



SPONSOR: Sen. Poore & Rep. Longhurst & Rep. Griffith & Sen. Brown
Sens. Bonini, Ennis, Gay, Hansen, Hocker, Lawson, Lockman, Lopez, Mantzavinos, S. McBride, Paradee, Pettyjohn, Richardson, Sokola, Sturgeon, Townsend, Walsh, Wilson; Reprs. Baumbach, Dukes, K. Johnson, K. Williams

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 307

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

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

1 Section 1. Amend Title 11 of the Delaware Code by adding a new chapter 1112C and by making deletions as
2 shown by strike through and insertions as shown by underline as follows:

3 § 1112C. Enticement for Purposes of Sexual Contact

4 (a) A person is guilty of enticement if the person, being 18 years of age or older and at least 4 years older than a
5 child, knowingly engages in a course of conduct to persuade, induce, entice, or coerce that involves or results in the person
6 gaining access to and time alone with that child, with the intent of building trust with that child for the purpose of
7 ultimately engaging in sexual contact or penetration with that child.

8 (b) For purposes of this section, "child" means any individual who is younger than 18 years of age.

9 (c) For purposes of this section, "a course of conduct" means three or more separate incidents that a reasonable
10 person would find inappropriate, in isolation or collectively, given the nature and circumstances of the relationship between
11 the person and the child, including:

12 (1) Showing, offering, or sending the child sexually explicit materials, including images, videos, audio
13 recordings, or any other depiction of sexual activity;

14 (2) Exposing the child to sexually explicit language or jokes;

15 (3) Making comments to the child about his or her sexual or physical development;

16 (4) Bathing the child;

17 (5) Walking in on the child changing his or her clothes or using the toilet, or watching the child do either;

18 (6) Asking the child to watch an adult change clothes or use the toilet;

19 (7) Taking pictures of or videorecording the child while the child is nude or wearing only underwear;

20 (8) Wrestling the child in underwear or while nude;

- 21 (9) Tickling the child;
- 22 (10) Playing games with the child that involve touching genitalia;
- 23 (12) Buying the child gifts that are not in celebration of a holiday or birthday;
- 24 (13) Giving special privileges to the child, such as car rides to or from school or practices; or
- 25 (14) Committing any sexual offense, as defined in Chapter 5, Subchapter II, Part D of this Title, or any
- 26 attempt or solicitation to commit any such sexual offense, against the child;
- 27 (d) A conviction is not required for any predicate act relied upon to establish a course of conduct. A conviction for
- 28 any predicate act relied upon to establish a course of conduct does not preclude prosecution under this section. Nothing in
- 29 this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the
- 30 Delaware Code.
- 31 (e) For the purposes of this section, it is not a defense to prosecution that no sexual contact or penetration actually
- 32 occurred.
- 33 (f) Grooming is a class F felony.

SYNOPSIS

This bill reflects the reality that “grooming” children for the purpose of committing crimes of sexual violence against them is often preceded by conduct that perpetrators know will make the child particularly susceptible to abuse. The bill requires proof that a person has engaged in three or more specific instances of conduct proscribed by the statute. Each of these predicate acts would not otherwise be considered criminal conduct, so the bill requires proof of a pattern of conduct aimed at a specific outcome. By outlawing “grooming,” the State will be explicitly empowered to stop a predator who engages in certain conduct with the intent to entice, persuade, induce, or coerce a child into participating in a sexual act with the perpetrator. A conviction for “grooming” is a stand-alone offense and is a felony punishable by up to 3 years in jail.

Author: Senator Poore