SPONSOR: Sen. Poore & Sen. Hansen & Rep. Griffith & Sen. Walsh & Rep. Heffernan & Rep. Lynn & Rep. K. Williams
Sens. Gay, Hoffner, Huxtable, Lockman, Pettyjohn, Richardson, Sokola, Sturgeon; Reps. Baumbach, Bolden, Phillips, Romer, D. Short

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 70

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

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

Section 1. Amend § 1041, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1041. Definitions.

The following terms shall have the following meanings:

(1) "Abuse" means conduct which constitutes <u>any of</u> the following:

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

b. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of physical injury or sexual offense to such person or ~~another;~~ <u>another.</u>

c. Intentionally or recklessly damaging, ~~destroying~~ <u>destroying,</u> or taking the tangible property of another ~~person;~~ <u>person, including inflicting physical injury on any companion animal or service animal.</u>

d. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or to provoke a violent or disorderly ~~response;~~ <u>response, including conduct that is directed towards any companion animal or service animal.</u>

e. Trespassing on or in property of another person, or on or in property from which the trespasser has been excluded by court ~~order;~~ <u>order.</u>

f. Child abuse, as defined in Chapter 9 of Title ~~16;~~ <u>16.</u>

g. Unlawful imprisonment, kidnapping, interference with ~~custody~~ <u>custody,</u> and coercion, as defined in Title ~~11; or~~ <u>11.</u>

h. Any other conduct which a reasonable person under the circumstances would find threatening or harmful.

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i.1. Any of the following acts when used as a method of coercion, control, punishment, or intimidation of a person who has a close bond of affection to the companion animal as defined in paragraph (1)i.2. of this section:

A. Inflicting or attempting to inflict physical injury on the companion animal.

B. Engaging in conduct which is likely to cause the person to fear that the companion animal will be physically injured.

C. Engaging in cruelty to the companion animal under § 1325 of Title 11.

2. "Companion animal" means an animal kept primarily for companionship instead of as any of the following:

A. A working animal.

B. A service animal as defined in § 4502 of Title 6.

C. An animal kept primarily as a source of income, including livestock as defined in § 7700 of Title 3.

Section 2. Amend § 1045, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1045. Relief available; duration of orders, ~~modification~~ modification, and termination.

(a) After consideration of a petition for a protective order, the Court may grant relief as follows:

(12) Grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal. Any subsequent property division order entered by the Court in any proceeding brought under Title 13 supersedes any relevant provisions regarding companion animals which are included in a protection from abuse order, without the need to modify that protective order.

(13) Grant any other reasonable relief necessary or appropriate to prevent or reduce the likelihood of future domestic violence.

SYNOPSIS

This Act adds the following acts against a person's companion animal or service animal to the definition of abuse for protection from abuse proceedings:

1. Engaging in cruelty.
2. Inflicting physical injury.
3. Engaging in a course of alarming or distressing conduct.

In addition, this Act provides specific authority for the Court to include provisions in a protection from abuse order that grant a petitioner exclusive care, custody, or control of a companion animal and order a petitioner to stay away from the companion animal.

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

Author: Senator Poore