

SPONSOR: Rep. Lynn & Sen. Hoffner
Reps. Lambert, Morrison, Phillips, Snyder-Hall, Romer, Gorman, Harris

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 59
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO RELEASE AND PUBLICATION OF THE NAME AND PHOTOGRAPH OF INDIVIDUALS CHARGED WITH CRIMES OR DELINQUENCY.

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

Section 1. Amend § 1913, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1913. Release and publication of ~~the~~ name and ~~photograph of a juvenile.~~ photograph.

(a) As used in this section:

(1) "Juvenile" means a child 17 years of age or younger.

(2) "Law-enforcement officer" means as defined in § 222 of this title.

(3) "Law-enforcement agency" means ~~any~~an agency employing law-enforcement officers.

(4) "Mugshot" means a photograph of a suspect's face or profile.

(5) "Name ~~of juvenile~~" means the name of ~~a juvenile~~ an individual who has been arrested or suspected of committing a ~~crime.~~ crime or act of delinquency.

(6) ~~"Photograph of a juvenile"~~ "Photograph" means ~~any~~ an image depicting ~~a juvenile~~an individual who has been arrested or suspected of committing a ~~crime.~~ crime or act of delinquency. ~~"Photograph of a juvenile"~~ "Photograph" includes a mugshot.

(7) "Publish" means to disseminate to the public or produce or release for distribution. "Publish" includes to display on any publicly-maintained social media page or website.

(8) "Release" means to make available or accessible to the public.

(9) "Violent felony" means as defined in § 4201 of this title.

(b) ~~No~~ A law-enforcement agency ~~shall~~ may not release or publish or cause to be released or published the name of a juvenile or a photograph of a juvenile unless all of the following apply:

(1) The juvenile is charged with a violent felony.

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(2) Release or publication of the photograph or name of the juvenile is necessary to protect the public's safety.

(c) A law-enforcement agency may not release or publish or cause to be released or published the name or photograph of an adult charged with a crime unless all of the following apply:

(1) The individual is charged with a felony.

(2) Release or publication of the photograph or name of the individual is necessary to protect the public's safety.

Section 2. This Act takes effect 90 days after its enactment into law.

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