



SPONSOR: Sen. Wilson & Rep. Shupe
Sens. Buckson, Hocker, Huxtable, Lawson, Mantzavinos,
Pettyjohn; Reps. Baumbach, Bolden, Harris, Hilovsky,
Parker Selby, Ramone, D. Short, Spiegelman, Yearick

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 221
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE PROVISION OF A FLAG TO NEXT OF KIN.

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

Section 1. Amend Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 60F. Provision of State Flag to Next of Kin.

§ 6001F. Definitions.

As used in this chapter:

(1) “Flag” means a Delaware state flag.

(2)a. “Law-enforcement officer” means a sworn member of a police force or other law-enforcement agency of this state or of a county or municipality in this state, whether employed full or part-time, who is responsible for the prevention and the detection of crime and the enforcement of laws of this state or other governmental units within the state. The sworn member must be a member of any of the following:

1. The Delaware State Police.
2. The New Castle County Police.
3. A police department, bureau, or force of an incorporated city or town in this state.
4. The Delaware River and Bay Authority Police.
5. The Capitol Police.
6. The Delaware State University Police Department.
7. The University of Delaware Police Division.
8. An agent of the State Division of Alcohol and Tobacco Enforcement.
9. An officer or agent of the State Police Drug Diversion Unit.

10. A state detective or special investigator of the Department of Justice.

11. An officer or agent of the Delaware Police Sex Offender Task Force, or an agent employed by a state, county, or municipal law-enforcement agency engaged in monitoring sex offenders.

12. A member of the Office of the State Fire Marshall.

13. A municipal fire marshal or a sworn member of the City of Wilmington Fire Department, either of which is a graduate of a Delaware Police Academy, or similar academy, which is accredited or authorized by the Police Officer Standards and Training Commission under Chapter 84 of Title 11.

14. A correction officer. "Correction officer" means an individual employed by the Department of Correction in a position responsible for supervising correctional officers in secured facilities or classified with a correctional officer job title.

15. A probation and parole officer. "Probation and parole officer" means an individual employed by the Department of Correction or the Department of Services for Children, Youth, and their Families, with the qualifications and having powers and responsibilities pertaining to investigation, supervision and otherwise, provided by law or determined by the Department of Correction or the Department of Services for Children, Youth and their Families, respectively.

b. "Law-enforcement officer" does not mean any of the following:

1. A sheriff, regular deputy sheriff, or constable.

2. A security force for a state agency or other governmental unit.

3. An individual holding police power by virtue of occupying another position or office.

(2) "Next of kin" means an individual who is the surviving spouse, partner, parent, or the individual legally entitled to the remains of a deceased person.

(3) "Person" means any of the following:

a. A volunteer or paid member of a fire department in this state.

b. A law-enforcement officer.

c. A uniformed member of the Delaware National Guard.

§ 6002F. Eligibility.

(b) The next of kin of a deceased person is entitled to a flag if all of the following criteria are met:

(1) The person has provided at least 10 years of service to this state in at least 1 of the entities listed under § 6001F of this title. Service in more than 1 entity may be combined in calculating the 10-year threshold.

(2) The person dies in the line of duty or while an active member of at least 1 of the entities listed under § 6001F of this title.

(3) The next of kin requests a flag from the appropriate entity under § 6003F of this title.

§ 6003F. Distribution.

(c) On the request of a next of kin, the following entities shall provide a flag under this section:

(1) The Delaware State Fire Prevention Commission, if the person served as a volunteer or paid member of a fire department in this state.

(2) The Department of Safety and Homeland Security, if the person served as a law-enforcement officer, unless the person served as a correction officer or probation and parole officer.

(3) The Department of Correction, if the person served as a correction officer or a probation and parole officer.

(4) The Delaware National Guard, if the person served as a member of the Delaware National Guard.

Section 2. This Act applies to a request for a flag under Chapter 60F of Title 29 made on or after [the date of enactment of this Act].