



SPONSOR: Rep. K. Williams & Sen. Walsh
Rep. Briggs King

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 461

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO UNLAWFUL SEXUAL CONTACT.

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

1 Section 1. Amend § 768, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 768. Unlawful sexual contact in the second degree; class F felony.

4 (a) A person is guilty of unlawful sexual contact in the second degree ~~when the~~ if one of the following apply:

5 (1) The person intentionally has sexual contact with another person who is less than 18 years of age or
6 causes the victim to have sexual contact with the person or a third person.

7 (2) The person is a health professional, as defined in § 761(e)(4) of this title, and in the course of
8 providing services as a health professional intentionally has sexual contact with the person's patient or causes the
9 patient to have sexual contact with the person or a third person.

10 (b) Unlawful sexual contact in the second degree is a class F felony.

SYNOPSIS

Delaware law criminalizes "therapeutic deception," a representation by the health professional that sexual contact by the health professional is consistent with or part of the patient's treatment. This Act creates a felony level offense for a person that is a health professional and who, in the course of providing professional health services to the victim, intentionally has sexual contact with the victim. This would criminalize all sexual contact between a health professional and the health professional's patient. This Act makes this conduct a felony offense, rather than a misdemeanor, due to the vulnerability of the victim as a patient seeking services from a health professional.