

CHAPTER 416  
FORMERLY  
HOUSE SUBSTITUTE NO. 1 FOR  
HOUSE BILL NO. 348  
AS AMENDED BY  
HOUSE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.

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 §1105, Title 11 of the Delaware Code by deleting the existing section in its entirety and substituting a new “§1105” in lieu thereof as follows:

“§1105. Crime Against a Vulnerable Adult.

- (a) Any person who commits, or attempts to commit, any of the crimes or offenses set forth in subsection (f) of this section against a person who is a vulnerable adult is guilty of a Crime Against a Vulnerable Adult.
- (b) A Crime Against a Vulnerable Adult shall be punished as follows:
  - (1) If the underlying offense is an unclassified misdemeanor, or a class B misdemeanor, the Crime Against a Vulnerable Adult shall be a class A misdemeanor;
  - (2) If the underlying offense is a class A misdemeanor, the Crime Against a Vulnerable Adult shall be a class G felony;
  - (3) If the underlying offense is a class D, E, F, or G felony, the Crime Against a Vulnerable Adult shall be one class higher than the underlying offense.
- (c) “Vulnerable Adult” means a person 18 years of age or older who, by reason of isolation, sickness, debilitation, mental illness or physical, mental or cognitive disability, is easily susceptible to abuse, neglect, mistreatment, intimidation, manipulation, coercion or exploitation. Without limitation, the term “vulnerable adult” includes any adult for whom a guardian or the person or property has been appointed.
- (d) Notwithstanding any provision of law to the contrary, it is no defense to an offense or sentencing provision set forth in this section that the accused did not know that the victim was a vulnerable adult or that the accused reasonably believed the person was not a vulnerable adult unless the statute defining the underlying offense, or a related statute, expressly provides that knowledge that the victim is a vulnerable adult is a defense.
- (e) No person shall be sentenced for both an underlying offense and a Crime Against a Vulnerable Adult. No person shall be sentenced for a violation of subsection (a) of this section if the underlying offense, as charged against the accused, has an element that the victim was 62 years of age or older or was an infirm adult.
- (f) The following shall be underlying offenses for the purposes of this section:

Title 11:

- § 601. Offensive touching
- § 602(a). Menacing
- § 602(b). Aggravated Menacing
- § 603. Reckless endangering in the second degree
- § 604. Reckless endangering in the first degree
- § 605. Abuse of a pregnant female in the second degree
- § 606. Abuse of a pregnant female in the first degree
- § 611. Assault in the third degree
- § 612. Assault in the second degree
- § 621. Terroristic threatening
- § 622. Hoax device
- § 625. Unlawfully administering drugs
- § 626. Unlawfully administering controlled substance or counterfeit substance or narcotic drugs
- § 645. Promoting suicide
- § 763. Sexual harassment
- § 764. Indecent exposure in the second degree
- § 766. Incest
- § 767. Unlawful sexual contact in the third degree
- § 769. Unlawful sexual contact in the first degree
- § 770. Rape in the fourth degree
- § 776. Sexual extortion
- § 780. Female genital mutilation

§ 781. Unlawful imprisonment in the second degree  
§ 782. Unlawful imprisonment in the first degree  
§ 783. Kidnapping in the second degree  
§ 791. Acts constituting coercion  
§ 803. Criminal mischief  
§ 825. Burglary in the second degree  
§ 831. Robbery in the second degree  
§ 835. Carjacking in the second degree  
§ 841. Theft, except subsection (c)(3)b.  
§ 842. Theft; lost or mislaid property  
§ 841A. Theft of a motor vehicle  
§ 843. Theft; false pretense  
§ 844. Theft; false promise  
§ 846. Extortion  
§ 848. Misapplication of property  
§ 853. Unauthorized use of a vehicle  
§ 854. Identity theft  
§ 861. Forgery  
§ 903. Unlawful use of credit card  
§ 909. Securing execution of documents by deception  
§ 914. Use of consumer identification information  
§ 916. Home improvement fraud  
§ 917. New home construction fraud, except (d)(3)  
§ 1001. Bigamy  
§ 1311. Harassment  
§ 1312. Stalking, except (d)(1) and (d)(2)  
§ 1335. Violation of privacy  
§ 1339. Adulteration  
§ 1451. Theft of a firearm  
Title 6:  
§ 7322. Securities Fraud.”.

Approved July 16, 2010