



SPONSOR: Sen. Lawson & Rep. Ramone
Sens. Pettyjohn, Richardson, Wilson; Reps. Briggs King,
Postles, Spiegelman

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 220

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO LOOTING.

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

Section 1. Amend Subchapter VII, Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1305. Looting; class C felony.

(a) For purposes of this section:

(1)a. "Civil disorder event" means a public disturbance involving acts of lawlessness or violence by an assemblage of 3 or more individuals, which causes an immediate danger or results in injury to another individual or damage to the property of another individual, business, or public entity.

b. "Civil disorder event" includes a riot under § 1302 of this title involving 3 or more individuals.

(2) "Looting" means to unlawfully enter or remain in a building during a civil disorder event with the intent to commit in the building any of the following:

a. Criminal mischief under § 811 of this title.

b. Shoplifting under § 840 of this title.

c. Theft under § 841 of this title.

(b) A person who engages in the act of looting is guilty of a class C felony.

SYNOPSIS

While Delaware has, for the most part, escaped the extreme actions of mobs experienced elsewhere, and enjoyed the benefits of mostly peaceful exercise of First Amendment rights by people seriously expressing a perceived need for change, other jurisdictions have been faced with situations where a lack of sufficient legal tools have impeded the ability of authorities to adequately protect both public and private property as well as the lives of the innocent.

This Act is one of 4 Acts designed to address those weaknesses and to ensure that should they be needed, Delawareans will be properly and appropriately protected. The Acts provide the courts, law enforcement, and prosecutors with additional tools with which to deal with destructive and dangerous conduct during times of civil disorder.

Specifically, this Act creates the crime of looting, which is classified as a class C felony.

Author: Senator Lawson