



SPONSOR: Rep. Lynn & Rep. Heffernan & Rep. Spiegelman & Sen. Lockman & Sen. Pettyjohn
Reps. Baumbach, Bolden, Briggs King, Bush, Dorsey Walker, K. Johnson, Mitchell, Osienski, Seigfried, D. Short, Michael Smith; Sens. Ennis, Hansen, Hocker, Richardson, Sokola, Sturgeon, Townsend, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 74

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE REGARDING DISSEMINATION OF PERSONAL INFORMATION.

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

1 Section 1. Amend Chapter 85, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 8502 Definitions.

4 (8) "Dissemination" shall mean the transmission of criminal history record information, or the confirmation of
5 the existence or nonexistence of such information. The term shall not include:

- 6 a. Internal use of information by an officer or employee of the agency which maintains such information;
7 b. Transmission of information to the State Bureau of Identification;
8 c. Transmission of information to another criminal justice agency in order to permit the initiation of
9 subsequent criminal justice proceedings;

10 d. Transmission of information in response to inquiries from criminal justice agencies via authorized
11 system terminals, which agencies provide and/or maintain the information through those terminals.

12 e. Whenever a peace officer as defined in § 1901 of this title or an emergency-care provider as defined in
13 § 2503A of Title 16 alerts a school district or charter school about the presence of a minor child or a child that has
14 reached the age of 18 that continues to be enrolled in high school that has been identified at the scene of a
15 traumatic event. The peace officer or emergency-care provider may only release the minor child's name directly to
16 the school district or charter school and state that the minor child was present at the scene of a traumatic event.

17 Section 2. Amend Chapter 94, Title 11 of the Delaware Code by making deletions as shown by strike through and
18 insertions as shown by underline as follows:

19 § 9403 Nondisclosure of information about victim.

20 (a) Unless a victim or witness waives confidentiality in writing, neither a law-enforcement agency, the prosecutor,
21 nor the corrections department may disclose, except among themselves or as authorized by law, the residential address,
22 telephone number or place of employment of the victim or a member of the victim's family, or the identity, residential
23 address, telephone number or place of employment of a witness or a member of the witness's family, except to the extent
24 that disclosure is of the site of the crime, is required by law or the Rules of Criminal Procedure, is necessary for law-
25 enforcement purposes, or is permitted by the court for good cause.

26 (b) A court may not compel a victim or witness or a member of the victim's or witness's family testifying in a
27 criminal justice proceeding to disclose a residential address or place of employment on the record unless the court finds that
28 disclosure of the information is necessary.

29 (c) The victim's address, place of employment and telephone number and any witness's identity, address, place of
30 employment and telephone number, maintained by a court, prosecutor or law-enforcement agency pursuant to this chapter
31 is exempt from disclosure under the Freedom of Information Act [Chapter 100 of Title 29].

32 (d) An exception to this section is whenever a peace officer as defined in § 1901 of this title or an emergency-care
33 provider as defined in § 2503A of Title 16 alerts a school district or charter school about the presence of a minor child or a
34 child that has reached the age of 18 that continues to be enrolled in high school that has been identified at the scene of a
35 traumatic event. The peace officer or emergency-care provider may only release the minor child's name directly to the
36 school district or charter school and state that the minor child was present at the scene of a traumatic event.

SYNOPSIS

This bill enables a key component of the Take Care Delaware program, a partnership between law enforcement and schools to adopt a trauma-informed approach to children who have been identified at the scene of a traumatic event. The Take Care Delaware program, which will start as a pilot, operates by a police officer or emergency-care provider alerting a child's school about the child's presence at a traumatic event that the police officer or emergency-care provider responded to. In order to avoid violations of the State Bureau of Investigation's dissemination statute and the Victim's Bill of Rights in Title 11, this bill creates a narrow exception to both statutes that allows police officers and emergency-care providers to send the child's name to their school district or charter school so that the child's teachers can ensure the child is handled in a trauma-informed way. The Take Care Delaware program is based on the national "Handle With Care" model and includes training and other best practices for law enforcement and schools to prevent and mitigate the negative impact of childhood exposure to trauma.