SPONSOR: Rep. K. Johnson & Sen. Lockman
Reps. Dorsey Walker, Minor-Brown

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 255
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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

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

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

§ 1309 Deprivation of Civil Rights.

(a) Whoever, under color of any law, statute, ordinance, regulation, or custom, knowingly subjects any person or group to the deprivation of any rights, privileges, or immunities secured or protected by the United States Constitution, the Delaware Constitution, or the laws of the State of Delaware, shall be guilty of a Class A Misdemeanor.

(b) If physical injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous instrument, explosives, or fire, the defendant shall be guilty of a Class D Felony.

(c) If serious physical injury or death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, a felony sex offense or an attempt to commit a felony sex offense, or an attempt to kill, the defendant shall be guilty of a Class B Felony.

(d) The Superior Court shall have exclusive jurisdiction over violations of this section.

Section 2. Amend Chapter 5, Title 11 of the Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1502 Definitions.

(9) "Racketeering" shall mean to engage in, to attempt to engage in, to conspire to engage in or to solicit, coerce or intimidate another person to engage in:

a. Any activity defined as "racketeering activity" under 18 U.S.C. § 1961(1)(A), (1)(B), (1)(C) or (1)(D); or

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b. Any activity constituting any felony which is chargeable under the Delaware Code or any activity constituting a misdemeanor under the following provisions of the Delaware Code:

1. Chapter 53 of Title 30 relating to evasion of payment of cigarette taxes;

2. Chapter 73 of Title 6 relating to the sale of securities;

3. Chapter 5 of Title 11 relating to prostitution;

4. Chapter 5 of Title 11 and Title 6 relating to forgery and counterfeiting;

5. Chapter 5 of Title 11 relating to perjury;

6. Chapter 5 of Title 11 and Title 28 relating to bribery and misuse of public office and improper influence;

7. Chapter 5 of Title 11 relating to obscenity;

8. Chapter 5 of Title 11 and Title 28 relating to gambling;

9. Title 11 and Title 16 relating to drug abuse, prevention and control;

10. Chapter 5 of Title 11 relating to tampering with jurors, evidence and witnesses;

11. Chapter 51 of Title 30 relating to motor fuel tax offenses;

12. Chapter 5 of Title 11 relating to human trafficking; ~~or~~

13. Chapter 5 of Title 11 relating to animal fighting and baiting; or

14. Chapter 5 of Title 11 relating to hate crimes or civil rights.