



SPONSOR: Rep. Spiegelman & Rep. K. Williams & Sen. Walsh &
Sen. Lawson & Sen. Poore
Reps. Briggs King, D. Short; Sens. Hocker, Richardson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 306

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO IDENTIFICATION OF SEX
OFFENDERS ON DRIVERS LICENSES AND IDENTIFICATION CARDS

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

1 Section 1. Amend § 2718, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2718. Information on licenses.

4 ~~(e) If an applicant is required to register as a sex offender pursuant to § 4120 of Title 11, as amended, for a felony~~
5 ~~conviction the sentencing court shall take possession of the driver's license and shall tender to the person being sentenced a~~
6 ~~temporary license, directing that the person report to the Division of Motor Vehicle for a replacement driver's license with~~
7 ~~the following code under restrictions: Y indicating sex offender. The person shall tender to the Division of Motor Vehicle a~~
8 ~~fee of \$5.00 for the replacement license. Upon a person being removed from the registration requirement, the Division of~~
9 ~~Motor Vehicle shall issue a license without the sex offender code printed upon the license at no charge. The sentencing~~
10 ~~court shall forward to the Division all licenses that it receives, along with a copy of the sentencing order.~~

11 (e) If an applicant is required to register as a sex offender pursuant to § 4120 of Title 11, as amended, for a felony
12 conviction the sentencing court shall take possession of the driver's license and shall tender to the person being sentenced a
13 temporary license, directing that the person report to the Division of Motor Vehicles for a replacement driver's license with
14 the following under restrictions: SO indicating sex offender. The person shall tender to the Division of Motor Vehicles a fee
15 of \$5.00 for the replacement license. Upon a person being removed from the registration requirement, the Division of
16 Motor Vehicles shall issue a license without the sex offender code printed upon the license at no charge. The sentencing
17 court shall forward to the Division all licenses that it receives, along with a copy of the sentencing order.

18 Section 2. Amend § 3103, Title 21 of the Delaware Code by making deletions as shown by strike through and
19 insertions as shown by underline as follows:

20 § 3103. Issuance fee; renewal; qualifications.

(d) An individual who presents a valid, unexpired, Delaware personal credential card, issued under § 8915(d) of Title 29, is exempt from any fee charged under this section for an identification card.

(e) If an applicant is required to register as a sex offender pursuant to § 4120 of Title 11, as amended, for a felony conviction, the person shall tender to the Division of Motor Vehicles a \$5.00 fee for a replacement identification card with the proper identifiers. Upon a person being removed from the registration requirement, the Division of Motor Vehicles shall issue an identification card without the sex offender code printed upon the identification card at no charge.

Section 3. Amend § 3104, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3104. Contents of identification cards.

(a) Every identification card shall bear a distinguishing number assigned to the holder and shall contain the name, date of birth, address, a photograph of the holder taken by the Department of Transportation and a brief description of the holder for purposes of identification. The identification card holder's Social Security number is used for identification purposes and shall be maintained in the Division of Motor Vehicles' record system.

(b) Every identification card shall bear in conspicuous print the words: "THIS IS NOT A DRIVER'S LICENSE."

(c) If an applicant is required to register as a sex offender pursuant to § 4120 of Title 11, as amended, for a felony conviction the sentencing court shall take possession of the identification card, if available, and shall tender to the person being sentenced a temporary identification card, directing that the person report to the Division of Motor Vehicles for a replacement nondriver identification with the following under restrictions: "SO" indicating sex offender, on the face of the identification card, and the phrase "sex offender" on the back of the identification card. The sentencing court shall forward to the Division all identification cards that it receives, along with a copy of the sentencing order.

SYNOPSIS

This Act amends Chapter 27 and Chapter 31 of Title 21 of the Delaware Code. First, it amends Chapter 27 by amending the requirement that a felon identified as a sex offender on their Drivers License identify themselves with a "Y". This Act changes the requirement to an "SO", instead of a "Y". Next, this Act amends Chapter 31 by adding a requirement that the Court also take possession of their nondriver identification card, and issue a temporary identification card. It also requires the Division of Motor Vehicles issue Nondriver Identification Cards, where no such prior obligation existed, with "SO" on the front of such cards, as well as the phrase "sex offender" on the back of the Identification Card. This Act also establishes the fees applicable to sex offenders applying for a replacement identification card.