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
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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):

Section 1. Amend § 861, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 861. Forgery; class F felony; class G felony; class A misdemeanor; restitution required.

(b) Forgery is classified and punished as follows:

(2) Forgery is forgery in the second degree if the written instrument is or purports to ~~be:~~ be any of the following:

a. A deed, will, codicil, contract, release, assignment, commercial instrument, ~~check~~ check, or other instrument which does or may evidence, create, transfer, ~~terminate~~ terminate, or otherwise affect a legal right, interest, ~~obligation or status; or~~ obligation, or status.

b. A public record, or an instrument filed or required to be filed in or with a public office or public ~~servant; or~~ servant.

c. A written instrument officially issued or created by a public office, public ~~servant or governmental instrumentality; or~~ servant, or governmental instrumentality.

d. Part of an issue of tokens, tickets, public transportation transfers, ~~certificates~~ certificates, or other articles manufactured and designed for use as symbols of value usable in place of money for the purchase of property or ~~services; or~~ services.

e. A prescription of a duly licensed physician or other person authorized to issue the same for any drug or any instrument or device for which a prescription is required by law.

Forgery in the second degree is a class G felony.

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(4) If the written instrument is or purports to be provided to an individual by a vaccine provider documenting that an individual has been vaccinated, which bears a government logo or other indication that the written instrument is created by a governmental instrumentality and includes information such as the date an individual received a vaccination and the type of vaccine and lot number, forgery is classified and punished as follows:

a. A first offense by an individual involving a single written instrument under paragraph (b)(4) of this section is forgery in the third degree, a class A misdemeanor.

b. All other forgery under paragraph (b)(4) of this section is forgery in the second degree, a class G felony.