



SPONSOR: Rep. Baumbach & Sen. Gay  
Sens. Hansen, Sokola, Walsh

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 302

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FORGERY OF PROOF OF VACCINATION.

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

1           Section 1. Amend § 861, Title 11 of the Delaware Code by making deletions as shown by strike through and  
2       insertions as shown by underline as follows:

3           § 861. Forgery; class F felony; class G felony; class A misdemeanor; restitution required.

4           (b) Forgery is classified and punished as follows:

5               (2) Forgery is forgery in the second degree if the written instrument is or purports to ~~be~~ be any of the  
6       following:

7               a. A deed, will, codicil, contract, release, assignment, commercial instrument, ~~check~~ check, or other  
8       instrument which does or may evidence, create, transfer, ~~terminate~~ terminate, or otherwise affect a legal right,  
9       interest, ~~obligation or status; or~~ obligation, or status.

10              b. A public record, or an instrument filed or required to be filed in or with a public office or public  
11       ~~servant; or~~ servant.

12              c. A written instrument officially issued or created by a public office, public ~~servant or governmental~~  
13       ~~instrumentality; or~~ servant, or governmental instrumentality.

14              d. Part of an issue of tokens, tickets, public transportation transfers, ~~certificates~~ certificates, or other  
15       articles manufactured and designed for use as symbols of value usable in place of money for the purchase of  
16       property or ~~services; or~~ services.

17              e. A prescription of a duly licensed physician or other person authorized to issue the same for any drug or  
18       any instrument or device for which a prescription is required by law.

19              f. A written instrument provided to an individual by a vaccine provider indicating the date an individual  
20       received a vaccination, the type of vaccine and lot number, and bearing a government logo or other indication that  
21       the written instrument is created by a governmental instrumentality.

22       Forgery in the second degree is a class G felony.

### SYNOPSIS

This Act clarifies that the creation or possession of an altered or fake vaccination document is forgery in the second degree. This crime includes electronic vaccination documents because the existing definition of "written instrument" under § 863 of Title 11 includes electronic equivalents.

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