



SPONSOR: Rep. Vanderwende & Rep. D. Short & Sen. Wilson  
Reps. Carson, Gray, Hensley, Jones Giltner, Morris,  
Postles, Shupe, Spiegelman; Sens. Hocker, Lawson,  
Pettyjohn, Richardson

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 323

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL MISCHIEF.

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

1           Section 1. Amend § 811, Title 11 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           § 811. Criminal mischief; classification of crime; defense.

4           (a) A person is guilty of criminal mischief when the person intentionally or recklessly:

5                 (1) Damages tangible property of another person; or

6                 (2) Tamper with tangible property of another person so as to endanger person or property; or

7                 (3) Tamper or makes connection with tangible property of a gas, electric, steam or waterworks corporation,  
8     telegraph or telephone corporation or other public utility, except that in any prosecution under this subsection it is an  
9     affirmative defense that the accused engaged in the conduct charged to constitute an offense for a lawful purpose; or

10                (4) Damages an authorized emergency vehicle. Authorized emergency vehicles within the meaning of this  
11     chapter mean vehicles of a fire department, fire company, police vehicles, ambulances, specialized vehicles used by  
12     paramedics in performance of their duties, vehicles used by a fire chief, assistant fire chief, chief engineer, or fire  
13     police officer of any duly organized fire company in performance of those duties.

14           (b) Criminal mischief is punished as follows:

15                 (1) Criminal mischief is a class G felony if the actor intentionally causes pecuniary loss of \$5,000 or more, or  
16     if the actor intentionally causes a substantial interruption or impairment of public communication, transportation,  
17     supply of water, gas or power, or other public service;

18                 (2) Criminal mischief is a class E felony if the actor intentionally damages an authorized emergency vehicle.

19                 ~~(2)~~(3) Criminal mischief is a class A misdemeanor if the actor intentionally or recklessly causes pecuniary  
20     loss in excess of \$1,000;

21                 ~~(3)~~(4) Otherwise criminal mischief is an unclassified misdemeanor;

22                   ~~(4)~~(5) If an actor commits an act of criminal mischief of any degree on or along a Delaware byway, as defined  
23                   in §101 of Title 17, the court shall impose a minimum mandatory fine of at least \$500.  
24                   (c) It is a defense that the defendant has a reasonable ground to believe that the defendant has a right to engage in  
25                   the conduct set forth in subsection (a) of this section.

#### SYNOPSIS

This Act expands the crime of “criminal mischief” to include damaging an authorized emergency vehicle, defining them as vehicles of a fire department, fire company, police vehicles, ambulances, as well as vehicles used by a fire chief, chief engineer, or fire police officer of any duly organized fire company in performance of their duties. This Act also makes it a class E felony when the person intentionally damages an authorized emergency vehicle.