



SPONSOR: Rep. Smyk & Rep. Carson & Rep. Cooke & Sen. Ennis
Reps. Baumbach, Briggs King, Gray, Mitchell, Morrison,
Ramone, Michael Smith; Sen. Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 58

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PEDESTRIAN SOLICITATION.

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

1 Section 1. Amend § 4147, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4147. Pedestrians soliciting rides or business.

4 (a) No person shall stand in a highway for the purpose of soliciting any employment, business or contributions
5 from the occupant of any vehicle.

6 (b) No person shall stand on or in proximity to a highway for the purpose of soliciting the watching or guarding of
7 any vehicle while parking or about to be parked on a highway.

8 (c) No person shall stand in a highway for the purpose of soliciting a ride.

9 (d) No person shall at any time be jailed solely for violation of subsection (c) of this section.

10 (e) The prohibition against soliciting contributions contained in subsection (a) of this section shall not apply on the
11 Saturday immediately prior to Father's Day each year to solicitations by charitable organizations, defined as those
12 organizations previously qualified as such under the federal Internal Revenue Code [26 U.S.C. § 1 et seq.], when those
13 solicitations take place only during daylight hours, at intersections with traffic control signals in place, using only existing
14 median strips or other off-street facilities, using individuals no younger than 18 years of age to conduct the solicitation,
15 without using any devices to alter or impede the traffic flow.

16 (f) Notwithstanding § 5303 of Title 11, a violation of subsection (a) of this section may be transferred to the Court
17 of Common Pleas.

SYNOPSIS

Most commonly, persons accused of subsection (a) of this section – panhandling – are homeless. Transferring such matters to the Court of Common Pleas allows persons so accused increased access to social services not available to them at the Justice of the Peace Court.