



SPONSOR: Sen. Sturgeon & Rep. K. Williams
Sens. Buckson, Hansen, Hoffner, Pettyjohn, Richardson;
Reps. Burns, Hilovsky, D. Short, Yearick

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 48
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DISORDERLY CONDUCT.

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 § 1301, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1301. Disorderly conduct; unclassified misdemeanor.

(a) A person is guilty of disorderly conduct ~~when~~ when any of the following apply:

(2) The person engages with at least 1 other person in a course of disorderly conduct as defined in paragraph (a)(1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer to the participants.

(3) The person intentionally interferes with the operation of a school bus if both of the following apply:

a. The school bus is transporting, picking up, or dropping off students.

b. The person does any of the following:

1. Boards the school bus and refuses to exit after being lawfully ordered to exit by the school bus driver or bus attendant.

2. Wrongfully restricts the movement of the school bus.

3. Threatens the school bus driver or a school bus passenger, including when the school bus driver or the school bus passenger is entering, leaving, or waiting for the school bus. For purposes of this paragraph (a)(3)b.3., a statement that a person plans to hire an attorney, seek a legal remedy, or inform others about concerns, is not a threat.

(b) Disorderly conduct is an unclassified misdemeanor.

(c) A passenger, including a student, authorized to be on the school bus in the ordinary course of business may not be guilty of disorderly conduct for a violation of paragraph (a)(3) of this section.

(d)(1) A parent of a student with an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., or a Section 504 plan under § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, does not violate paragraphs (a)(3)b.1. and (a)(3)b.2. of this section if they are addressing a health or safety concern involving their student in a manner that is safe for the other occupants of the school bus.

(2) For purposes of this subsection, “parent” means as defined in § 3101 of Title 14, if the student satisfies the definition of “child with a disability” under § 3101 of Title 14. Otherwise, “parent” means as defined in § 401A of Title 14.