



SPONSOR: Sen. Brown & Rep. Schwartzkopf  
Sens. Gay, Mantzavinos, Pinkney, Walsh, Wilson; Reps.  
Bolden, Dukes, Yearick

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE BILL NO. 285

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO RESIDENCY REQUIREMENTS FOR JUSTICE OF THE PEACE COURT CONSTABLES.

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

1           Section 1. Amend § 2805, Title 10 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3           ~~§ 2805. Residence requirement.~~

4           ~~Every justice of the peace constable appointed pursuant to this chapter shall reside within the State. If the~~  
5 ~~constable removes from the State, the office shall thereupon become vacant.~~

SYNOPSIS

This bill eliminates the requirement that Justice of the Peace Court constables reside within the State of Delaware. The residency requirement was established when Constables were independent officers, and had their own bonding requirements and penalties for failure to do the business of the Court. Constables are now employees of the Justice of the Peace Court and the residency requirement is no longer needed. The removal of the requirement will allow the Justice of the Peace Court to recruit from a larger pool of candidates and to retain existing trained and skilled employees.

Author: Senator Brown