



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

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1  
FOR  
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 State Flag to Next of Kin.

4 § 6001F. Definitions.

5 As used in this chapter:

6 (1) “Flag” means a Delaware state flag.

7 (2)a. “Law-enforcement officer” means a sworn member of a police force or other law-enforcement agency of  
8 this state or of a county or municipality in this state, whether employed full or part-time, who is responsible for the  
9 prevention and the detection of crime and the enforcement of laws of this state or other governmental units within the  
10 state. The sworn member must be a member of any of the following:

11 1. The Delaware State Police.

12 2. The New Castle County Police.

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

14 4. The Delaware River and Bay Authority Police.

15 5. The Capitol Police.

16 6. The Delaware State University Police Department.

17 7. The University of Delaware Police Division.

18 8. An agent of the State Division of Alcohol and Tobacco Enforcement.

19 9. An officer or agent of the State Police Drug Diversion Unit.

20 10. A state detective or special investigator of the Department of Justice.

21 11. An officer or agent of the Delaware Police Sex Offender Task Force, or an agent employed by a  
22 state, county, or municipal law-enforcement agency engaged in monitoring sex offenders.

23 12. A member of the Office of the State Fire Marshall.

24 13. A municipal fire marshal or a sworn member of the City of Wilmington Fire Department, either  
25 of which is a graduate of a Delaware Police Academy, or similar academy, which is accredited or authorized  
26 by the Police Officer Standards and Training Commission under Chapter 84 of Title 11.

27 b. "Law-enforcement officer" does not mean any of the following:

28 1. A sheriff, regular deputy sheriff, or constable.

29 2. A security force for a state agency or other governmental unit.

30 3. An individual holding police power by virtue of occupying another position or office.

31 (2) "Next of kin" means an individual who is the surviving spouse, partner, parent, or the individual legally  
32 entitled to the remains of a deceased person.

33 (3) "Person" means any of the following:

34 a. A volunteer or paid member of a fire department in this state.

35 b. A law-enforcement officer.

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

37 § 6002F. Eligibility.

38 (b) The next of kin of a deceased person is entitled to a flag if all of the following criteria are met:

39 (1) The person has provided at least 10 years of service to this state in at least 1 of the entities listed under  
40 § 6001F of this title. Service in more than 1 entity may be combined in calculating the 10-year threshold.

41 (2) The person dies in the line of duty or while an active member of at least 1 of the entities listed under  
42 § 6001F of this title.

43 (3) The next of kin requests a flag from the appropriate entity under § 6003F of this title.

44 § 6003F. Distribution.

45 (c) On the request of a next of kin, the following entities shall provide a flag under this section:

46 (1) The Delaware Volunteer Firefighters Association, if the person served as a volunteer or paid member of a  
47 fire department in this state.

48 (2) The Department of Safety and Homeland Security, if the person served as a police officer.

49 (3) The Delaware National Guard, if the person served as a member of the Delaware National Guard.

50 Section 2. This Act applies to a request for a flag under Chapter 60F of Title 29 made on or after [the date of  
51 enactment of this Act].

#### SYNOPSIS

This Act provides that the next of kin of a deceased police officer, member of a fire department, or member of the Delaware National Guard is entitled to a Delaware state flag if the deceased person served in at least 1 qualifying entity for at least 10 years and died in the line of duty or while an active member.

This Act is a substitute for and differs from Senate Bill No. 221 in the following ways:

- Applies to Delaware state flags only.
- Removes language that referenced draping a flag over a casket at the deceased person's funeral service.
- Removes auxiliary members of a volunteer fire department or a member of service organization providing volunteer ambulance services from list of individuals who qualify for a flag.
- Uses the broader term "law-enforcement officer" and clarifies the definition.
- Clarifies that a firefighter may be either paid or volunteer to qualify for a flag.
- Names the following entities as responsible for providing flags: the Delaware Volunteer Firefighters Association for firefighters, the Department of Safety and Homeland Security for police officers, and the Delaware National Guard for their members.

Author: Senator Wilson