



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

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 221

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

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. Riotous burning; class B felony; class A 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 damage or 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)a. "Public building" means a building or structure owned or leased by this State or a political subdivision of this State.

b. "Public building" includes a building that is part of or associated with a public school, the University of Delaware, or the Delaware State University.

(b) A person who damages any of the following during a civil disorder event by starting a fire or causing an explosion is guilty of a class B felony:

(1) A public building.

(2) A mercantile establishment or other place of business.

(3) A law enforcement vehicle, watercraft, or aircraft.

(4) A fire truck, ambulance, or other similar identifiable public safety vehicle.

(c) A person who violates subsection (b) of this section and injures another individual as a result is guilty of a class A 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 riotous burning, which is a class B felony, unless another individual is injured as a result of the riotous burning, in which case it is a class A felony.

Author: Senator Lawson