



SPONSOR: Rep. Schwartzkopf & Sen. Sokola
Reps. Longhurst, Mitchell, D. Short, Dukes; Sens.
Townsend, Lockman, Hocker, Pettyjohn

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 83

AN ACT TO AMEND TITLE 1, TITLE 2, TITLE 4, TITLE 7, TITLE 10, TITLE 11, TITLE 12, TITLE 14, TITLE 16,
TITLE 17, TITLE 18, TITLE 21, TITLE 24, TITLE 26, TITLE 29, AND TITLE 30 OF THE DELAWARE CODE AND
THE CHARTER OF THE TOWN OF GREENWOOD RELATING TO TECHNICAL CORRECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fourths of all members
elected to each house thereof concurring therein):

1 Section 1. Amend § 501, Title 1 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 501. Designation.

4 (a) The following days shall be legal holidays in this State: January 1, known as New Year's Day; the third
5 Monday in January, known as Martin Luther King, Jr. Day; Good Friday; July 4, known as Independence Day; the first
6 Monday in September, known as Labor Day; November 11, known as ~~Veterans'~~ Veterans Day; the fourth Thursday in
7 November, known as Thanksgiving Day; the Friday following Thanksgiving Day; December 25, known as Christmas;
8 Saturdays; the day of the General Election as it biennially occurs; and in Sussex County, Return Day, the second day after
9 the General Election, after 12:00 Noon.

10 If any of the legal holidays fall on Sunday, the Monday following shall be a legal holiday. If any of the legal
11 holidays other than Saturday fall on Saturday, the Friday preceding shall be a legal holiday.

12 (c) ~~Veteran's~~ Veterans Day shall be a legal holiday for all public school students and the employees of public
13 school districts and charter schools. If ~~Veteran's~~ Veterans Day falls on a Sunday, the following Monday shall be a legal
14 holiday. If ~~Veteran's~~ Veterans Day falls on a Saturday, the preceding Friday shall be a legal holiday.

15 Section 2. Amend § 904, Title 4 of the Delaware Code by making deletions as shown by strike through and
16 insertions as shown by underline as follows:

17 § 904. Offenses concerning certain persons.

18 (f)(1) Whoever, being under the age of 21 years, has alcoholic liquor in his or her possession at any time, or
19 consumes or is found to have consumed alcoholic liquor, shall be fined \$100 for the ~~1st offense~~ first violation and not less
20 than \$200 nor more than \$500 for each subsequent ~~offense.~~ A violation.

21 (2) Notwithstanding paragraph (f)(1) of this section, whoever commits a violation of this subsection must be
22 assessed a civil penalty for a first violation or a ~~and second violation of this subsection is a civil offense.~~ violation.
23 Information concerning this civil offense may not appear on an individual's certified criminal record.

24 (3) Whoever commits a third or subsequent violation of this subsection is guilty of an unclassified
25 misdemeanor.

26 (4) This section ~~shall~~ does not apply to the possession or consumption of alcoholic liquor in connection with

27 any religious service or by members of the same family within the private home of any of said members.

28 Section 3. Amend § 903, Title 7 of the Delaware Code by making deletions as shown by strike through and
29 insertions as shown by underline as follows:

30 § 903. Department of Natural Resources and Environmental Control; authority; permits; regulations.

31 (e) ~~The Department~~ Department, in accordance with the procedures ~~set forth in the Administrative Procedures Act,~~
32 ~~§§ 10101 through 10119 of Title 29, shall have under subchapters I and II of the Administrative Procedures Act (Chapter~~
33 101 of Title 29), has the authority to promulgate regulations, which shall have the force and effect of law, to enhance the
34 conservation and management of coastal finfisheries, including the biological and socioeconomic aspects of coastal
35 finfisheries. Any regulation pertaining to fishing for food fish shall require a statement addressing whether or not said
36 regulation will have a significant impact upon the conservation of the fishery in question. Except where otherwise provided
37 in this section, such regulations shall be consistent with this chapter, and may only include, and encompass, the following
38 areas:

39 Section 4. Amend § 607A, Title 11 of the Delaware Code by making deletions as shown by strike through and
40 insertions as shown by underline as follows:

41 § 607A. Aggravated strangulation; penalty; defenses.

42 (f) ~~A person charged~~ charge under this section ~~shall~~ does not limit or preclude any other charge being brought
43 against the person.

44 Section 5. Amend § 761, Title 11 of the Delaware Code by making deletions as shown by strike through and
45 insertions as shown by underline as follows:

46 § 761. Definitions generally applicable to sexual offenses.

47 (g)(1) ~~“Sexual contact” means:~~ means any of the following touching, if the touching, under the circumstances as
48 viewed by a reasonable person, is intended to be sexual in nature:

49 ~~(+) a.~~ a. Any intentional touching by the defendant of the anus, breast, ~~buttocks~~ buttocks, or genitalia of another
50 ~~person; or person.~~

51 (2) b. Any intentional touching of another person with the defendant's anus, breast, buttocks, semen, or
52 ~~genitalia; or genitalia.~~

53 (3) c. Intentionally causing or allowing another person to touch the defendant's anus, breast, ~~buttocks or~~
54 ~~genitalia~~ buttocks, or genitalia.

55 ~~which touching, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature.~~

56 (2) "Sexual contact" shall also include includes touching when covered by clothing.

57 Section 6. Amend § 827, Title 11 of the Delaware Code by making deletions as shown by strike through and
58 insertions as shown by underline as follows:

59 § 827. Multiple offenses.

60 A person may be convicted both of burglary and of the offense which it was the purpose of the person's unlawful
61 entry to commit or for an attempt to commit that offense. A person may be convicted both of home invasion burglary first
62 degree and any of the underlying offenses designated in § 826(b) of this title.

63 Section 7. Amend § 1123, Title 11 of the Delaware Code by making deletions as shown by strike through and
64 insertions as shown by underline as follows:

65 § 1123. Liability of employer.

66 (b) Notwithstanding any other provision of this subpart, in any prosecution for a violation of § 1116, § 1118, or §
67 1120 of this title, the owner, proprietor, franchisee, store ~~manager~~ manager, or other person in charge of the establishment
68 where the alleged violation occurred ~~shall have~~ has an affirmative defense if ~~such~~ the person or entity can establish that
69 ~~prior to~~ before the date of the ~~violation~~ violation, the person or ~~entity~~ entity did all of the following:

70 (1) Adopted and enforced a written policy against selling tobacco products or tobacco substitutes to ~~persons~~
71 individuals under 21 years of ~~age~~ age.

72 (2) Informed its employees of the applicable laws regarding the sale of tobacco products or tobacco substitutes
73 to ~~persons~~ individuals under 21 years of ~~age~~ age.

74 (3) Required employees to sign a form indicating that they have been informed of and understand the written
75 policy required ~~herein~~ under this subsection.

76 (4) Required employees to verify the age of tobacco product or tobacco substitute customers by means of
77 photographic ~~identification~~ and identification.

78 (5) Established and enforced disciplinary sanctions for noncompliance.

79 Section 8. Amend § 1125, Title 11 of the Delaware Code by making deletions as shown by strike through and
80 insertions as shown by underline as follows:

81 § 1125. Unannounced inspections; reporting; enforcement.

82 (a) The Department of Safety and Homeland Security or its delegates shall ~~be responsible for conducting~~conduct
83 annual, random, unannounced inspections at locations where tobacco products or tobacco substitutes are sold or distributed
84 to test and ensure compliance with and enforcement of §§ ~~1116-1120 and 1124 [repealed]~~ §§ 1116 through 1120 of this
85 title.

86 (b) An individual under the age of 21 may be enlisted by the Department of Safety and Homeland Security or its
87 delegates to test compliance with and enforcement of §§ 1116 through 1120 ~~and 1124 [repealed]~~ of this title, provided
88 however, that the individual may be used only under the direct supervision of the Department of Safety and Homeland
89 Security, its employees or delegates and only where written parental consent has been provided for an individual under the
90 age of 18.

91 Section 9. Amend § 1126, Title 11 of the Delaware Code by making deletions as shown by strike through and
92 insertions as shown by underline as follows:

93 § 1126. Jurisdiction.

94 The ~~Justices~~ Justice of the Peace Court shall ~~have~~ has jurisdiction over violations of this subpart, except in the
95 instance of violations by ~~a person~~ an individual who has not attained the age of 18, in which case the Family Court shall
96 ~~have~~ has jurisdiction.

97 Section 10. Amend § 4213, Title 11 of the Delaware Code by making deletions as shown by strike through and
98 insertions as shown by underline as follows:

99 § 4213. Arrest of persons under the influence of drugs; drug detoxification centers.

100 (b) The Director of the Division of ~~Drug Abuse Control~~ Substance Abuse and Mental Health (“Director”) shall
101 designate certain hospital, ~~clinic~~ clinic, or other treatment facilities as “drug detoxification centers.” The Director shall so
102 designate such a facility only when the Director is satisfied that the facility has the medical and other staff, as well as the
103 equipment, to diagnose and treat drug abusers as provided for in this section.

104 (h) To further the implementation of this section, the Director of the Division of ~~Drug Abuse Control~~ Substance
105 Abuse and Mental Health may prescribe regulations for the operation of drug detoxification centers and may assist such
106 drug detoxification centers by distributing to them such funds as the General Assembly may from time to time appropriate
107 to the Director for expenditure on their behalf.

108 Section 11. Amend § 4373, Title 11 of the Delaware Code by making deletions as shown by strike through and
109 insertions as shown by underline as follows:

110 § 4373. Mandatory expungement; application through SBI.

111 (b) *Exclusions.* — In addition to the exclusions under § 4372(f) of this title, the following misdemeanor
112 convictions are not eligible for mandatory expungement under this section:

113 (1) A misdemeanor crime of domestic violence. For purposes of this section, a “misdemeanor crime of
114 domestic violence”, means a misdemeanor offense that meets both of the following:

115 b. Is a misdemeanor ~~offense~~ or violation under any of the following sections: § 601, § 602, § 603, § 611,
116 § 614, § 621, § 625, § 628A, § 781, § 785, § 791, § 804, § 811, § 821, § 822, § 823, or § 1311 of this title.

117 Section 12. Amend § 8405, Title 11 of the Delaware Code by making deletions as shown by strike through and
118 insertions as shown by underline as follows:

119 § 8405. Mandatory training; exceptions.

120 (a) Except as provided in subsection ~~(d)~~ (e) of this section, every municipality or other governmental unit of this
121 State employing or intending to employ police officers shall require their attendance at an approved school. Every such
122 municipality, other governmental unit or the University of Delaware or Delaware State University shall require that no
123 person be given or accept an appointment as a police officer unless such person has successfully completed the required
124 police training and education course at an approved school.

125 (d) A component of training for all persons enrolled in an approved school ~~shall~~ must be a course in the detection,
126 ~~prosecution~~ prosecution, and prevention of sexual assault. Such evidence-based training ~~shall~~ must be victim-centered, and
127 trauma-informed.

128 (e) Nothing contained in this chapter ~~shall limit~~ limits the authority, ~~power~~ power, or duties of the Secretary of
129 ~~Public Safety as set forth in the Department of Safety and Homeland Security under § 8203 of Title 29.~~

130 Section 13. Amend § 1313, Title 12 of the Delaware Code by making deletions as shown by strike through and
131 insertions as shown by underline as follows:

132 § 1313. Restricted access to a decedent’s safe deposit box for the limited purpose of retrieving the decedent’s last
133 will ~~and/or~~ or declaration of disposition of last remains prior to the appointment of personal representative.

134 (d) Access to a safe deposit box ~~pursuant to~~ under subsection (a) of this section ~~shall be~~ must occur only under the
135 supervision of an officer or employee of the financial institution, and ~~shall~~ must be restricted ~~only~~ to the following:

136 (1) Opening the safe deposit box with the key presented ~~in accordance with~~ under subsection (a) of this
137 ~~section;~~ section.

138 (2) Making a photocopy of any wills or declarations of disposition of last remains located in the safe deposit
139 ~~box;~~ box.

140 (e) Any will removed from a safe deposit box pursuant to under this section and appearing on its face to have been
141 executed in Delaware or by a testator residing in Delaware shall be sent from the financial institution to the Register of
142 Wills in accordance with § 1301(a) of this title if the decedent was domiciled in Delaware at the time of death. All
143 declarations of disposition of last remains removed from the safe deposit box may be released to the person seeking access
144 to the safe deposit box after compliance with subsection (d) of this section.

145 Section 14. Amend § 3981, Title 12 of the Delaware Code by making deletions as shown by strike through and
146 insertions as shown by underline as follows:

147 § 3981. Office established; appointment.

148 (a) There is established an Office of the Public Guardian, with a Public Guardian who shall serve as follows:

149 (1) The guardian of last resort for the citizens of Delaware who have been determined to lack capacity to
150 make decisions regarding their persons, their property, or both.

151 (2) The representative payee of last resort for Social Security benefits.

152 (3) The VA fiduciary of last resort for ~~Veteran's Administration Benefits.~~ Department of Veterans Affairs
153 benefits.

154 Section 15. Amend § 1008, Title 14 of the Delaware Code by making deletions as shown by strike through and
155 insertions as shown by underline as follows:

156 § 1008. The Redding Consortium for Educational Equity.

157 (a) The Redding Consortium for Educational Equity (~~the~~ "Consortium") ~~shall replace~~ replaces the Wilmington
158 Education Improvement Commission. The Consortium shall recommend policies and practices to the Governor and
159 General Assembly and to the Secretary of Education to achieve educational equity and to improve educational outcomes of
160 all pre-K to grade-12 students in the City of Wilmington and northern New Castle County.

161 (d) The Consortium shall evaluate the need for additional or alternative educational facilities in the City of
162 ~~Wilmington~~ Wilmington, including secondary schools.

163 (f) The Consortium shall develop a proposal for redistricting in the City of Wilmington and northern New Castle
164 County that ~~will~~ must include provisions ~~stipulated in concurrent legislation~~ under § 1026(d)(3) of Title 14 formulated
165 specifically for that purpose with designated responsibilities and timelines for action at all levels.

166 (h) The Consortium ~~shall be composed of the following members (or their designees), who shall have full voting~~
167 ~~rights.~~ is comprised of 25 voting members, as follows:

168 (1) Fifteen members serving by virtue of position, or a designee selected by the member, as follows:

169 (1) ~~One member of the Delaware State Senate representing the City of Wilmington, appointed by the~~
170 ~~President Pro Tempore, and one member of the Delaware House of Representatives representing the City of~~
171 ~~Wilmington, appointed by the Speaker of the House of Representatives;~~

172 ~~One member of the minority caucus of the Senate appointed by the President Pro Tempore and one~~
173 ~~member of the minority caucus of the House of Representatives appointed by the Speaker of the House.~~

174 a. A State Senator representing the City of Wilmington, appointed by the President Pro Tempore of the
175 Senate.

176 b. A State Representative representing the City of Wilmington, appointed by the Speaker of the House of
177 Representatives.

178 c. A State Senator from the minority caucus, appointed by the President Pro Tempore of the Senate.

179 d. A State Representative from the minority caucus, appointed by the Speaker of the House of
180 Representatives.

181 ~~(2) e. The Superintendent of the Red Clay Consolidated School District; District.~~

182 ~~(3) f. The Superintendent of the Christina School District; District.~~

183 ~~(4) g. The Superintendent of the Colonial School District; District.~~

184 ~~(5) h. The Superintendent of the Brandywine School District; District.~~

185 ~~(6) i. The Superintendent of the New Castle County Vo-Tech School District; District.~~

186 ~~(7) j. The Mayor of the City of Wilmington; Wilmington.~~

187 ~~(8) k. The Head of the Metropolitan Urban League; League.~~

188 ~~(9) l. The President of the Delaware Hispanic Commission; Commission.~~

189 ~~(10) m. The Chair of the Advisory Council on English Learners; Learners.~~

190 ~~(11) n. A Chair of the Wilmington Community Advisory Council Council.~~

191 ~~(12) o. The President of the Delaware State Education Association.~~

192 ~~(2) The following additional members, who shall have full voting rights, shall be Ten members identified and~~
193 ~~appointed by the co-chairs of the Consortium; Consortium, as follows:~~

194 ~~(13) a. A representative of the Wilmington Center for Education Equity and Public Policy; Policy.~~

195 ~~(14) b. A charter school lead; lead.~~

196 ~~(15) c. Two teachers from schools in the City of Wilmington; Wilmington.~~

197 ~~(16) d. Two business leaders; leaders.~~

198 ~~(17) e. Two parents; parents.~~

199 (18) f. Two additional community leaders or representatives of the Wilmington and northern New Castle
200 County community with educational interests.

201 (i) The Consortium is comprised of the following non-voting members, or a designee selected by the member:

202 (1) The Secretary of Education, the Education.

203 (2) The Secretary of Finance (or designee), and the Finance.

204 (4) The Director of the Office of Management and Budget (or designee) shall serve as ex-officio, nonvoting
205 members. Budget.

206 (j) ~~An affirmative vote of a majority of all voting members shall be required to take action.~~ Official action by the
207 Consortium requires the approval of a majority of all voting members.

208 (k) Meetings of the Consortium and all related committees ~~shall be public unless designated for executive session.~~
209 are public meetings and must be conducted under the requirements of the Freedom of Information Act, Chapter 100 of Title
210 29.

211 (m) The Consortium ~~shall~~ may invite education and community stakeholders to participate in meetings as
212 nonvoting members as determined by the co-chairs.

213 (n) ~~The legislative representative~~ The co-chairs of the Consortium as follows:

214 (1) The member appointed by the President Pro Tempore of the Senate shall be one co-chair, and the under
215 paragraph (h)(1)a. of this section.

216 (2) A member appointed by the Governor shall appoint the other co-chair from among from the members of
217 the Consortium appointed pursuant to paragraphs (h)(2) through (17) under paragraphs (h)(1)e. through (h)(1)o. or
218 paragraphs (h)(2)a. through (h)(2)e. of this section.

219 (r) The Consortium shall report to the Governor, the President Pro Tempore of the Senate, the Speaker of the
220 House, and the City of Wilmington Wilmington, the Director and the Librarian of the Division of Research of Legislative
221 Council, and the Delaware Public Archives at least once each fiscal year. It shall annually present a report to a joint session
222 of the education committees of the Senate and the House. Each report ~~shall include:~~ must include all of the following:

223 (1) A summary of the work and actions completed by the Consortium to accomplish its purposes as ~~stated~~
224 ~~above; and~~ required under this section.

225 (2) Recommendations of the Consortium about whether and how to further implement, promote, and achieve
226 improvement in the education of pre-K to grade-12 students in the City of Wilmington and northern New Castle
227 County.

228 (s) The Consortium shall be staffed by the University of Delaware's Institute for Public Administration and
229 Delaware State University's School of Graduate Studies. Studies shall staff the Consortium. The staff shall be managed by
230 a A policy director from the Institute for Public Administration, ~~who shall be approved by the co-chairs of Consortium.~~
231 Consortium, shall manage the staff. An annual line item allocation of funding shall must be provided to the Consortium to
232 support the operational services, research, and analysis carried out by the Institute for Public Administration and Delaware
233 State University and in the development of the transition, resource, and development plan.

234 Section 16. Amend § 3007A, Title 14 of the Delaware Code by making deletions as shown by strike through and
235 insertions as shown by underline as follows:

236 § 3007A. Provider Advisory Board; powers and duties.

237 The Board shall have the authority to serve in an advisory capacity to the Office of Child Care Licensing with
238 regard to ~~adopting, promulgating, and amending such rules and regulations as~~ has the following powers and duties:

239 (1) Advise and consult with OCCL regarding the development, adoption, promulgation, and any amendment
240 to the rules, regulations, and policies that are required to carry out this chapter with respect to early care and ~~education~~
241 education, family child care homes, and school-age centers.

242 (2) Encourage OCCL to communicate with persons licensed under this chapter and to facilitate such
243 communication.

244 (3) Encourage OCCL to enforce this chapter in a manner that recognizes that most child care providers are
245 private businesses that need stable and reasonable regulations.

246 Section 17. Amend § 3445, Title 14 of the Delaware Code by making deletions as shown by strike through and
247 insertions as shown by underline as follows:

248 § 3445. Ivyane D.F. Davis Memorial Scholarship Fund.

249 (b) *Administration.* — (1) Notwithstanding any other provision to the contrary, this scholarship fund shall be
250 administered by the Child Protection Accountability Committee ("Committee").

251 (2) The ~~Board~~ Committee shall adopt such rules and regulations as it deems necessary and proper to
252 administer the provisions of this scholarship fund.

253 (3) The ~~Board~~ Committee shall annually report to the General Assembly of the State the number of recipients
254 of scholarships, the institutions attended by said recipients, the total of expenditures made under this scholarship fund,
255 and such other information as it deems useful for members of the General Assembly.

256 (d) *Scholarship awards.* — (1) The ~~Board~~ Committee shall award up to 50 Ivyane D.F. Davis Memorial
257 Scholarships annually, subject to General Assembly appropriations and private donations to and interest earned on proceeds
258 of the scholarship fund created ~~herein~~ under this section.

259 (2) Scholarship awards shall not exceed the amount set by the ~~Board~~ Committee.

260 (3) Scholarships may be renewed upon application by recipients on an annual basis if the ~~Board~~ Committee is
261 satisfied that the recipient is making satisfactory academic or vocational progress.

262 (4) Selection of scholarship recipients shall be based on such criteria, established by the ~~Board~~ Committee, as
263 academic achievement, community service, participation in extracurricular activities and promise of success in the
264 institution of higher learning or vocational courses selected by applicants.

265 (5) In cases where more than 1 applicant are judged to be equally qualified for scholarships, financial need
266 shall be considered in establishing priorities for the award of available scholarships.

267 (6) Funds disbursed under this scholarship fund shall be disbursed on an annual or semiannual basis and shall
268 be disbursed to the institution or school which a recipient attends, not directly to the student.

269 (e) *Creation of Ivyane D.F. Davis Memorial Scholarship Fund.* — (1) The Ivyane D.F. Davis Memorial
270 Scholarship Fund (“Fund”) is hereby created.

271 (2) The ~~Board~~ Committee is authorized to accept donations from private individuals and organizations for
272 deposit in the Fund.

273 (3) A portion of the Fund, not to exceed one-half of the Fund’s principle and interest, may be used to assist the
274 Division of Family Services in obtaining Chafee Educational and Training Vouchers funding; provided, that the ~~Board~~
275 Committee is authorized, by regulation, contract, or memorandum of understanding with the Division of Family
276 Services, to administer the funding obtained; and further provided, that the portion of the Fund used to obtain the
277 funding is utilized in accordance with the purpose and intent of this section.

278 Section 18. Amend § 3101, Title 16 of the Delaware Code by making deletions as shown by strike through and
279 insertions as shown by underline as follows:

280 § 3101. Definitions.

281 ~~As used in~~ For purposes of this chapter:

282 (10) “Stillbirth” means any complete expulsion or extraction from its mother of a product of human
283 conception ~~the weight of which is in excess of 350 grams,~~ that weighs 350 grams or more, or in the absence of weight,
284 of 20 completed weeks gestation or more, resulting in other than a live birth and which is not an induced termination of
285 pregnancy.

286 Section 19. Amend § 4767, Title 16 of the Delaware Code by making deletions as shown by strike through and
287 insertions as shown by underline as follows:

288 § 4767. First offenders controlled substances diversion program.

289 (a) Any person who:

290 (1) Has not previously been convicted of any offense under this chapter or under any statute of the United
291 States or of any state thereof relating to narcotic drugs, marijuana, or stimulant, depressant, hallucinogenic drug or
292 other substance who is charged through information or indictment with possession or consumption of a controlled
293 substance under ~~§ 4763 or § 4764 or § 4761(a) or (b) [repealed]~~ § 4763, § 4764, or § 4761(a) of this title; and

294 Section 20. Amend § 4768, Title 16 of the Delaware Code by making deletions as shown by strike through and
295 insertions as shown by underline as follows:

296 § 4768. Medical ~~and/or~~ or psychiatric examination ~~and/or~~ or treatment.

297 After a conviction and ~~prior to~~ before sentencing for violation of ~~§ 4761(a) or (b) [repealed]~~, § 4761(a), § 4763,
298 or § 4764 of this title, or ~~prior to~~ before conviction if the defendant consents, the court may order the defendant to submit
299 to a medical ~~and/or~~ or psychiatric examination ~~and/or~~ or treatment. The court may order such examination by the
300 Department of Health and Social Services or by a private physician, ~~hospital~~ hospital, or clinic and the court may make
301 such order regarding the term and conditions of such examination ~~and/or~~ or treatment and the payment therefor by the
302 defendant as a court in its discretion shall determine. The Department of Health and Social Services or the private
303 physician, ~~hospital~~ hospital, or clinic shall report to the court within such time as the court shall order, not more than 90
304 days from the date of such order. After such report and upon conviction of such violation, the court shall impose sentence
305 or suspend sentence and may impose probation ~~and/or~~ or a requirement of future medical ~~and/or~~ or psychiatric examination
306 ~~and/or~~ or treatment including hospitalization or outpatient care upon such terms and conditions and for such period of time
307 as the court shall order.

308 Section 21. Amend § 4784, Title 16 of the Delaware Code by making deletions as shown by strike through and
309 insertions as shown by underline as follows:

310 § 4784. Forfeitures.

311 (a) The following shall be subject to forfeiture to the State and no property rights shall exist in them:

312 (8) Any real property which is used, or is intended for use, to store, grow, manufacture, compound, process,
313 deliver, ~~import~~ import, or export any controlled substance in violation of this chapter except that:

314 a. No real property is subject to forfeiture under this section by reason of any act or omission established
315 by any owner thereof to have been committed or omitted without the owner's knowledge or consent;

316 b. No real property being leased out by its owner shall be subject to forfeiture under this section unless
317 the owner of the real property is a consenting party or privy to the violation of the Controlled Substances Act;

318 c. No real property shall be subject to forfeiture for a violation of § 4759, ~~§ 4761(a) or (b) [repealed]~~, §
319 4761(a), § 4763 or § 4764 of this title; and

320 d. A forfeiture of real property encumbered by a bona fide security interest of the secured party if the
321 party neither had knowledge of nor consented to the act or omission.

322 Section 22. Amend § 8701, Title 18 of the Delaware Code by making deletions as shown by strike through and
323 insertions as shown by underline as follows:

324 § 8701. Definitions.

325 As used in this chapter, unless the context clearly indicates a different meaning, the following words and phrases
326 shall have the meaning ascribed to them in this section:

327 (1) “Affordable Care Act” means the Patient Protection and Affordable Care Act, 42 U.S.C. § 18001 ~~(2010)~~.
328 et seq.

329 Section 23. Amend § 2139O, Title 21 of the Delaware Code by making deletions as shown by strike through and
330 insertions as shown by underline as follows:

331 § 2139O. Marine Education, Research and Rehabilitation Institute, Inc. special license plates.

332 (a) The owner of a motor vehicle which is a private passenger vehicle or a truck or trailer with a manufacturer’s
333 gross vehicle weight rating (GVWR) of 26,000 pounds or less may apply to the Division of Motor Vehicles for a special
334 ~~Marine Education~~ Education, Research and Rehabilitation Institute, Inc. license plate.

335 Section 24. Amend § 2702, Title 21 of the Delaware Code by making deletions as shown by strike through and
336 insertions as shown by underline as follows:

337 § 2702. Definitions.

338 (e) *Classifications, endorsements and restrictions.* —

339 (5) *Conditional license.* — Limited driving privileges granted under §§ ~~2607(b), 4177C, 4177E [repealed]~~, §
340 ~~4177K(c) [repealed]~~ or § 4177K(e) [repealed] § 2607(b) or § 4177C of this ~~title; title and~~ title and § 4767 of Title ~~16; and~~ §
341 ~~1012 of Title 10 [repealed]~~. 16.

342 Section 25. Amend § 2707, Title 21 of the Delaware Code by making deletions as shown by strike through and
343 insertions as shown by underline as follows:

344 § 2707. License qualifications.

345 (b) The Department shall not issue an operator’s or chauffeur’s license to any:

346 (9) ~~Except as provided by § 1012 of Title 10 [repealed], a person~~ Person who has not reached the person's
347 twenty-first birthday at the time of the offense, who has been convicted of or pleads guilty to, including a conviction or
348 guilty plea pursuant to § 4767 of Title 16 and qualifying for first offender election under § 4177B of this title, any of
349 the offenses listed hereinafter or who has been adjudicated delinquent as a result of acts which would constitute such
350 offense if committed by an adult, for a period of 2 years from the date of sentencing, or until said person's eighteenth
351 birthday, whichever is longer. The following shall constitute offenses under this paragraph:

352 Section 26. Amend § 3708, Title 24 of the Delaware Code by making deletions as shown by strike through and
353 insertions as shown by underline as follows:

354 § 3708. Qualifications of applicant; report to Attorney General; judicial review.

355 (a) An applicant who is applying for licensure under this chapter shall submit evidence, verified by oath and
356 satisfactory to the Board, that such person:

357 (3) For licensure as a hearing aid dispenser, shall submit evidence, verified by oath and satisfactory to the
358 Board, that such person has met the current standards promulgated by the National Institute for Hearing Instrument
359 Studies or its successor; in addition, the applicant shall:

360 a. Provide verification of a high school diploma or its equivalent.

361 b. Provide proof of successful completion of a national examination prepared by a national testing service
362 and approved by the Division.

363 c. An applicant shall complete 6 months of training prior to taking the examination. The Board in its rules
364 and regulations shall establish the frequency of direct supervision during the training period.

365 d. [Repealed.]

366 e. Paragraphs ~~(a)(3)a., c. and d. [repealed]~~ (a)(3)a. and c. of this section ~~herein shall~~ do not apply to
367 applicants who are licensed audiologists.

368 Section 27. Amend § 315, Title 26 of the Delaware Code by making deletions as shown by strike through and
369 insertions as shown by underline as follows:

370 § 315. Utility facility relocation charge [Effective June 14, 2025].

371 (e) This section applies only to regulated natural gas and electric utilities that file general rate cases with the Public
372 Service Commission. With respect to a telecommunications service provider electing to be governed under subchapter VII-
373 A of this chapter, upon application by such service provider, utility facility relocation costs not otherwise reimbursed under
374 § 143 of Title 17 shall be considered by the ~~Commission under § 707(c)(6) of this title [repealed].~~ Commission.

375 Section 28. Amend § 8409, Title 29 of the Delaware Code by making deletions as shown by strike through and
376 insertions as shown by underline as follows:

377 § 8409. Council on Transportation.

378 (b) The Council shall serve in an advisory capacity, except as otherwise provided, to the Secretary, the Deputy
379 Secretary, the Transportation Directors and the Governor, and ~~shall~~ shall do all of the following:

380 (1) Consider matters relating to transportation in the State and other matters such as the budget and Capital
381 Transportation Program which may be referred to it by the Governor or the Secretary of the ~~Department~~; Department.

382 (2) Study, research, plan and advise on matters it deems appropriate to enable the Department to function in
383 the best possible ~~manner~~; manner.

384 (3) Have final approval of and adopt the Department of Transportation Capital Transportation Program which
385 shall be submitted biennially to the Council by the ~~Department~~; Department.

386 a. The Council shall review the updated Department Capital Transportation Program prepared by the
387 Department of Transportation, and established ~~pursuant to~~ under § 8419 of this title, as amended. The updated
388 Capital Transportation Program shall cover a period of not less than 6 years. The draft Capital Transportation
389 Program shall be available to the public and the Council shall publish notices in a newspaper of general circulation
390 in each county. The notices shall specify dates and places at which public meetings will be held, by the Council, 1
391 in each county, at which time the program will be reviewed and publicly explained and objections or comments
392 may be made by an individual or group. Public meetings shall be held at least 2 weeks after the draft Capital
393 Transportation Program is made available to the public. The notices shall also specify the name and address of the
394 person to whom written comments may be sent. The written comments must be received by the person within 10
395 days after the last public meeting, which must be scheduled no later than September 30 of the program year.
396 Following the written comment period, the Council may make priority changes to the proposed Capital
397 Transportation Program in an open meeting by documenting the reasons and justifications for changes, using the
398 priority formula-based processes described in § 8419 of this title, and shall adopt the program by March 1 of the
399 program year. The Capital Transportation Program as prepared by the Department and as adopted by vote of the
400 Council shall become the adopted Capital Transportation Program for the upcoming fiscal years. The adopted
401 program shall be submitted to the agency charged with preparation of the State Capital ~~Transportation~~
402 Improvement Program and members of the General Assembly ~~on or~~ on or before March 15 of the program year
403 for inclusion in the ~~state capital improvements program~~ State Capital Improvement Program for the following
404 fiscal year.

405 b. The Department ~~capital improvements program~~, Capital Transportation Program, as recommended to
406 the agency charged with preparation of the ~~State's Capital Improvements~~ State Capital Improvement Program,
407 shall set forth estimated expenditures by project ~~and/or~~ or program for engineering, ~~rights-of-way~~ rights-of-way,
408 and construction of any major capital transportation ~~project/program~~ project or program when applicable. The
409 ~~program~~ Program shall include detailed information by project as to location, description of improvement, areas of
410 ~~deficiency~~ deficiency, and priority ~~rating~~; rating.

411 (4) Have final approval of and adopt all corridor route projects in connection with new road alignments, which
412 project shall be submitted to the Council by the ~~Department~~; Department.

413 (5) Have final approval on matters relating to highway transportation priority planning ~~as set forth in~~ under §
414 8419 of this ~~title, as amended~~; title.

415 (6) Review and comment on the issuance, suspension, ~~revocation~~ revocation, or reinstatement of all
416 certificates of public convenience and necessity issued ~~pursuant to~~ under Chapter 18 of Title 2, ~~as amended~~. 2.

417 Section 29. Amend § 6405A, Title 29 of the Delaware Code by making deletions as shown by strike through and
418 insertions as shown by underline as follows:

419 § 6405A. Department of Transportation.

420 (c) It is the intent of the General Assembly that the Co-Chairs of the Joint Legislative Committee on the Capital
421 Improvement Program shall be delegated the responsibility of approving modifications to the list of paving and
422 rehabilitation projects in the "Road System" portion of the "Supplemental Information for Transportation Projects" when
423 the Department of Transportation needs such modifications. These changes may be made subject to the Co-Chairs'
424 approval, when:

425 (1) The Department has completed or determined that it has sufficient funds on hand to complete projects in
426 the program category; or

427 (2) When projects so listed cannot be constructed in the construction season covered by the Annual Bond and
428 Capital Improvement Act because of conflicting public works projects in progress or scheduled, or for other
429 compelling reasons; and

430 (3) Funds appropriated to the Road System program category are available for use on additional or other
431 projects fitting within that category.

432 In modifying the list, the Department must substitute the next suitable paving and rehabilitation project or projects
433 from the most recently approved Department of Transportation ~~Capital Improvement~~ Transportation Program or based on

434 the Department's Road System priority and management systems. A copy of the changes should be forwarded to the
435 Director of the Office of Management and Budget and Controller General.

436 Section 30. Amend § 8419, Title 29 of the Delaware Code by making deletions as shown by strike through and
437 insertions as shown by underline as follows:

438 § 8419. Transportation priority planning.

439 The Department of Transportation, with Council approval, shall:

440 (5) Review any priority changes that would result in the introduction of new projects or programs to a
441 proposed or adopted Department Capital ~~Improvements~~ Transportation Program and make recommendations on such
442 priority changes or introduction of new projects or programs based on the criteria and formula-based process which
443 establish the priorities or projects and programs. The Department shall fully document its recommendations in a
444 written report to the Council on Transportation.

445 Section 31. Amend § 1417, Title 2 of the Delaware Code by making deletions as shown by strike through and
446 insertions as shown by underline as follows:

447 § 1417. Budget of Authority.

448 The expenditures of the Authority from the Transportation Trust Fund, including expenditures required to be made
449 by resolutions or trust agreements made or to be made by the Authority, shall be approved annually by the General
450 Assembly. The obligations under any such resolution or trust agreement shall be met solely from motor fuel taxes, motor
451 vehicle document fees, motor vehicle registration fees, motor carrier road use taxes and registration fees, the moneys
452 transferred or disbursed to the Transportation Trust Fund ~~pursuant to~~ under § 307 of Title 21, receipts and revenues derived
453 from the Delaware Turnpike and any other receipts and revenues of the Authority pledged and assigned to the holders of
454 bonds of the Authority. The budget for capital and operating expenditures of the Authority payable from the Transportation
455 Trust Fund shall be presented annually by the Authority to the General Assembly. If the General Assembly does not
456 approve the operating budget of the Authority ~~prior to~~ before July 1 for the year such budget is submitted, the operating
457 budget, as submitted to the General Assembly, shall be deemed adopted by the Authority until such time as the budget is
458 approved by the General Assembly, provided that the operating expenditures of the Authority shall not exceed similar
459 expenditures of the Authority for the year ~~prior to~~ before the budget year by more than a factor equal to the Consumer Price
460 Index as defined in § 1320(f) of this title. Any obligations incurred by the Authority ~~pursuant to~~ under an operating budget
461 deemed adopted by the Authority shall be binding on the Authority. Failure by the General Assembly to approve the capital
462 or operating budget of the Authority shall not affect or impair the obligation of the Authority to meet its obligations to
463 holders of outstanding bonds. The provisions of Chapter 84 of Title 29, including the establishment of priorities for

464 spending state funds, shall apply to available money and bonding capacity in the Transportation Trust Fund for highway
465 projects. The Authority's annual budget as prepared and approved shall reflect that a significant objective of this chapter is
466 to achieve adequate funding and predictable implementation of the Department of Transportation's Capital ~~Improvement~~
467 Transportation Program and other needs of the transportation system.

468 Section 32. Amend § 2003, Title 2 of the Delaware Code by making deletions as shown by strike through and
469 insertions as shown by underline as follows:

470 § 2003. Projects.

471 (e) *Selection and approval.* —

472 (2) Each selected project must be subsequently approved, within 45 days of its selection, by both (i) the
473 directly affected metropolitan planning organization or organizations and (ii) the Council on Transportation established
474 ~~pursuant to~~ under § 8409 of Title 29 or its successor, in that order. If a directly affected metropolitan planning
475 organization approves a selected project, it shall be deemed to have given its approval to amend the Transportation
476 Improvement Program to include such project. If the Council on Transportation approves a selected project, it shall be
477 deemed to have given its approval to amend the ~~Capital Improvements~~ State Capital Improvement Program to include
478 such project. Approval for each selected project by the affected metropolitan planning organization and the Council on
479 Transportation shall be based solely upon the project's compatibility with State and regional transportation plans,
480 compliance with applicable laws and regulations, and fiscal impact upon the State Capital Improvement Program or
481 regional Transportation Improvement Program. If either organization disapproves a project, it shall set forth in writing
482 its reasons for doing so. If neither approval nor disapproval is granted within 45 days after ~~such~~ the proposal was
483 delivered to any affected metropolitan planning organization or the Council on Transportation, ~~such~~ the proposal shall
484 be deemed approved by those organizations. Moreover, in the event that a project is disapproved as provided above,
485 the Department may resubmit the plan or revise version thereof no sooner than 60 days after notification that the plan
486 has been disapproved by either party.

487 Section 33. Amend § 132, Title 17 of the Delaware Code by making deletions as shown by strike through and
488 insertions as shown by underline as follows:

489 § 132. General powers and duties.

490 (c) To these ends the Department ~~may:~~ may do the following:

491 (1) Determine upon and lay out a system of state ~~highways;~~ highways.

492 (2) Take over and convert into state highways any public road by whatever name such road or part thereof, or
493 under whatever authority or control such road or part thereof, may have theretofore ~~existed;~~ existed.

494 (3) Lay out, open, widen, straighten, grade, extend, construct, ~~reconstruct~~ reconstruct, and maintain any state
495 highway or proposed state highway for the purpose of the improvement of state ~~highways~~; highways.

496 (4) Acquire by condemnation or otherwise any land, easement, franchise, ~~material~~ material, or property,
497 which, in the judgment of the Department, shall be necessary therefor, provided that the Department ~~shall~~ may not
498 reconstruct a highway unless there will result a net saving or reconstruction, further provided that § 145 of this title
499 ~~shall~~ may not be deemed to be inconsistent with the provisions ~~hereof~~; under this paragraph (c)(4) of this section.

500 (5) Have access to and make copies of maps, surveys, ~~data~~ data, or information which any state agency may
501 possess concerning any road in the ~~State~~; State.

502 (6) Employ and discharge professional or technical experts, surveyors, agents, assistants, clerks, employees
503 and laborers, skilled and unskilled, and also such advisers and consultants as may be required to accomplish the
504 purposes of the chapter and the other responsibilities of the Department. In the event that the size of the ~~capital~~
505 ~~improvement program~~ Capital Transportation Program requires overtime to administer in a timely manner, or in the
506 event that: (i) The federal government makes available additional funding for transportation projects which are part of
507 the Department's ~~capital improvement program~~; Capital Transportation Program; and (ii) use of these funds in a
508 particular federal fiscal year is required to access these funds; and (iii) overtime is required to administer the program
509 within that federal fiscal year to assure the use of these funds, then for these purposes the Department may pay
510 overtime moneys to those employed ~~pursuant to~~ under this subsection, any relevant Delaware law, ~~rule~~ rule, or
511 regulation to the contrary ~~notwithstanding~~; notwithstanding.

512 (7) Secure and furnish offices and quarters for the ~~Department and furnish the same~~; Department.

513 (8) Exclusively grant franchises and licenses to public service corporations or to corporations furnishing
514 gasoline or petroleum products to the air field installation operated by the federal government in Kent County, to use
515 the state highways, in whole or in part, for a term not exceeding 50 years; provided, however, that any franchise or
516 license granted to any such corporation furnishing gasoline or petroleum products to said air field installation shall
517 restrict the use of said state highways to the transmission of gasoline or petroleum products to said air field installation.
518 Any franchise or license owned by any public service corporation on April 2, 1917, ~~shall~~ is not be affected by this
519 ~~chapter~~; chapter.

520 (9) Make and enter into any and all contracts, agreements or stipulations for the execution of the purposes of
521 this ~~chapter~~; chapter.

522 (10) Purchase all machinery, tools, supplies, ~~material~~ material, and instrumentalities whatsoever which may
523 be necessary for the full performance of its ~~duties~~; duties.

524 (11) Call upon the Attorney General for the Attorney General's opinion or advice touching its duties or
525 ~~powers;~~ powers.

526 (12) Accept lands by easement or lease in the name of the State in areas where it is deemed necessary to
527 establish dumping areas for the use of the public, supervise and control all areas so accepted and provide suitable
528 passageways to the dumping areas and further, police the areas in order to prevent the spread of pests and disease and
529 make such other regulations and rules as shall be deemed necessary for the purpose of carrying out the intent and
530 purpose of this ~~paragraph;~~ paragraph.

531 (13) Enter upon the lands or waters of any person for the purpose of surveys, repairs, ~~reconstruction~~
532 reconstruction, and operation of publicly financed improvements but subject at all times to responsibility for all and
533 any damages which shall be done to the property of any such person or persons. Water levels to be maintained back of
534 publicly financed sluices, water control structures, ~~dams~~ dams, and similar structures shall be at a level that will not
535 cause damage to adjoining property, such as seepage of water into basements and wells, and that no lands ~~shall~~ may be
536 flooded without the owners' full ~~consent;~~ and consent.

537 (14) Place vending machines ~~and/or~~ or other items that will enable drivers to be more rested and refreshed in
538 safety roadside rest areas, unless prohibited by federal laws, ~~rules~~ rules, or regulations. Any profits derived from such
539 items ~~shall~~ must be credited to the Department of Transportation Safety Roadside Rest Area Fund.

540 a. There is hereby created within the State Treasury a special fund to be designated as the Department of
541 Transportation Safety Roadside Rest Area Fund which ~~shall~~ must be used in the operation and maintenance of the
542 roadside rest areas under the jurisdiction of the Department.

543 b. Any profits realized by the Department from items available at existing roadside rest areas that are for
544 the purpose of enabling drivers to be more rested and refreshed ~~shall~~ must be deposited in the State Treasury to the
545 credit of said Department of Transportation Safety Roadside Rest Area Fund. Such profits ~~shall~~ must be used by
546 the Department for the operation and maintenance of the safety roadside rest area facilities within its jurisdiction.

547 Section 34. Amend § 145, Title 17 of the Delaware Code by making deletions as shown by strike through and
548 insertions as shown by underline as follows:

549 § 145. Corridor capacity preservation.

550 (d) *Implementation.* — On or before October 1, 1996, and every 3 years thereafter, ~~pursuant to the provisions of~~
551 under 23 U.S.C. § 134 et seq., the Department's long-range plans shall propose transportation routes requiring corridor
552 capacity preservation, if any. The determination of these routes shall be based upon the following criteria: Level of service
553 analysis; input and comment from the counties and municipalities to the need within growth areas; development trends;

554 traffic growth; additional threats to roadway integrity; safety; support for long range planning goals of the Department and
555 ~~the any~~ relevant metropolitan planning ~~organization(s);~~ organization; deliverability; economic impacts;
556 ~~social/environmental~~ social or environmental impacts; and air quality. The location of these routes shall be submitted to the
557 local government bodies of the counties and municipalities for review and then presented to the public at a public hearing.
558 The local governing bodies shall have 90 days to review the locations and respond to the Department. The Department
559 shall, after considering public comments and the responses of the local governing bodies of the municipalities and counties,
560 determine those routes requiring corridor capacity preservation. Each county and municipality shall incorporate these
561 determinations into their comprehensive development plans or amendments thereto. Any subsequent Departmental corridor
562 capacity preservation projects shall be subject to the same approval process as other capital projects. When approved by the
563 Council on Transportation and adopted by the General Assembly, the Department may then proceed to pursue these
564 projects as set forth each year in the Department's Capital ~~Improvement~~ Transportation Program. Property interests
565 acquired for these projects under this section shall be in fee simple absolute or such lesser interest as the Department may
566 deem appropriate. Acquisition of such property interests may be obtained by gift, devise, purchase, or in the exercise of the
567 power of eminent domain, by condemnation in the manner prescribed in Chapter 61 of Title 10, subject to the provisions of
568 Chapter 95 of Title 29.

569 Section 35. Amend § 5162, Title 30 of the Delaware Code by making deletions as shown by strike through and
570 insertions as shown by underline as follows:

571 § 5162. Appropriations paid through State Treasurer.

572 (a) There shall be appropriated annually to municipalities within the State beginning in the State's 1998 fiscal year
573 and each subsequent year thereafter in conjunction with, ~~pursuant to,~~ under, and as a portion of, the Delaware
574 Transportation Trust Fund within the Capital ~~Improvement~~ Transportation Program, a sum in the amount as appropriated in
575 the annual Bond and Capital Improvement Act. The sum so appropriated shall be transferred to the Municipal Street Aid
576 Fund by the State Treasurer and distributed to municipalities as provided in this subchapter.

577 Section 36. Amend § 6960, Title 29 of the Delaware Code by making deletions as shown by strike through and
578 insertions as shown by underline as follows:

579 § 6960. Prevailing wage requirements.

580 ~~(l) A Prevailing Wage Advisory Committee is established to provide advice to the General Assembly as to how the~~
581 ~~prevailing wage survey can be improved or whether the survey should be eliminated. The Prevailing Wage Advisory~~
582 ~~Committee shall provide a report to the General Assembly no later than January 20, 2016. The Committee shall have 7~~
583 ~~members appointed to 4-year terms. There shall be:~~

584 (1) Two members of the House of Representative appointed by the Speaker of the House of Representatives;
585 (2) Two members of the Senate appointed by the President Pro Tempore;
586 (3) The Secretary of the Department of Labor or designee appointed by the Secretary of the Department of Labor,
587 who shall be the chair of the committee;

588 (4) A member of the Delaware Building and Construction Trades Council appointed by the President of the
589 Council; and

590 (5) A member of the Associated Builders and Contractors, Inc. appointed by the President of the Associated
591 Builders and Contractors, Inc. [Reserved].

592 Section 37. Amend § 8721, Title 29 of the Delaware Code by making deletions as shown by strike through and
593 insertions as shown by underline as follows:

594 § 8721. Delaware Commission of Veterans' Affairs — Duties and responsibilities.

595 (b)(1) The Commission shall ~~hire~~ hire, through the State Merit System employment ~~process~~ process, and employ
596 an Executive Director, a clerical ~~assistant~~ assistant, and ~~such~~ other personnel ~~as are~~ necessary to perform ~~those~~ the duties
597 prescribed by the Commission. All employees of the Commission, including the Executive Director, ~~shall~~ must be veterans
598 as defined in § 8720(b) of this title. ~~Said~~

599 (2) The Executive Director ~~shall be~~ is authorized to use the designation "Delaware Office of Veterans'
600 Services" when promoting, ~~performing~~ performing, or furthering the work of the Commission. ~~Said employees~~

601 (3) The Executive Director and staff shall report to the Secretary of State on all administrative matters and
602 shall report to the Commission on all substantive matters.

603 Section 38. Amend § 1606, Title 30 of the Delaware Code by making deletions as shown by strike through and
604 insertions as shown by underline as follows:

605 § 1606. Withholding of income tax on sale or exchange of real estate by nonresident pass-through entities.

606 (d) *Due date of estimated tax return, payment.* The return or form provided for in subsection (b) of this ~~section,~~
607 section and, unless the taxpayer is exempt as provided in subsection (c) of this ~~section~~ section, the estimated tax reported
608 ~~due, due~~ shall be remitted with the deed to the Recorder before the deed shall be recorded.

609 Section 39. Amend § 9536, Title 10 of the Delaware Code by making deletions as shown by strike through and
610 insertions as shown by underline as follows:

611 § 9536. Setoff or counterclaim.

612 (b) If the defendant has any account, ~~demand~~ demand, or cause of action, against the plaintiff, exceeding \$15,000,
613 \$25,000, the defendant may bring it forward and plead it as a setoff ~~as specified in~~ under subsection (a) of this ~~section,~~ or

614 ~~not, at the defendant's pleasure, and shall~~ section. The defendant does not, by neglecting so to plead it, lose such cause of
615 action.

616 (c) If the defendant pleads a setoff exceeding ~~\$15,000, \$25,000~~ and it is found on the ~~trial, trial~~ that there is any
617 sum due the defendant from the plaintiff, judgment shall be given against the plaintiff, in the defendant's favor, for such
618 sum, provided ~~it the sum~~ does not exceed ~~\$15,000. If it \$25,000. If the sum~~ exceeds ~~\$15,000, \$25,000~~ that fact shall be
619 stated on the record, and judgment shall be given for costs for the defendant, who ~~shall be at liberty to~~ may prosecute such
620 cause of action in court; or ~~such the~~ defendant may remit the excess above ~~\$15,000, \$25,000~~ and take judgment for that
621 sum.

622 Section 40. Amend § 9572, Title 10 of the Delaware Code by making deletions as shown by strike through and
623 insertions as shown by underline as follows:

624 § 9572. Proceedings on appeal.

625 (b) In the appeal each party may make demands against the other, and the Court or jury by its or their verdict may
626 find a sum either for plaintiff, or defendant, but not for an amount exceeding ~~\$15,000, \$25,000~~, exclusive of interest and
627 costs, unless such party has claimed more than that sum before the justice. Judgment shall be rendered accordingly.

628 Section 41. Amend § 9583, Title 10 of the Delaware Code by making deletions as shown by strike through and
629 insertions as shown by underline as follows:

630 § 9583. Issuance of writ; affidavit.

631 (a) A justice shall issue a writ of attachment on ~~On~~ an affidavit made and filed by the plaintiff, or any credible
632 person for the plaintiff, that the defendant is justly indebted to the plaintiff in a stated sum not exceeding ~~\$15,000, \$25,000,~~
633 and any of the following apply:

634 (1) The defendant has absconded, ~~or is as that person believes,~~ absconded.

635 (2) The individual believes that the defendant is about to remove the defendant's ~~person,~~ person or the
636 defendant's effects out of the State, with intent to defraud the defendant's ~~creditors,~~ creditors.

637 (3) The defendant intentionally conceals the defendant's person, so that process of summons cannot be served
638 on the ~~defendant,~~ defendant.

639 (4) The defendant is a nonresident of the State, ~~as the case may be,~~ the justice shall issue a writ of attachment;
640 ~~provided, however, that no such State.~~

641 (b) writ of attachment shall issue unless the affidavit A justice must issue a writ of attachment if all of the
642 following apply:

643 (1) The affidavit under subsection (a) of this section provides specific facts demonstrating the validity of the
644 debt and for believing that ~~the debtor has absconded or is about to remove the defendant's person or the defendant's~~
645 ~~effects out of the State, with intent to defraud the defendant's creditors, or intentionally concealed the defendant's~~
646 ~~person so that process of summons cannot be served on the defendant, or is a nonresident of the State; provided further,~~
647 ~~that the~~ a situation under paragraphs (a)(1) through (a)(4) of this section exists.

648 (2) ~~The plaintiff provide,~~ provides, at the time of filing, a cash bond in the amount of ~~\$100~~ \$100.

649 (c) The cash bond under paragraph (b)(2) of this section is conditioned that if the suit shall not be ~~is not~~ prosecuted
650 with effect, or if the judgment rendered ~~therein shall be~~ in the suit is in favor of a defendant, the plaintiff will pay any and
651 all costs which may be awarded to a defendant, together with any and all damages, not exceeding the amount of the bond,
652 which a defendant in the suit may have sustained by reason of such attachment, the remainder, if any, to be returned to the
653 plaintiff when judgment is rendered.

654 Section 42. Amend Section 19 of the Charter of Greenwood by making deletions as shown by strike through and
655 insertions as shown by underline as follows:

656 Town Manager

657 Section 19.

658 (1) ~~He~~ The Town Manager shall give to the Town of Greenwood a bond, if the Town Council requires, in the sum
659 and form and with such security satisfactory to the Town Council for the faithful performance of the duties of the office and
660 the restoration to the Town of Greenwood, in case of the Town Manager's death, resignation, or removal from office, all
661 books, papers, vouchers, money, and other property of whatever kind in the Town Manager's possession belonging to the
662 Town. If someone other than the Town Manager is appointed Town Treasurer, the Town may require the Town Treasurer
663 to be bonded as outlined in this paragraph.

664 Section 43. Amend Section 27 of the Charter of Greenwood by making deletions as shown by strike through and
665 insertions as shown by underline as follows:

666 Collection Of Annual Taxes

667 Section 27.

668 (a) ~~The Tax Collector,~~ Tax Collector shall proceed to collect those amounts identified on the Annual Tax List as
669 soon as possible following the receipt of the Annual Tax List. In addition to powers otherwise delegated to the Town Tax
670 Collector under this Charter, the Town Tax Collector has the same powers, remedies, and authority, including the monition
671 procedure, as conferred upon the Receiver of Taxes for Sussex County under Chapter 87 of Title 9 or in accordance with
672 any future corresponding provision of law. In exercising the powers, remedies, and authority under this subsection, the

673 Town Tax Collector and the Superior Court shall follow the same procedures as applicable to the Receiver of Taxes under
674 Chapter 87 of Title 9.

675 Section 44. Amend Section 31 of the Charter of Greenwood by making deletions as shown by strike through and
676 insertions as shown by underline as follows:

677 Curbing And Paving

678 Section 31.

679 (a)(1) The Town Council has the power to cause to do all of the following in the Town:

680 (1) ~~a.~~ a. Pave or repave a sidewalk.

681 (2) ~~b.~~ b. Repair or relay an existing curb or gutter.

682 (3) ~~c.~~ c. Install a new sidewalk, curb, or gutter.

683 (4) ~~d.~~ d. Pave or repave a street.

684 (b)(2) Curbing and paving under ~~subsection (a)~~ paragraph (a)(1) of this section may be done to any part or portion
685 of a sidewalk, curb, gutter, or street, and the Town Council shall determine the specifications of the curbing and paving,
686 including the material used and the width or size of the sidewalk, curb, gutter, or street.

SYNOPSIS

In January 2020, the Code Revisors provided the General Assembly with a list of potential technical corrections that they identified as they revised the Delaware Code to reflect legislation that was enacted by the 150th General Assembly in 2019 or as they reviewed titles of the Code. While technical in nature, these changes are beyond the authority of the Code Revisors to make and can only be done by the General Assembly through legislation. This Act also includes technical corrections identified outside of the list provided by the Code Revisors.

This Act requires a greater than majority vote for passage to err on the side of caution because some of the sections of the Delaware Code being revised may require a super-majority vote under the Delaware Constitution.

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

An explanation of the changes made by each Section of the Act follows:

Section 1. This Section corrects a typographical error. According to the U.S. Department of Veterans Affairs, the correct spelling of the name of the holiday is “Veterans Day.”

Section 2. House Amendment No. 1 to Senate Bill No. 44 of the 150th General Assembly made only the first and second violations of § 904(f) of Title 4 a civil violation. However, the language added by HA 1 to SB 44 did not indicate how to classify third or subsequent violations, leading to ambiguity. This Section clarifies that a third or subsequent violation of § 904(f) of Title 4 is an unclassified misdemeanor.

Section 3. This Section corrects the form of the citation to the Administrative Procedures Act in in § 903 of Title 7 because it was improperly drafted in House Bill No. 6 of the 150th General Assembly.

Section 4. This Section corrects a drafting error made in House Bill No. 350 of the 150th General Assembly. As enacted, § 607A(f) of Title 11 states that the person charged with violating the section’s prohibition of chokeholds decides if other charges are filed against them. This Section revises subsection (f) to reflect the intent of HB 350, which is not to preclude other charges from being brought against a person charged under § 607A(f) of Title 11.

Section 5. This Section corrects a drafting error made in House Bill No. 246 of the 150th General Assembly. The word-wrapping in HB 246 caused a phrase and a sentence that had been at the end of § 761(g) of Title 11, where it applied to current paragraphs (g)(1) to (g)(3), to become part of only (g)(3). This Section revises § 761(g) of Title 11 so that both the phrase and sentence clearly apply to paragraphs (g)(1)a. through (g)(1)c. by moving the phrase to the beginning of subsection (g) and the sentence is redesignated.

Section 6. This Section corrects a drafting error in House Bill No. 77 of the 150th General Assembly. In HB 77, the second sentence of § 827 of Title 11 did not exist in the Code but was not underlined. Under § 109(d)(1) of Title 1, because the sentence was not underlined, it could not be added to the Code. HB 77 repealed “or home invasion” from the

first sentence of § 827 of Title 11. This Section adds the sentence that was not underlined in HB 77 to § 827 of Title 11 because the sentence corresponds to the change HB 77 made in the first sentence, by addressing multiple offenses involving home invasion burglary.

Section 7 and Section 9. These Sections change the word “person” to “individual” in § 1123 and § 1126 of Title 11, when referring to someone under the age of 21, consistent with how this change was enacted by Senate Substitute No. 1 for SB 25 of the 150th General Assembly in other sections of this chapter.

Section 8. This Section revises § 1125 of Title 11 by removing references to § 1124 of Title 11 which was repealed by Senate Substitute No. 1 for SB 25 of the 150th General Assembly.

Section 10. This Section corrects the name of the Division identified in § 4213 of Title 11. Section 4213 of Title 11 references the Division of Drug Abuse Control, which was abolished by Executive Order in 1974. Under that Executive Order, the Division of Drug Abuse Control’s duties were assumed by what is now the Division of Substance Abuse and Mental Health.

Section 11. This Section corrects an error in Senate Substitute No. 1 to Senate Bill No. 37 of the 150th General Assembly. This Section clarifies that an offense listed in § 4373(1)b. of Title 11 may be a misdemeanor or a violation, as one of the Code sections on the list, § 821 of Title 11, is a violation, not a misdemeanor.

Section 12. This Section corrects an internal reference in § 8405 of Title 11. House Bill No. 2 of the 148th General Assembly added a new subsection (d) to § 8405 of Title 11, which changed the designation of the existing subsection (d) to subsection (e). However, no corresponding change was made in subsection (a) of § 8405 of Title 11 which references the subsection that was designated (d) before the enactment of HB 2. This Section corrects the reference in § 8405(a) to subsection (e) and the name of the Department of Safety and Homeland Security.

Section 13. This Section adds the words “disposition of” to correct the name of the document referenced in §1313 of Title 12. These words were omitted from House Bill No. 335 of the 150th General Assembly in error.

Section 14. This Section corrects the name of the federal agency that administers Department of Veterans Affairs benefits in § 3981 of Title 12.

Section 15. This Section corrects drafting errors made in Senate Bill No. 148 of the 150th General Assembly to correct a reference to the Code and conform § 1008 of Title 14 to the standards of the Delaware Legislative Drafting Manual.

Section 16. This Section corrects a drafting error made in Senate Bill No. 187 of the 150th General Assembly. House Bill No. 12 of the 150th General Assembly, which revised § 347 of Title 31, governing the Provider Advisory Board for OCCL, was enacted on July 31, 2019, after being passed by the Senate on June 19, 2019. SB 187 transferred the Office of Child Care Licensing (“OCCL”) from the Department of Services for Children, Youth and Their Families to the Department of Education. However, instead of transferring the existing OCCL subchapter from Title 31 to Title 14, SB 187 repealed Subchapter III of Chapter 3 from Title 31 and created it as a new Chapter 30A in Title 14. SB 187 was introduced and passed both chambers on June 30, 2019 and enacted on August 5, 2019. SB 187 repealed § 347 of Chapter 31 and used the pre-HB 12 language for § 347 to create a new statute, § 3007A, for the Provider Advisory Board in Chapter 30A of Title 14. Because SB 187 was enacted after HB 12, the revisions made by HB 12 did not transfer to the new § 3007A of Title 14. The Synopsis of SB 187 does not indicate that the legislation makes any revisions to the provisions of the Code governing OCCL. This Section restores the changes enacted by HB 12 to the Provider Advisory Board.

Section 17. This Section corrects the name of the entity that administers the Ivyane D.F. Davis Memorial Scholarship Fund (“Fund”). Senate Bill No. 235 of the 149th General Assembly gave responsibility for administering this Fund to the Child Protection Accountability Committee instead of the Child Placement Review Board, which no longer exists. However, the corresponding changes to the “Board” in § 3445 of Title 14 were not changed to “Committee”. This Section replaces the word “Board” with the word “Committee” throughout § 3445 of Title 14 to correctly reference the entity that administers the Fund.

Section 18. This Section corrects a drafting error in Senate Bill No. 3 of the 149th General Assembly by revising the definition of “stillbirth” in § 3101 of Title 16 to include a birthweight of 350 grams instead of birthweights in excess of 350 grams. This conforms the definition to the applicable standard for reporting fetal deaths.

Sections 19 through 21. These Sections remove reference to § 4761(b) of Title 16 from other sections of Title 16, because § 4761(b) was repealed by Senate Bill No. 47 of the 150th General Assembly.

Section 22. Chapter 87 of Title 18 was enacted by House Bill No. 193 of the 150th General Assembly. This section corrects the citation to the Affordable Care Act in § 8701 of Title 18 which was incorrectly drafted in HB 193.

Section 23. This Section corrects an engrossing error made when Senate Bill No. 266 of the 146th General Assembly was enacted. Senate Amendment No. 1 to SB 266 only changed line 32 of SB 266 but line 33 was also deleted. This Section restores the language from line 33 of SB 266, so the sentence has the complete name of the special license plate.

Sections 24 through 25. These Sections remove references to § 1012 of Title 10 from § 2702 and § 2707 of Title 21, because § 1012 was repealed by House Bill No. 197 of the 150th General Assembly. This Section also removes additional references to repealed sections of the Delaware Code.

Section 26. This Section removes a reference to paragraph (a)(3)d. of § 3708 of Title 24 because paragraph (a)(3)d. was repealed by House Bill No. 43 of the 150th General Assembly.

Section 27. Senate Bill No. 18 of the 150th General Assembly repealed paragraph (c)(6) of § 707 of Title 26 but did not make any corresponding revision to § 315(e) [Effective June 14, 2025] of Title 26 which cites the repealed paragraph. This Section revises § 315(e) of Title 26 by removing the reference to the repealed paragraph.

Sections 28 through 35. House Bill No. 66 of the 150th General Assembly changed the name of the Department of Transportation's "Capital Improvements Program" to "Capital Transportation Program" in §§ 8409 and 8419 of Title 29 and incorrectly changed the name of the "State Capital Improvement Program" in § 8409(b)3)a. of Title 29. HB 66 did not revise the name of the Department of Transportation's "Capital Improvement Program" everywhere the program is mentioned in the Code. These sections correct the names of both the "Capital Transportation Program" and the "State Capital Improvement Program" throughout the Code for clarity and consistency.

Section 36. This section repeals subsection (l) of § 6960 of Title 29 because when House Bill No. 145 of the 148th General Assembly created the Prevailing Wage Advisory Committee ("Committee"), it also sunset the Committee in 2019.

Section 37. House Bill No. 127 of the 150th General Assembly revised § 8721 of Title 29. In the last sentence of subsection (b) of § 8721, HB 127 used the words "Executive Director and staff" instead of "employees" but did not strike through the existing word, employees, or underline "Executive Director and staff." This section replaces the word "employees" with the words "Executive Director and staff" as intended by HB 127.

Section 38. Senate Bill No. 125 of the 150th General Assembly did not use strike through and underline when moving the commas in § 1606(d) of Title 30. This section corrects the placement of the commas.

Sections 39 through 41. House Bill No. 232 of the 150th General Assembly increased the jurisdictional limit of the Justice of the Peace Court to \$25,000. These sections make corresponding changes to §§ 9536, 9572, and 9583 of Title 10.

Sections 42 through 44. Senate Bill No. 195 of the 150th General Assembly revised the Charter of Greenwood ("Charter"). Sections 42 and 43 correct typographical errors in Section 19 and 27 of the Charter. Section 44 corrects the hierarchy in Section 44 of the Charter.