10) and § 4177(d)(11), respectively.

Section 7. Amend § 4177B, Title 21 of the Delaware Code, in subsection (a) by striking the phrase “costs of prosecution are court costs as established by the appropriate court schedules”, and substituting in lieu thereof “costs of prosecution shall be \$250 and any additional costs as established by the appropriate court schedules”.

Approved July 13, 2009