SPONSOR: Rep. Lynn & Rep. Heffernan & Rep. Spiegelman & Sen. Lockman & Sen. Pettyjohn
Reps. Baumbach, Bolden, Briggs King, Bush, Dorsey Walker, K. Johnson, Mitchell, Osienski, Seigfried, D. Short, Michael Smith; Sens. Ennis, Hansen, Hocker, Richardson, Sokola, Sturgeon, Townsend, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 74
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE REGARDING DISSEMINATION OF PERSONAL INFORMATION.

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

Section 1. Amend Chapter 85, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8502 Definitions.

(8) "Dissemination" shall mean the transmission of criminal history record information, or the confirmation of the existence or nonexistence of such information. The term shall not include:

a. Internal use of information by an officer or employee of the agency which maintains such information;

b. Transmission of information to the State Bureau of Identification;

c. Transmission of information to another criminal justice agency in order to permit the initiation of subsequent criminal justice proceedings;

d. Transmission of information in response to inquiries from criminal justice agencies via authorized system terminals, which agencies provide and/or maintain the information through those terminals.

e. Whenever a peace officer as defined in § 1901 of this title or an emergency-care provider as defined in § 2503A of Title 16 alerts a school district or charter school about the presence of a minor child or a child that has reached the age of 18 that continues to be enrolled in high school that has been identified at the scene of a traumatic event. The peace officer or emergency-care provider may only release the student's name directly to the school district or charter school and state that the student was present at the scene of a traumatic event.

Section 2. Amend Chapter 94, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9403 Nondisclosure of information about victim.

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LC : HVW : NMX : 5081500121
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(a) Unless a victim or witness waives confidentiality in writing, neither a law-enforcement agency, the prosecutor, nor the corrections department may disclose, except among themselves or as authorized by law, the residential address, telephone number or place of employment of the victim or a member of the victim's family, or the identity, residential address, telephone number or place of employment of a witness or a member of the witness's family, except to the extent that disclosure is of the site of the crime, is required by law or the Rules of Criminal Procedure, is necessary for law-enforcement purposes, or is permitted by the court for good cause.

(b) A court may not compel a victim or witness or a member of the victim's or witness's family testifying in a criminal justice proceeding to disclose a residential address or place of employment on the record unless the court finds that disclosure of the information is necessary.

(c) The victim's address, place of employment and telephone number and any witness's identity, address, place of employment and telephone number, maintained by a court, prosecutor or law-enforcement agency pursuant to this chapter is exempt from disclosure under the Freedom of Information Act [Chapter 100 of Title 29].

(d) An exception to this section is whenever a peace officer as defined in § 1901 of this title or an emergency-care provider as defined in § 2503A of Title 16 alerts a school district or charter school about the presence of a minor child or a child that has reached the age of 18 that continues to be enrolled in high school that has been identified at the scene of a traumatic event. The peace officer or emergency-care provider may only release the student’s name directly to the school district or charter school and state that the student was present at the scene of a traumatic event.