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HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 2

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO
EQUAL PROTECTION.

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 Article I of the Delaware Constitution by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 21. Equal protection.

4 Section 21. No person shall be denied equal rights under the law.

SYNOPSIS

This Act is the first leg of an amendment to the Delaware Constitution to provide for equal protection. This amendment would advance human dignity and equality for all under the Delaware Constitution, and would correct a constitutional shortcoming. It subjects unequal treatment based on discrimination to strict scrutiny, and enables courts in Delaware to establish jurisprudence concerning equal rights violations under State law reflecting Delaware values. Currently, while the federal and many state constitutions afford equal protection, Delaware's constitution fails to do so.