



SPONSOR: Sen. Brown & Sen. McBride & Rep. Minor-Brown
Sens. Lockman, McDowell, Paradee, Sokola, Sturgeon,
Townsend; Reps. Baumbach, Chukwuocha, Cooke,
K. Johnson, Kowalko, Lynn

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 192

AN ACT TO AMEND THE DELAWARE CODE RELATING TO DISCRIMINATION.

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 § 1901, Title 2 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 1901. Definitions.

4 As used in this chapter:

5 (4) "Protective hairstyle" includes braids, locks, and twists.

6 (5) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

7 Section 2. Amend § 4502, Title 6 of the Delaware Code by making deletions as shown by strike through and
8 insertions as shown by underline as follows and by redesignating accordingly:

9 § 4502. Definitions.

10 As used in this chapter:

11 (15) "Protective hairstyle" includes braids, locks, and twists.

12 (16) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

13 Section 3. Amend § 4602, Title 6 of the Delaware Code by making deletions as shown by strike through and
14 insertions as shown by underline as follows and by redesignating accordingly:

15 § 4602. Definitions.

16 As used in this chapter:

17 (22) "Protective hairstyle" includes braids, locks, and twists.

18 (23) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

19 Section 4. Amend § 1183, Title 9 of the Delaware Code by making deletions as shown by strike through and
20 insertions as shown by underline as follows:

21 § 1183. Prohibitions and penalties.

22 (a) The following prohibitions ~~shall be applicable:~~ apply:

23 (1) ~~No person shall~~ A person may not be appointed to, or removed from, or in any way favored or
24 discriminated against with respect to, any county position, or appointive county administrative office, because of race,
25 ~~or color, or national origin, or political,~~ political or religious opinions or affiliations, ~~or sex, or sexual orientation, or~~
26 ~~gender identity,~~ identity. For purposes of this subsection:

27 a. “Protective hairstyle” includes braids, locks, and twists.

28 b. “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

29 (2) ~~No person shall,~~ A person may not, wilfully or corruptly, make any false statement, certificate, mark,
30 ~~rating,~~ rating, or report in regard to any test, certification or appointment under the personnel provisions of this chapter,
31 or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel
32 provisions or of the rules and regulations made under this ~~chapter,~~ chapter.

33 (3) ~~No person~~ A person who seeks appointment or promotion with respect to any county position or
34 appointive county administrative office ~~shall,~~ may not, directly or indirectly, give, ~~render,~~ render, or pay any money,
35 ~~service,~~ service, or other valuable thing to any person for, or in connection with, that person’s test, appointment,
36 proposed appointment, ~~promotion,~~ promotion, or proposed promotion.

37 Section 5. Amend § 9605, Title 9 of the Delaware Code by making deletions as shown by strike through and
38 insertions as shown by underline as follows:

39 § 9605. Recordation of instruments.

40 (b)(1) A recorder may not knowingly record or receive for filing any contract, mortgage, lease, deed or
41 conveyance, or any other indenture or agreement affecting real property that contains any promise, covenant, or restriction
42 that limits, restrains, prohibits, or otherwise provides against the sale, gift, transfer, assignment, conveyance, ownership,
43 lease, rental, use, or occupancy of real property to or by any person because of race, color, creed, religion, sex, sexual
44 orientation, gender identity, disability, age, marital status, familial status, source of income, national origin, or ancestry. For
45 purposes of this paragraph (b)(1) of this section:

46 a. “Protective hairstyle” includes braids, locks, and twists.

47 b. “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

48 (2) Paragraph (b)(1) of this section does not prohibit a recorder from recording or receiving for filing any
49 contract, mortgage, lease, deed or conveyance, or any other indenture or agreement affecting real property that contains
50 a provision that is permitted by the exceptions to the Delaware Fair Housing Act under §§ 4603A and 4607 of Title 6.

51 Section 6. Amend § 4503, Title 10 of the Delaware Code by making deletions as shown by strike through and
52 insertions as shown by underline as follows:

53 § 4503. Definitions.

54 As used in this chapter:

55 (1) "Clerk" means the prothonotary of each county, and includes any deputy or clerk in the office of the
56 ~~prothonotary;~~ prothonotary.

57 (2) "Court" means the Superior Court of the State, and includes any Judge of the ~~Court;~~ Court.

58 (3) "Juror qualification form" means a form approved by the Court which shall elicit information relevant to
59 the selection of jurors in accordance with this ~~chapter;~~ and chapter.

60 (4) "Jury selection plan" means a written plan designed to carry out the policy and the provisions of this
61 ~~chapter;~~ chapter.

62 (5) "Master list" means a list or an electronic system for the storage of the names of prospective jurors
63 selected randomly from the source ~~list;~~ list.

64 (6) "Protective hairstyle" includes braids, locks, and twists.

65 ~~(6)~~ (7) "Qualified jury wheel" means a device or an electronic system for the storage of the names of
66 prospective jurors on a master list who are not disqualified from jury service.

67 (8) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

68 ~~(7)~~ (9) "Source list" means a list or an electronic system for the storage of the names on the voter registration
69 list which may be supplemented with names from other sources to foster the policy of this ~~chapter;~~ chapter.

70 ~~(8)~~ (10) "Voter registration list" means the current official record of persons registered to vote in a general
71 ~~election;~~ election.

72 Section 7. Amend § 1213, Title 11 of the Delaware Code by making deletions as shown by strike through and
73 insertions as shown by underline as follows:

74 § 1213. Definitions relating to abuse of office.

75 ~~(a) In §§ 1211 and 1212 of this title, the~~ The definitions given in under § 1209 of this title apply. apply to §§ 1211
76 and 1212 of this title.

77 (b) As used in § 1211 of this title:

78 (1) "Protective hairstyle" includes braids, locks, and twists.

79 (2) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

80 Section 8. Amend § 1304, Title 11 of the Delaware Code by making deletions as shown by strike through and
81 insertions as shown by underline as follows:

82 § 1304. Hate crimes; class A misdemeanor, class G felony, class F felony, class E felony, class D felony, class C
83 felony, class B felony, class A felony.

84 (a) Any person who commits, or attempts to commit, any crime as defined by the laws of this State, and who
85 intentionally:

86 (1) Commits said crime for the purpose of interfering with the victim's free exercise or enjoyment of any
87 right, privilege or immunity protected by the First Amendment to the United States Constitution, or commits said crime
88 because the victim has exercised or enjoyed said rights; or

89 (2) Selects the victim because of the victim's race, religion, color, disability, sexual orientation, gender
90 identity, national origin or ancestry, shall be guilty of a hate crime. For purposes of this ~~section~~, section:

91 a. the term "sexual orientation" means heterosexuality, bisexuality, or homosexuality, and the term
92 "gender identity" means a gender-related identity, appearance, ~~expression~~ expression, or behavior of a
93 person, regardless of the person's assigned sex at birth.

94 b. "Protective hairstyle" includes braids, locks, and twists.

95 c. "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

96 d. "Sexual orientation" means heterosexuality, bisexuality, or homosexuality.

97 Section 9. Amend § 506, Title 14 of the Delaware Code by making deletions as shown by strike through and
98 insertions as shown by underline as follows:

99 § 506. Restrictions.

100 (a) A charter school ~~shall not~~; may not do any of the following:

101 (1) Charge tuition, except in accordance with Chapter 6 of this title, or collect fees not permitted to be
102 assessed by other school ~~districts~~; districts.

103 (2) Be home-based nor engage in any sectarian or religious practices in its educational program, admissions
104 policies, employment policies or ~~operations~~; operations.

105 (3) Restrict student admissions except:

106 a. By age and grade;

107 b. By lottery in the case of over-enrollment;

108 c. By gender in the case of a same-gender school, except that there may not be more than 1 same-gender
109 school for each gender operating simultaneously, and any same-gender charter school authorized prior to June 30,

110 2014, may have their charter renewed and continue to operate. Any subsequent same-gender charter school that
111 seeks to operate in the State shall make its application to the Department of Education and the State Board of
112 Education.

113 d.–g. [Repealed.]

114 (4) Discriminate against any student in the admissions process because of race, creed, color, sex (except in the
115 case of a same-gender school), handicap, or national origin, or because the student’s school district of residence has a
116 per student local expenditure lower than another student seeking ~~admission; or admission.~~ For the purposes of this
117 subsection:

118 a. “Protective hairstyle” includes braids, locks, and twists.

119 b. “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

120 (5) Be formed to circumvent a court-ordered desegregation plan.

121 Section 10. Amend § 4161, Title 14 of the Delaware Code by making deletions as shown by strike through and
122 insertions as shown by underline as follows and by redesignating accordingly:

123 § 4161. Definitions.

124 For purposes of this subchapter:

125 (9) “Protective hairstyle” includes braids, locks, and twists.

126 (10) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

127 Section 11. Amend § 8501, Title 14 of the Delaware Code by making deletions as shown by strike through and
128 insertions as shown by underline as follows and by redesignating accordingly:

129 § 8501. Definitions.

130 As used in this chapter, unless the context otherwise requires:

131 (4) “Protective hairstyle” includes braids, locks, and twists.

132 (5) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

133 Section 12. Amend § 2304, Title 18 of the Delaware Code by making deletions as shown by strike through and
134 insertions as shown by underline as follows:

135 § 2304. Unfair methods of competition and unfair or deceptive acts or practices defined.

136 The following are ~~hereby~~ defined as unfair methods of competition and unfair or deceptive acts or practices in the
137 business of insurance:

138 (22) Unfair discrimination in the value of insurance policies and premiums based on race, color, religion,
139 sexual orientation, gender identity or national origin; penalty. —

140 a. It ~~shall be~~ is an unlawful practice for any insurance company licensed to do business in this State to
141 discriminate in any way because of the insured's race, color, religion, sexual orientation, gender ~~identity~~ identity,
142 or national origin, or to make, publish, disseminate, ~~circulate~~ circulate, or place before the public, or cause,
143 directly or indirectly, to be made, published, disseminated, ~~circulated~~ circulated, or placed before the public, in a
144 newspaper, ~~magazine~~ magazine, or other publication, or in the form of a notice, circular, pamphlet, letter or poster,
145 or over any radio or television station, or in any other way, to include the writing of any policy or the application
146 therefor, an advertisement, ~~announcement~~ announcement, or statement containing any assertion, ~~representation~~
147 representation, or statement with respect to the business of insurance or with respect to any person in the conduct
148 of the insurance business, which discriminates in any way because of the insured's race, color, religion, sexual
149 orientation, gender ~~identity~~ identity, or national origin or to classify or refer to any individual on the basis of race,
150 color, religion, sexual orientation, gender ~~identity~~ identity, or national origin.

151 b. For purposes of this paragraph (22) of this section:

152 1. "Gender identity" means a gender-related identity, appearance, expression, or behavior of a
153 person, regardless of the person's assigned sex at birth. Gender identity may be demonstrated by consistent
154 and uniform assertion of the gender identity or any other evidence that the gender identity is sincerely held as
155 part of a person's core identity; provided, however, that gender identity shall not be asserted for any improper
156 purpose.

157 2. "Protective hairstyle" includes braids, locks, and twists.

158 3. "Race" includes traits historically associated with race, including hair texture and a protective
159 hairstyle.

160 4. "Sexual orientation" exclusively means heterosexuality, homosexuality, or bisexuality.

161 c. ~~"Gender identity" means a gender-related identity, appearance, expression or behavior of a person,~~
162 ~~regardless of the person's assigned sex at birth. Gender identity may be demonstrated by consistent and uniform~~
163 ~~assertion of the gender identity or any other evidence that the gender identity is sincerely held as part of a person's~~
164 ~~core identity; provided, however, that gender identity shall not be asserted for any improper purpose. [Transferred~~
165 ~~to paragraph (22)b. of this section.]~~

166 Section 13. Amend § 204, Title 19 of the Delaware Code by making deletions as shown by strike through and
167 insertions as shown by underline as follows:

168 § 204. Training and apprenticeship programs.

169 (g) The recruitment, selection and training of apprentice trainees during their apprenticeship shall be without
170 discrimination because of race, color, religion, national origin or sex. The State will take affirmative action to provide equal
171 opportunity in apprenticeship programs and will operate the training program as required under the State plan for equal
172 employment in apprenticeship and training. For purposes of this subsection:

173 (1) “Protective hairstyle” includes braids, locks, and twists.

174 (2) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

175 Section 14. Amend § 710, Title 19 of the Delaware Code by making deletions as shown by strike through and
176 insertions as shown by underline as follows and by redesignating accordingly:

177 § 710. Definitions.

178 For the purposes of this subchapter:

179 (18) “Protective hairstyle” includes braids, locks, and twists.

180 (20) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

181 Section 15. Amend § 502, Title 24 of the Delaware Code by making deletions as shown by strike through and
182 insertions as shown by underline as follows and by redesignating accordingly:

183 § 502. Definitions [Effective until Jan. 1, 2021].

184 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them
185 under this section, except where the context clearly indicates a different meaning:

186 (13) “Protective hairstyle” includes braids, locks, and twists.

187 (14) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

188 Section 16. Amend § 502, Title 24 of the Delaware Code by making deletions as shown by strike through and
189 insertions as shown by underline as follows and by redesignating accordingly:

190 § 502. Definitions [Effective Jan. 1, 2021].

191 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them
192 under this section, except where the context clearly indicates a different meaning:

193 (14) “Protective hairstyle” includes braids, locks, and twists.

194 (15) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

195 Section 17. Amend § 701, Title 24 of the Delaware Code by making deletions as shown by strike through and
196 insertions as shown by underline as follows and by redesignating accordingly:

197 § 701. Chiropractic defined; limitation of chiropractic license.

198 (a) As used in this chapter:

199 (1) “Chiropractic” means a drugless system of health care based on the principle that interference with the
200 transmission of nerve impulses may cause disease.

201 (4) “Protective hairstyle” includes braids, locks, and twists.

202 (5) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

203 Section 18. Amend § 1702, Title 24 of the Delaware Code by making deletions as shown by strike through and
204 insertions as shown by underline as follows and by redesignating accordingly:

205 § 1702. Definitions [Effective until Jan. 1, 2021].

206 The following definitions apply to this chapter unless otherwise expressly stated or implied by the context:

207 (13) “Protective hairstyle” includes braids, locks, and twists.

208 (14) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

209 Section 19. Amend § 1702, Title 24 of the Delaware Code by making deletions as shown by strike through and
210 insertions as shown by underline as follows and by redesignating accordingly:

211 § 1702. Definitions [Effective Jan. 1, 2021].

212 The following definitions apply to this chapter unless otherwise expressly stated or implied by the context:

213 (14) “Protective hairstyle” includes braids, locks, and twists.

214 (15) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

215 Section 20. Amend § 3101, Title 24 of the Delaware Code by making deletions as shown by strike through and
216 insertions as shown by underline as follows and by redesignating accordingly:

217 § 3101. Definitions.

218 The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them under
219 this section, except where the context clearly indicates a different meaning:

220 (14) “Protective hairstyle” includes braids, locks, and twists.

221 (15) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

222 Section 21. Amend § 5141, Title 25 of the Delaware Code by making deletions as shown by strike through and
223 insertions as shown by underline as follows and by redesignating accordingly:

224 § 5141. Definitions.

225 The following words, terms and phrases, when used in this part, shall have the meanings ascribed to them in this
226 section, except where the context clearly indicates a different meaning:

227 (24) “Protective hairstyle” includes braids, locks, and twists.

228 (25) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

229 Section 22. Amend § 5953, Title 29 of the Delaware Code by making deletions as shown by strike through and
230 insertions as shown by underline as follows:

231 § 5953. Discrimination prohibited.

232 (a) For purposes of this section:

233 (1) “Protective hairstyle” includes braids, locks, and twists.

234 (2) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

235 ~~(b) No person shall~~ A person may not be appointed or promoted to, or demoted or dismissed from, any position in
236 the classified service, or be in any way favored or discriminated against with respect to employment in the classified ~~service~~
237 service, because of political or religious opinions or affiliations, sexual orientation, gender identity, ~~sex~~ sex, or race.

238 Section 23. Amend § 6902, Title 29 of the Delaware Code by making deletions as shown by strike through and
239 insertions as shown by underline as follows and by redesignating accordingly:

240 § 6902. Definitions.

241 As used in this chapter:

242 (21) “Protective hairstyle” includes braids, locks, and twists.

243 (25) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

SYNOPSIS

A 2019 study found the following:

(1) Black women are 80% more likely to change their natural hair to meet social norms or expectations at work.

(2) Black women are 50% more likely to be sent home or know of another Black woman sent home from work because of her hair.

(3) Black women are 30% more likely to be made aware of a formal workplace appearance policy.

Delaware law prohibits discrimination on the basis of race in a variety of settings. This Act makes clear that race also includes traits historically associated with race, including hair texture and a protective hairstyle, which includes braids, locks, and twists.

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

Author: Senator Brown