



SPONSOR: Rep. Morrison & Rep. Dorsey Walker & Sen. Sturgeon  
Reps. Neal, Phillips, K. Williams, Wilson-Anton; Sens.  
Gay, Hansen, Lockman, Pinkney

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 327

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO SEXUAL ASSAULT, HARASSMENT,  
AND DISCRIMINATION.

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

1 Section 1. Amend Chapter 81, Title 10 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 8146. Limitation on civil actions; sexual assault, harassment, and discrimination.

4 (a) For purposes of this section, "communication" means information related to an incident of sexual assault,  
5 harassment, or discrimination experienced by the individual making the communication and includes any of the following:

6 (1) A sexual offense as defined in § 761 of Title 11.

7 (2) An act of sexual harassment in the workplace as defined under § 711A of Title 19.

8 (3) A discriminatory housing practice as defined by § 4602 of Title 6 that involves sexual assault, harassment,  
9 or discrimination.

10 (b) No cause of action may exist and no civil liability may be imposed on a person for a communication made  
11 without malice regarding a complaint of sexual assault, harassment, or discrimination. For purposes of this subsection,  
12 "malice" means that the communication is made with knowledge that it is false or with reckless disregard for the truth.

13 (c) This section applies to any communication by a person who has a reasonable basis to file a complaint of sexual  
14 assault, harassment, or discrimination, whether the person files a complaint or not.

15 (d) This section applies to any communication by a person who is a witness to sexual assault, harassment, or  
16 discrimination, whether the person who has a reasonable basis to file a complaint of sexual assault, harassment, or  
17 discrimination, files a complaint or not.

18 (e) A prevailing defendant in a civil lawsuit for libel, slander, or any other relevant tort arising out of a  
19 communication under this section shall be entitled to the following damages:

20 (1) Attorneys' fees and costs.

21 (2) Treble the amount of actual damages.

22 (3) Punitive damages.

23                   (4) Other relief permitted by law.

24                   § 8147. Settlement agreements; nondisclosure provisions; sexual assault, harassment, and discrimination.

25                   (a) A provision within a settlement agreement that prevents or restricts the disclosure of information related to a

26 claim filed in a civil action or a complaint filed in an administrative action, regarding any of the following, is prohibited:

27                   (1) A sexual offense as defined in § 761 of Title 11.

28                   (2) An act of sexual harassment in the workplace as defined under § 711A of Title 19.

29                   (3) A discriminatory housing practice as defined by § 4602 of Title 6 that involves sexual assault, harassment,

30 or discrimination.

31                   (b) In a civil matter concerning an act listed in subsection (a) of this section, a court must not enter, by stipulation

32 or otherwise, an order that restricts the disclosure of information in a manner that conflicts with subsection (a).

33                   (c) Notwithstanding subsections (a) and (b) of this section, a provision that shields the identity of the claimant and

34 all facts that would lead to the discovery of the claimant’s identity, including pleadings filed in court, may be included

35 within a settlement agreement at the request of the claimant.

36                   (d) Except as provided by subsection (c) of this section, a provision within a settlement agreement that prevents or

37 restricts the disclosure of information related to a claim listed in subsection (a) of this section that is entered into on or after

38 July 1, 2024, is void as a matter of law and against public policy.

39                   (e) This section does not prohibit the enforcement of a provision in any agreement that prohibits the disclosure of

40 the amount paid in settlement of a claim.

41                   Section 2. This Act is known as “Speak Your Truth Act”.

#### SYNOPSIS

The purpose of this Act is to protect victims of sexual assault, discrimination, or harassment from retaliatory lawsuits that arise when a victim of sexual assault discloses information regarding an act of sexual assault, discrimination, or harassment.

The first part of this Act protects assault victims from defamation lawsuits by:

1. Placing a higher burden of proof on the complainant, even if the complainant is a private figure; and
2. Entitling a prevailing defendant to attorneys’ fees and costs, treble the amount of actual damages, and punitive damages.

The second part of this Act prohibits any provision in a settlement agreement that prevents the disclosure of information related to a claim of sexual assault, harassment, or discrimination.