



SPONSOR: Sen. Gay & Rep. Lynn  
Sens. Ennis, Pinkney, Townsend; Reps. Baumbach,  
Dukes, Mitchell, Smyk

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 271

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL  
PROCEDURE AND THE ISSUANCE OF ARREST WARRANTS.

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

1           Section 1. Amend § 5906, Title 11 of the Delaware Code by making deletions as shown by strike through and  
2           insertions as shown by underline as follows:

3           § 5906. Examination of ~~complainants~~ law-enforcement officers warrant of arrest; form.

4           (a) When complaint is made in due form to a justice of the peace by a law-enforcement officer, alleging that an  
5           offense has been committed, the justice shall carefully examine the ~~complainant~~ law-enforcement officer on oath or  
6           affirmation and if the justice considers there is probable ground for the accusation, the justice shall issue the law-  
7           enforcement officer a warrant.

SYNOPSIS

The Justice of the Peace Court actively discourages the acceptance of warrants from citizens, yet the statute as it currently stands may be interpreted to allow such warrants. This Act abolishes citizen warrants in the Justice of the Peace Court and creates a requirement that all warrants must issue only by information sworn to by a law-enforcement officer.

Author: Senator Gay