

LAWS OF DELAWARE
VOLUME 83
CHAPTER 409
151st GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 307
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE.

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

Section 1. Amend Title 11 of the Delaware Code by adding a new section 1112C and by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1112C. Enticement for Purposes of Sexual Contact

(a) A person is guilty of enticement if the person, being 18 years of age or older and at least 4 years older than a child, knowingly engages in a course of conduct to persuade, induce, entice, or coerce that involves or results in the person gaining access to and time alone with that child, with the intent of building trust with that child for the purpose of ultimately engaging in sexual contact or penetration with that child.

(b) For purposes of this section, "child" means any individual who is younger than 18 years of age.

(c) For purposes of this section, "a course of conduct" means three or more separate incidents that a reasonable person would find inappropriate, in isolation or collectively, given the nature and circumstances of the relationship between the person and the child, including:

(1) Showing, offering, or sending the child sexually explicit materials, including images, videos, audio recordings, or any other depiction of sexual activity;

(2) Exposing the child to sexually explicit language or jokes;

(3) Making comments to the child about his or her sexual or physical development;

(4) Bathing the child;

(5) Walking in on the child changing his or her clothes or using the toilet, or watching the child do either;

(6) Asking the child to watch an adult change clothes or use the toilet;

(7) Taking pictures of or videorecording the child while the child is nude or wearing only underwear;

(8) Wrestling the child in underwear or while nude;

(9) Tickling the child;

(10) Playing games with the child that involve touching genitalia;

(12) Buying the child gifts that are not in celebration of a holiday or birthday;

(13) Giving special privileges to the child, such as car rides to or from school or practices; or

(14) Committing any sexual offense, as defined in Chapter 5, Subchapter II, Part D of this Title, or any attempt or solicitation to commit any such sexual offense, against the child;

(d) A conviction is not required for any predicate act relied upon to establish a course of conduct. A conviction for any predicate act relied upon to establish a course of conduct does not preclude prosecution under this section. Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

(e) For the purposes of this section, it is not a defense to prosecution that no sexual contact or penetration actually occurred.

(f) Enticement for purposes of sexual contact is a class F felony.

Approved August 19, 2022