



SPONSOR: Sen. Wilson & Rep. Shupe
Sens. Buckson, Hocker, Huxtable, Lawson, Mantzavinos,
Pettyjohn; Reps. Baumbach, Bolden, Hilovsky,
Parker Selby, D. Short, Spiegelman, Yearick

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 221

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE PROVISION OF A FLAG TO NEXT OF KIN.

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

1 Section 1. Amend Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as
2 shown by underline as follows:

3 Chapter 60F. Provision of Flag to Next of Kin.

4 § 6001F. Provision of Flag to Next of Kin.

5 (a) Definitions.

6 As used in this chapter:

7 (1) "Person" means any of the following:

8 a. A volunteer member of a State volunteer fire department, an auxiliary thereof, or a service organization
9 providing volunteer ambulance services.

10 b. A police officer. "Police officer" means an individual who is any of the following:

11 1. A member of the Delaware State Police.

12 2. A member of the New Castle County Police.

13 3. A member of a police department, bureau, or force of an incorporated city or town in this state.

14 4. A member of the Delaware River and Bay Authority Police.

15 5. A member of the Capitol Police.

16 6. A member of the University of Delaware Police.

17 7. An agent of the State Division of Alcohol and Tobacco Enforcement.

18 8. An officer or agent of the State Police Drug Diversion Unit.

19 9. A state detective or special investigator of the Department of Justice.

20 10. A member of the Delaware State University Police.

21 11. A member of the Office of the State Fire Marshal.

22 c. A uniformed member of the Delaware National Guard.

23 (2) “Next of kin” means an individual who is a surviving spouse, partner, parent, or the individual legally
24 entitled to the remains of the deceased person.

25 (b) The next of kin of a deceased person is entitled to a United States flag or a Delaware state flag, whichever the
26 next of kin requests. The flag may be draped over the person’s casket at a funeral service, if all of the following criteria are
27 met:

28 (1) The person has provided at least 10 years of service to this State in at least 1 of the organizations listed
29 under subsection (a) of this section. Service in more than 1 organization may be combined in calculating the 10 years
30 threshold.

31 (2) The person dies in the line of duty or while an active member of at least 1 of the organizations listed under
32 subsection (a) of this section.

33 (3) The next of kin requests a flag under this section.

34 (c) At the request of a next of kin, the Department of State must provide a United States flag or a Delaware state
35 flag, whichever the next of kin requests, under this section.

SYNOPSIS

This Act provides that the next of kin of a member of the Delaware National Guard or a fire or police department in Delaware and who has served in at least 1 of those organizations for at least 10 years is entitled to a flag, which may be draped over the member's casket at a funeral service. The next of kin may choose a United States flag or a Delaware State flag. The Department of State must provide the flags.

Author: Senator Wilson