

LAWS OF DELAWARE
VOLUME 85
CHAPTER 106
153rd GENERAL ASSEMBLY
FORMERLY
SENATE SUBSTITUTE NO. 2
FOR
SENATE BILL NO. 115

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO SUMMARY POSSESSION.

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

Section 1. Amend Chapter 57, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5720. Shielding of records.

(a) A defendant in an action under this chapter may apply to the Court in which the action was filed for an order shielding the record of the action. The Court must grant the defendant's motion if the Court finds any of the following:

(1) The judgment against the defendant was a judgment on the merits, a default judgment, or a stipulated judgment, 5 or more years have passed since the judgment was entered, the defendant has satisfied any monetary award included in the judgment, and the defendant has had no other similar judgments within 5 years of the defendant's motion to shield.

(2) The parties resolved the action through a stipulated agreement, and the defendant has complied with the terms of the stipulated agreement.

(3) The plaintiff withdrew the complaint.

(4) The Court dismissed the plaintiff's complaint.

(5) The final judgment was in favor of the defendant.

(6) The plaintiff and defendant have agreed to the shielding.

(7) The shielding of the record is clearly in the interests of justice.

(b) If the Court determines the defendant is eligible for relief under subsection (a) of this section, the Court must issue an order shielding the record of the action and setting aside the original judgment, if a judgment was entered.

(c) On entry of the Court's order under subsection (b) of this section, the action that is the subject of shielding under subsection (a) of this section is deemed not to have been filed, and the defendant may answer accordingly any questions related to the action's occurrence.

(d) Within 45 days of the Court's entry of an order under subsection (b) of this section, the Court must do all of the following:

(1) Provide the defendant with written notification of the shielding and a certified copy of the records being shielded.

(2) Provide the defendant with written notification that the records being shielded will no longer be accessible to the public through the Delaware court system.

(3) Remove the record of the action from all of the Court's databases or systems that are publicly accessible.

(4) Ensure that all physical or electronic records held by the Court that are associated with the action are stored in such a way as to be permanently inaccessible to the public except as provided for under paragraph (e)(3) of this section.

(e) Shielded records may only be disclosed if one of the following occurs:

(1) The records are requested by the Department of Justice, which must maintain the confidentiality of the records.

(2) The records are requested by the defendant.

(3) The Court considers publication in the public interest and redacts or otherwise obscures the defendant's name, personal information, and the address of the property for which summary possession was sought.

(f) The Court may not charge a filing fee for filing a motion under subsection (a) of this section.

(g) The Court may adopt such rules as necessary to implement this section.

Section 2. This Act takes effect 6 months after its enactment into law.

Approved July 29, 2025