



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

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
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 (Two-thirds of all members
elected to each house thereof concurring therein):

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 documenting that an individual
20 has been vaccinated, which bears a government logo or other indication that the written instrument is created by a
21 governmental instrumentality and includes information such as the date an individual received a vaccination and
22 the type of vaccine and lot number.
23 Forgery in the second degree is a class G felony.

SYNOPSIS

House Bill No. 302 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 does not address electronic vaccination records because the existing crime of misusing computer system information, § 935 of Title 11, clearly covers tampering with computer records, which includes vaccination records.

House Substitute No. 1 for House Bill No. 302 revises the language describing the altered or fake vaccination document so it cannot be read as requiring each of the details listed.

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