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Reps. Baumbach, Bolden, Brady, Bush, Cooke, Griffith,
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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 96

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE DEPARTMENT OF JUSTICE.

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

1 Section 1. Amend § 2517, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2517. Division of Consumer Protection.

4 (d) The term “Director” as used in this ~~chapter~~ subchapter refers to the Director of the Division of Consumer
5 Protection and includes any designee.

6 Section 2. Amend Chapter 25, Title 29 of the Delaware Code by making deletions as shown by strike through and
7 insertions as shown by underline as follows:

8 Subchapter V. Civil Rights and Public Trust.

9 § 2551. Definitions.

10 For purposes of this subchapter, “Director” means the Director of the Division of Civil Rights and Public Trust
11 and includes any designee.

12 § 2552. Division of Civil Rights and Public Trust; establishment.

13 (a) There is established within the Department of Justice a Division of Civil Rights and Public Trust which shall
14 investigate and enforce laws protecting the public trust and ensuring the protection of civil rights.

15 (b) The Attorney General may appoint, from the practicing members of the Bar of this State, a lawyer who shall
16 serve on a full-time basis under the direct control of the Chief Deputy Attorney General as the Director of Division of Civil
17 Rights and Public Trust.

18 (c) The Director shall direct and supervise the work of Division of Civil Rights and Public Trust under § 2553 of
19 this title.

20 § 2553. Division of Civil Rights and Public Trust; powers and duties.

- 21 (a) The Division of Civil Rights and Public Trust shall do all of the following:
- 22 (1) Investigate and prosecute hate crimes under § 1304 of Title 11.
- 23 (2) Investigate and prosecute civil or criminal misconduct committed under color of Delaware law or in the
- 24 course of a public official's or State employee's duties.
- 25 (3) Investigate all use of deadly force incidents by law-enforcement for the purpose of determining whether
- 26 such use of force was justified as a matter of law.
- 27 (4) Enforce pattern and practice violations under Chapters 45 and 46 of Title 6.
- 28 (b) The Division of Civil Rights and Public Trust may investigate, prosecute, and remediate a pattern or practice
- 29 which violates any of the civil rights secured by the U.S. Constitution or Constitution of the State of Delaware or Delaware
- 30 law regarding any of the following:
- 31 a. Public accommodations.
- 32 b. Housing discrimination.
- 33 c. Employment discrimination.
- 34 d. Educational rights.
- 35 e. Rights of individuals with disabilities.

SYNOPSIS

In January of 2015, the Office of Civil Rights & Public Trust was created by the Attorney General to establish a centralized office within the Department of Justice for the investigation of matters concerning civil rights enforcement and the prosecution of matters concerning violations of the public trust. This office must remain an independent entity within the Department of Justice to avoid conflicts with other Department of Justice duties and thus effectively enforce laws protecting the public trust and civil rights.

Thus, this Act creates the Division of Civil Rights and Public Trust within the Department of Justice which will be separate from the other Divisions within the Department of Justice and have a Director who reports directly to the Chief Deputy Attorney General, to avoid conflicts of interest with the work of the other Divisions. This Act also clarifies the current scope of the Department of Justice's ability to investigate and bring civil rights actions to protect the civil rights of all Delawareans.

Author: Senator McDowell