



SPONSOR: Rep. Smyk & Sen. Ennis  
Reps. Brady, Briggs King, D. Short; Sen. Wilson

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 236

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LIMITATIONS ON USE OF  
SECLUSION AND RESTRAINT.

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

1           Section 1. Amend § 4112F, Title 14 of the Delaware Code by making deletions as shown by strike through and  
2       insertions as shown by underline as follows:

3           § 4112F. Limitations on use of seclusion and restraint.

4           (a) *Definitions.* — ~~The following words, terms, and phrases when used in this section, shall have the meaning~~  
5 ~~ascribed to them except where the context clearly indicates a different meaning. For purposes of this section:~~

6           (4) "Public school personnel" means an employee or contractor of a public school district or charter school.

7       "Public school personnel" does not include any of the following:

8           a. A law-enforcement officer as defined in § 9200(b) of Title 11; ~~or~~.

9           b. An employee or contractor providing educational services within a Department of Correction or  
10       Division of Youth Rehabilitative Services facility.

11          c. A constable appointed under Chapter 27 of Title 10.

SYNOPSIS

This Act exempts constables from the limitations on use of seclusion and restraint because some schools employ constables, but constables are not included in the current exclusion that uses the definition of "law-enforcement officer" in § 9200(b) of Title 11.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.