

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 17  
151st GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 51

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING A VEHICLE WHILE UNDER THE INFLUENCE.

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

Section 1. Amend § 4177, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4177. Driving a vehicle while under the influence or with a prohibited alcohol or drug content; evidence; arrests; and penalties.

(d) Whoever is convicted of a violation of subsection (a) of this section shall:

(9) Any minimum sentence suspended pursuant to paragraph (d)(3), (d)(4), or (d)(8) of this section shall be upon the condition that the offender shall complete a program of supervision which shall include:

a. A drug and alcohol abstinence program requiring that the offender maintain a period of not less than 90 consecutive days of sobriety as measured by a transdermal continuous alcohol monitoring device or through periodic breath or urine analysis. In addition to such monitoring, the offender shall participate in periodic, random breath or urine analysis during the entire period of supervision.

b. An intensive inpatient or outpatient drug and alcohol treatment program for a period of not less than 3 months as approved by the Court or the Department of Correction.

1. Such treatment and counseling may be completed either while an offender is serving a ~~Level V or Level IV sentence~~ any level of supervision as defined by § 4204(c)(2) through (5) of Title 11 or after arrest but before adjudication of the offense.

2. Notwithstanding paragraph (d)(9)b.1. of this section, the offender must complete the required drug and alcohol treatment program within 9 months from the date the offender is sentenced or from the date of release following a Level V or Level IV sentence.

3. If an offender fails to complete the required drug and alcohol treatment program as required under paragraph (d)(9)b.2. of this section, the Court shall impose the portion of the minimum sentence suspended by the Court under paragraphs (d)(3), (d)(4), or (d)(8) of this section for the offender's participation in the program.

4. On petition by the offender, or the Department of Correction, filed before the expiration of the 9-month period under paragraph (d)(9)b.2. of this section, the Court may, for good cause shown, extend the 9-month period to accommodate the completion of the required drug and alcohol treatment program.

Approved April 13, 2021