



SPONSOR: Rep. Briggs King & Sen. Hocker  
Rep. Gray; Sen. Wilson

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 113

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO FORTHWITH SUMMONS.

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

1           Section 1. Amend § 5115, Title 25 of the Delaware Code by making deletions as shown by strike through and  
2       insertions as shown by underline as follows:

3           § 5115. Application for a forthwith summons.

4           Where the landlord alleges and by substantial evidence demonstrates to the Court that a tenant has caused or  
5       ~~threatened to cause~~ substantial or irreparable harm to landlord's person or property, or where the tenant alleges and by  
6       substantial evidence demonstrates to the Court that the landlord has caused or threatened to cause substantial or irreparable  
7       harm to the tenant's person or property, the Justice of the Peace Court shall issue a forthwith summons to expedite the  
8       Court's consideration of the allegations.

SYNOPSIS

      This Act determines when the Court should issue a forthwith summons to hear a case on an emergency basis. This revision clarifies that such emergency relief should be granted not only after the harm has been caused but also where the harm is threatened.