



SPONSOR: Rep. Mitchell & Sen. Ennis  
Rep. Smyk

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 474

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE LAW-ENFORCEMENT OFFICERS' BILL OF RIGHTS.

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

1           Section 1. Amend Chapter 92, Title 11 of the Delaware Code by making deletions as shown by strike through,  
2 insertions as shown by underline and redesignating as follows:

3           § 9200 Limitations on political activity; "law-enforcement officer" defined; rights of officers under investigation.

4           (a) A law-enforcement officer within a jurisdiction in this State has the same rights to engage in political activity  
5 as are afforded to any other person. The right to engage in political activity shall not apply to any law-enforcement officer  
6 while on duty or when acting in an official capacity or while in uniform.

7           (b) For purposes of this chapter a "law-enforcement officer" is defined as a police officer who is a sworn member  
8 of the Delaware State Police, of the Wilmington City Police Department, of the New Castle County Police, of the  
9 University of Delaware Police Division, the Delaware State University Police Department, of the police force established  
10 by the Delaware River and Bay Authority, or of the police department, bureau of police or police force of any incorporated  
11 municipality, city or town within this State or who is a sworn uniformed police or enforcement officer of the Department of  
12 Natural Resources and Environmental Control or of the Delaware State Capital Police, or a Probation and Parole Officer of  
13 the Department of Correction or a Probation and Parole Officer of the Department of Services for Children, Youth and their  
14 Families, or a State Fire Marshall Deputy or a state detective or special investigator of the Department of Justice, an agent  
15 of the State Police Drug Diversion Unit or an agent of the State Division of Alcohol and Tobacco Enforcement; provided,  
16 however, that this chapter shall not apply to the Superintendent or Deputy Superintendent of the Delaware State Police, or  
17 to any officer above the rank of Captain in the Delaware State Police, or to the chief of police of any police force in this  
18 State, or to any other officer who is the highest ranking officer in the law-enforcement agency. Furthermore, no law-  
19 enforcement officer not a member of 1 of the above agencies shall be covered by this chapter.

20           Section 2. This Act shall be effective upon enactment.

SYNOPSIS

This Act includes Probation and Parole Officers in the Department of Services for Children, Youth and their Families under the definitions of Law-Enforcement Officer under the Law-Enforcement Officer's Bill of Rights.

