

LAWS OF DELAWARE
VOLUME 85
CHAPTER 13
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 23

AN ACT TO AMEND TITLE 10 AND TITLE 11 OF THE DELAWARE CODE RELATING TO HUMAN TRAFFICKING.

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

Section 1. Amend § 787, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 787. Trafficking an individual, forced labor and sexual servitude; class D felony; class C felony; class B felony; class A felony.

(e) *Forfeiture*. — (1) On motion, the court shall order a person convicted of an offense under paragraphs ~~(b)(1)-(3)~~ (b)(1) through (b)(5) of this section to forfeit any interest in real or personal property that was used or intended to be used to commit or facilitate the commission of the offense or that constitutes or derives from proceeds that the person obtained, directly or indirectly, as a result of the offense.

(g) *Special provisions regarding a minor*. —

(2) A party to a juvenile delinquency proceeding in which a minor is charged with ~~prostitution or~~ loitering, or an attorney guardian ad litem or court-appointed special advocate appointed in a proceeding under § 901 et seq. of Title 10, may file a motion on behalf of a minor in a juvenile delinquency proceeding seeking to stay the juvenile delinquency proceedings. Such motion may be opposed by the Attorney General. The Family Court may consider such a motion and, in its discretion, may stay the juvenile delinquency proceeding indefinitely. Upon such motion, the Department of Services for Children, Youth and Their Families and/or the Family Court may identify and order available specialized services for the minor that, in the opinion of the Department of Services for Children, Youth and Their Families or Family Court, are best suited to the needs of the juvenile. So long as the minor substantially complies with the requirement of services identified by the Department of Services for Children, Youth and Their Families and/or ordered by the Family Court, the Attorney General shall, upon motion, nolle prosequi the stayed charges no earlier than 1 year after the stay was imposed. Upon motion of the Attorney General that the minor has not substantially complied with the requirement of services identified by the Department of Services for Children, Youth and Their Families and/or ordered by the Family Court, the Family Court shall lift the stay for further proceedings in accordance with the regular course of such proceedings.

Section 2. Amend § 1041, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

1041. Definitions.

The following terms shall have the following meanings:

(1) “Abuse” means conduct which constitutes any of the following:

k. “Human trafficking” as defined under § 787 of Title 11.

Approved May 7, 2025