SPONSOR: Sen. Poore & Rep. K. Williams
Sens. Cruce, Hansen, Walsh, Wilson; Reps. Heffernan, Ross Levin

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 174
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 11 AND TITLE 16 OF THE DELAWARE CODE RELATING TO AN ANIMAL ABUSE OFFENDER LIST.

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

Section 1. Amend Chapter 41, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter IV. Animal Abuse Offender List.

§ 4130. Definitions.

As used in this subchapter:

(1) "Animal" means as defined in § 1325 (a)(2) of this title.

(2) "Animal abuse offense" means any of the following offenses as defined in Title 11:

a. § 775. Bestiality.

b. § 1325. Cruelty to animals; class A misdemeanor; class F felony.

c. § 1325A. The unlawful trade in dog or cat byproducts; class B misdemeanor, class A misdemeanor.

e. § 1326. Animals; fighting and baiting prohibited; class E felony.

(3) "Conviction" or "convicted" means a judgment entered by a Delaware court upon a plea of guilty, a plea of nolo contendere, a plea of guilty to a criminal charge where the defendant does not admit to the factual basis of the crime but agrees to the consequences of the plea, a probation before judgment discharge without judgment of conviction notwithstanding the provisions of § 4218(g) of this title, a finding of guilt by a jury or the court, or a finding of not guilty after trial as a result of the defense of mental disease or defect pursuant to this title.

§ 4131. Animal abuse offender list; public website.

(a) The Office of Animal Welfare shall create a list of adult individuals convicted of an animal abuse offense and publicly post the list on the Office of Animal Welfare's website with information set forth in subsection (b) of this section.

SD : JH : ALW : 0111530007 Released: 06/30/2025 10:50 PM
DLS : HVW : CBM : 5081530103

(b) The list shall include all of the following:

(1) The individual's legal name and any previously used names, aliases, or nicknames.

(2) Date of birth.

(3) A photograph taken of the individual as part of the criminal booking process.

(4) The crime in which the individual was convicted.

(c) The list may not include any of the following:

(1) The individual's social security number.

(2) The individual's driver license number.

(3) Any other state or federal identification number.

(d) The court clerk shall forward a copy of the judgment and date of birth of all individuals convicted of an animal abuse offense to the Office of Animal Welfare within 21 calendar days of the date of judgment.

(e) The Office of Animal Welfare shall maintain the individual's information described in subsection (b) of this section for as long as follows:

(1) Five years for an individual convicted of a misdemeanor animal abuse offense.

(2) Fifteen years for an individual convicted of a felony animal abuse offense.

(f) The Office of Animal Welfare shall remove the individual's information described in subsection (b) of this section, provided that the individual is not convicted of another animal abuse offense during the period of time the individual was on the list.

§ 4132. Rules.

The Office of Animal Welfare may promulgate rules necessary for implementation of this chapter.

§ 4133. Early removal.

(a) An individual who has been entered on the animal abuse offender list subject to a misdemeanor conviction may file a petition for removal 2 years after the date of conviction.

(b) An individual who has been entered on the animal abuse offender list subject to a felony conviction may file a petition for removal 7 years after the date of conviction.

(c) A petition for removal must be filed with the Court that entered the conviction of the individual.

(d) The petitioner shall cause a copy of the petition for removal filed under this section to be served upon the Attorney General's Office, who may file an answer to the petition within 30 days thereafter.

(e) The Court shall have the discretion to remove an individual from the animal abuse offender list. In making this determination, the Court shall consider the following factors, including:

(1) The nature and circumstances of the original conviction.

(2) Any incidents of animal abuse or neglect while on the animal abuse offender list.

(3) The criminal history of the individual.

(4) Compliance with the terms of probation, if applicable.

(5) The risk, if any, the individual poses to animals.

(6) The rehabilitation, if any, of the individual, or successful completion of a program of evaluation and treatment.

(7) The adverse impact of registration on the individual and the rehabilitative process, including the impact on employment opportunities.

(f) An individual who obtains an expungement from the underlying conviction that placed them on the animal abuse offender list must be automatically removed from the animal abuse offender list and the public website maintained by the Office of Animal Welfare subject to § 4372(e) of Title 11.

Section 2. Amend Chapter 30F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3003F. Animal adoption, recovery, and rehabilitation.

(f) Prior to an adoption, an animal shelter shall consult the animal abuse offender list as established by § 4131 of Title 11 to determine if the individual seeking ownership of an animal is on the animal abuse offender list.

(1) Animal shelters may not approve an animal adoption to an individual on the animal abuse offender list.

(2) A pet store that allows for an animal shelter to use the store's premises for the purpose of making animals available for adoption are exempt from requirements of this subsection provided that the pet store does not have an ownership interest in any of the animals that are made available for adoption.