

LAWS OF DELAWARE
VOLUME 85
CHAPTER 140
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 220

AN ACT TO AMEND TITLE 10 AND TITLE 11 OF THE DELAWARE CODE RELATING TO THE JUVENILE CIVIL CITATION PROGRAM.

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

Section 1. Amend § 1004A, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1004A. Juvenile Offender Civil Citation Program.

(b) (1) Referral to the Juvenile Offender Civil Citation Program shall be initiated by a peace officer through the issuance of a civil citation. Any peace officer having reasonable grounds to believe that a juvenile has committed or attempted to commit an act of delinquency described ~~hereunder in paragraph (b)(2) of this section~~ may issue the juvenile a civil citation. The issuance of a civil citation shall be at the discretion of the peace officer and limited to qualified juvenile offenders. Participation in the Juvenile Offender Civil Citation Program is voluntary on the part of the juvenile offender and requires parental consent. Other than referrals under § 1002 of this title, referral to the Juvenile Offender Civil Citation Program shall be made with the consent of the victim if 1 exists.

(3) For purposes of this section, a “qualified juvenile offender” means a juvenile who meets both of the following:

- a. The juvenile has no prior adjudication of delinquency.
- b. The juvenile has not received a prior referral to the Juvenile Offender Civil Citation or any other diversion program unless more than 1 year has elapsed since the prior referral.

(4) a. For all acts of delinquency described under paragraph (b)(2) of this section, a peace officer must consciously consider issuing a civil citation where the juvenile is a qualified juvenile offender.

b. For any act of delinquency under paragraph (b)(2) of this section, if an arresting peace officer chooses not to issue a civil citation and instead to bring one or more charges against the qualified juvenile offender, the peace officer may document the reason why a civil citation was not issued. For the following acts of delinquency, if the peace officer chooses not to issue a civil citation and instead to bring one or more charges against the qualified juvenile offender, the peace officer must document the reason why a civil citation was not issued in the Delaware Criminal Justice Information System:

- 1. Criminal mischief under § 811 of Title 11.
- 2. Graffiti and possession of graffiti implements under § 812 of Title 11.
- 3. Criminal trespass in the third degree under § 821 of Title 11.
- 4. Criminal trespass in the second degree under § 822 of Title 11.
- 5. Shoplifting under § 840 of Title 11.

6. Theft under § 841 of Title 11.
7. Receiving stolen property under § 851 of Title 11.
8. Selling stolen property under § 852A of Title 11.
9. Unlawful use of payment card under § 903 of Title 11.
10. Disorderly conduct under § 1301 of Title 11.
11. Harassment under § 1311 of Title 11.
12. Loitering under § 1321 of Title 11.

(I) Every law-enforcement agency, as defined under § 1913 of Title 11, must provide an annual report to the Police Officer Standards and Training Commission which contains a description of the agency's use of juvenile offender civil citations, including a list of all instances where a qualified juvenile was charged with a crime instead of being issued a civil citation.

Section 2. Amend § 8404, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8404. Powers and duties.

(a) The Commission shall do all of the following:

(5) Prescribe standards for in-service or continued training of police officers, which ~~shall~~must include ~~at least 2 hours every 4 years on the detection, prevention and prosecution of sexual assault for all police officers who perform uniformed patrol duties or are assigned to investigative units responsible for sex crimes, and which training shall~~ be conducted on a staggered basis so that half of the eligible members of any law-enforcement or police organization receive said training in each 2-year ~~period.~~ period, and which must include the following:

a. At least 2 hours every 4 years on the detection, prevention and prosecution of sexual assault for all police officers who perform uniformed patrol duties or are assigned to investigative units responsible for sex crimes.

b. Training on the Juvenile Civil Citation Offender Program.

Section 3. This Act takes effect 18 months after its enactment into law.

Approved August 20, 2025