



SPONSOR: Sen. Paradee & Sen. Pinkney & Rep. Bush
Reps. Bolden, Morrison, Schwartzkopf

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 173

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO ARREST WITHOUT WARRANT FOR CERTAIN MOTOR VEHICLE VIOLATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1 Section 1. Amend § 701, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 701. Arrest without warrant for motor vehicle violations.

4 (e) ~~No A municipal, town, or city police department shall~~ may not operate any speed enforcement equipment
5 outside of its corporate limits, notwithstanding any municipal charter provision or provision of this Code to the contrary.

6 (f)(1) A municipal, town, or city police department may not arrest for violations of § 4168, § 4169, or § 4171 of
7 this title, or any local ordinance equivalent thereof, if the violation occurred outside of its corporate limits, notwithstanding
8 any municipal charter provision or provision of this Code to the contrary.

9 (2) For the purposes of this section, “corporate limits” are determined by the official municipal, town, or city
10 map that is filed with the county in which the municipality, town, or city is located.

SYNOPSIS

The General Assembly previously restricted municipal, town, and city police departments from operating speed enforcement equipment outside of its corporate limits. This Act completely restricts the ability of municipal, town, and city police departments to make arrests for speeding that occurs outside of the municipality, town, or city’s corporate limits. This Act also defines “corporate limits” for the purposes of 21 Del. C. § 701.

This Act requires a greater-than-majority vote for passage because Article IX, § 1 of the Delaware Constitution requires the affirmative vote of 2/3 of the members elected to each house of the General Assembly to enact or amend general incorporation laws and special acts of incorporation, including municipal charters.

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

Author: Senator Paradee