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Michael Smith, Wilson-Anton; Sens. S. McBride, Sokola,  
Townsend

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 414

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PROTECTION FROM ABUSE.

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

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

3 § 1041. Definitions.

4 The following terms shall have the following meanings:

5 (1) "Abuse" means conduct which constitutes the following:

6 a. Intentionally or recklessly causing or attempting to cause physical injury or a sexual offense, as defined  
7 in § 761 of ~~Title 11;~~ Title 11.

8 b. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of  
9 physical injury or sexual offense to such person or ~~another;~~ another.

10 c. Intentionally or recklessly damaging, destroying or taking the tangible property of another ~~person;~~  
11 person.

12 d. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or  
13 emotional distress or to provoke a violent or disorderly ~~response;~~ response.

14 e. Trespassing on or in property of another person, or on or in property from which the trespasser has  
15 been excluded by court ~~order;~~ order.

16 f. Child abuse, as defined in Chapter 9 of ~~Title 16;~~ Title 16.

17 g. Unlawful imprisonment, kidnapping, interference with custody and coercion, as defined in ~~Title 11;~~ ~~or~~  
18 Title 11.

19 h. ~~Any other conduct which a reasonable person under the circumstances would find threatening or~~  
20 ~~harmful.~~ Engaging in coercive conduct, as defined in §791 of Title 11, that interferes with, controls, or restricts an  
21 individual's ability to acquire, access, use, or maintain their finances or financial resources. Such conduct includes:

22 1. Restricting or withholding access to money, bank accounts, debit or credit cards, or other assets.

- 23                            2. Unauthorized use or misuse of an individual’s personal identity.
- 24                            3. Interfering with an individual’s employment or education.
- 25                            4. Restricting or withholding access to food, clothing, medication, transportation or housing.
- 26                            5. Financial exploitation.
- 27                            i. Any other conduct which a reasonable person under the circumstances would find threatening or
- 28                            harmful.

#### SYNOPSIS

This Act adds coercive conduct which restricts, controls, or interferes with an individual’s finances or financial resources including their bank accounts, credit cards, employment, education, and personal identity to the definition of “abuse” under Protection from Abuse Proceedings section in Title 10. The Act also makes technical changes to conform existing law to the standards of the Delaware Legislative Drafting Manual.