



SPONSOR: Sen. Pettyjohn & Sen. Poore & Rep. Briggs King &
Rep. Paradee
Sens. Richardson, Lawson; Reps. Miro, Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 84

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SECOND AND SUBSEQUENT
OFFENSES

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

1 Section 1. Amend § 713, Title 21 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 713. Classification of motor vehicle offenses.

4 Notwithstanding § 4203 of Title 11, any criminal offense in this title, unless otherwise declared with respect to
5 particular offenses, or unless an offense described in § 709(e)(1) to (e)(16) of this title, shall be a violation. The provisions
6 of § 4207 of Title 11 notwithstanding, the court may impose a sentence in accordance with the sentence specified in the law
7 defining the offense or a law in this title specifying a sentence for the offense, and, if no sentence is so specified, the court
8 may impose a fine up to \$575. All second offenses, before being punishable as such, shall have committed within 24
9 months after the commission of the first offense, unless otherwise specifically provided.

10 Section 2. Amend § 4205, Title 21 of the Delaware Code by making deletions as shown by strikethrough and
11 insertions as shown by underline as follows:

12 § 4205. Penalties.

13 (a) Whoever violates this chapter or Chapter 41 of this title shall for the first offense be fined not less than \$25 nor
14 more than \$75. For each subsequent like offense, the person shall be fined not less than \$57.50 nor more than \$95. All
15 second offenses, before being punishable as such, shall have been committed within ~~12~~ 24 months after the commission of
16 the first offense unless otherwise specifically provided.

17 (b) Subsection (a) of this section shall not apply to violations for which penalties are prescribed elsewhere in this
18 chapter or Chapter 41 of this title.

SYNOPSIS

This Act makes consistent the amount of time that the Court "looks back" to determine if the current offense is a second offense for the purposes of sentencing. This Act applies to Traffic offenses, but it would not be applicable to DUI cases.

Author: Senator Pettyjohn