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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 71

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO REPORTING SUSPECTED ANIMAL
CRUELTY.

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

1 Section 1. Amend § 902, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and redesignating accordingly:

3 § 902. Definitions.

4 ~~As used in~~ For purposes of this chapter:

5 (2) "Animal cruelty" means engaging in cruelty to animals under § 1325 of Title 11.

6 Section 2. Amend § 906, Title 16 of the Delaware Code by making deletions as shown by strike through and
7 insertions as shown by underline as follows:

8 § 906. State response to reports of abuse or neglect.

9 (a) The State's child protection system shall seek to promote the safety of children and the integrity and
10 preservation of their families by conducting investigations or family assessments in response to reports of child abuse or
11 neglect. The system shall endeavor to coordinate community resources and provide assistance or services to children and
12 families identified to be at risk, and to prevent and remedy child abuse and neglect.

13 (d) In implementing law-enforcement's role in the child protection system, the law-enforcement agency
14 investigating a report of child abuse or neglect shall do all of the following:

15 (1) Report every case of child abuse or neglect to the Department as required ~~by~~ under § 903 of this title.

16 (8) Comply with the reporting requirements to the Board of Medical Licensure and Discipline under §
17 1730(b)(2) and § 1731A of Title 24, and to further report to the Board within 30 days of the closure of a criminal
18 investigation or the arrest of a person who is licensed to practice medicine under Chapter ~~47~~, 17 of Title 24.

19 (10) Report any suspected animal cruelty to the Office of Animal Welfare.

20 (e) In implementing the Department's role in the child protection system, the Department shall do all of the
21 following:

- 22 (1) Receive and maintain reports ~~pursuant to~~ under the provisions of §§ 903 and 905 of this title.
- 23 (4) ~~{Repealed.}~~ Report any suspected animal cruelty to the Office of Animal Welfare.
- 24 (6) Ensure that all cases involving allegations of child abuse or neglect by a person known to be licensed or
- 25 certified by a Delaware agency or professional regulatory organization, have been reported to the appropriate Delaware
- 26 agency or professional regulatory organization and the Investigation Coordinator in accordance with the provisions of
- 27 this section.

28 (f) In implementing the Department of Justice's role in the child protection system, ~~the~~ the Department of Justice

29 shall do all of the following:

- 30 (1) Report every case of child abuse or neglect to the Department ~~pursuant to~~ under § 903 of this title.
- 31 (4) Ensure that all cases involving allegations of child abuse or neglect by a person known to be licensed or
- 32 certified by a Delaware agency or professional regulatory organization, have been reported to the appropriate Delaware
- 33 agency or professional regulatory organization and the Investigation Coordinator in accordance with provisions of this
- 34 section.

35 (6) Report any suspected animal cruelty to the Office of Animal Welfare.

36 Section 3. Amend Chapter 30F, Title 16 of the Delaware Code by making deletions as shown by strike through

37 and insertions as shown by underline as follows:

38 § 3036F. Reports of animal cruelty; immunity.

39 (a) A person who reasonably suspects animal cruelty may report the suspected animal cruelty to the Office of

40 Animal Welfare for investigation.

41 (b)(1) A person who in good faith participates in reporting suspected animal cruelty has immunity from any

42 liability, civil or criminal, that might otherwise exist as a result of making the report.

43 (2) The immunity provided under this section extends to the person's participation in any judicial proceeding

44 resulting from the good faith report of suspected animal cruelty.

SYNOPSIS

This Act requires law-enforcement agencies, the Department of Services for Children, Youth and Their Families, and the Department of Justice to report suspected animal cruelty to the Office of Animal Welfare that is discovered while performing their responsibilities in child welfare cases. This Act also provides immunity to people who in good faith, report suspected animal cruelty.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Hansen