SPONSOR: Rep. Hilovsky & Sen. Pettyjohn
Reps. Romer, D. Short, Yearick, Cooke, Ortega; Sens. Huxtable, Wilson, Hocker

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE JOINT RESOLUTION NO. 4
AS AMENDED BY
HOUSE AMENDMENT NO. 1

ESTABLISHING A TASK FORCE TO REDUCE DRIVING UNDER THE INFLUENCE IN DELAWARE.

WHEREAS, in the State of Delaware, we strive to ensure our State is as safe for our citizens as possible; and

WHEREAS, despite well-intentioned laws in the Delaware Code providing penalties for individuals Driving Under the Influence, such incidents still occur with more frequency than is acceptable in our State; and

WHEREAS, it is understood that new drugs and other substances now exist that may render a driver incapable of operating a motor vehicle safely; and

WHEREAS, it is the hope that establishing a Task Force to review current Delaware laws regarding Driving Under the Influence, recidivism of such offenders, success of prosecution of offenders, as well as identifying devices that can detect intoxication for substances other than alcohol, will provide insight as to how to decrease instances of individuals Driving Under the Influence in Delaware, whether it be through legislative reform or other means.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 153rd General Assembly of the State of Delaware, with the approval of the Governor, that the Driving Under the Influence Prevention Task Force (Task Force) is hereby established.

BE IT FURTHER RESOLVED that the Task Force is composed of 13 members, as follows:

(1) 2 members of the House of Representatives; 1 member of the majority party who is appointed by the Speaker of the House of Representatives, who shall be co-chair, and 1 member of the minority party who is appointed by the House Minority Leader.

(2) 2 members of the Senate; 1 member of the majority party who is appointed by the President Pro Tempore of the Senate, who shall be co-chair, and 1 member of the minority party who is appointed by the Senate Minority Leader.

(3) The Attorney General.

(4) A representative from the Criminal Division of the Department of Justice to be appointed by the Attorney General.

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Seven members serving by virtue of position, or a designee appointed by the member as follows:

(5) A representative from the judiciary, specifically a judge, who has adjudicated on a DUI matter to be appointed by the President Judge of the Superior Court.

(6) The Director of the Delaware Probation and Parole Office.

(7) The Director of the Delaware Department of Correction.

(8) The Director of the Delaware Division of Substance Abuse and Mental Health.

(9) The Chief Defender of the Office of Defense Services.

(10) The Delaware State Police Superintendent.

(11) the Director of the Delaware office of Highway Safety.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives shall notify members of the Task Force serving by virtue of their position of selection to serve on the Task Force and notify individuals authorized to appoint members to the Task Force of their appointing authority.

BE IT FURTHER RESOLVED that the Task Force must hold the initial organizational meeting no later than 60 days after enactment of this Act.

BE IT FURTHER RESOLVED that a member serving by virtue of position who is granted the ability to designate another individual to attend a Task Force meeting must provide the designation in writing to the Task Force co-chairs. An individual attending a meeting for a member serving by virtue of position has the same duties and rights as the member serving by virtue of position.

BE IT FURTHER RESOLVED that the Task Force study and report its findings and recommendations on at least the following topics:

(1) The rate of persons arrested pursuant to the Driving Under the Influence laws in the Delaware Code, and the rate of convictions of said persons for Driving Under the Influence.

(2) The causes of failures to convict persons for Driving under the Influence who were arrested for Driving Under the Influence.

(3) How often the increased penalties for subsequent offenses are imposed.

(4) If the increased penalties are not being imposed, what sentencing guidelines are being followed.

(5) Identification of necessary changes to Delaware's laws and regulations that would further deter Driving Under the Influence in Delaware, potentially including, but not limited to, raising the amounts of applicable fines, lengthening jail sentences, and potentially providing for mandatory substance abuse treatment or mandatory counseling for those struggling with addiction that cannot be waived as part of a plea bargain.

(6) Identifying detection devices or methods to be utilized by law enforcement to detect intoxication from substances other than alcohol, as well as the associated costs in procuring such devices and training enforcement officers how to utilize them.

BE IT FURTHER RESOLVED that each state agency shall respond to a request for information from the Task Force or the Task Force's staff within 90 days of the Request for Information.

BE IT FURTHER RESOLVED that the co-chairs are responsible for guiding the administration of the Task Force by, at a minimum, doing all of the following:

(1) Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and reports of the Task Force.

(2) Coordinating and convening a date, time, and place for the initial organizational meeting.

(3) Providing the Director of the Division of Legislative Services, after the first meeting of the Task Force, a list of the members of the Task Force and the people who appointed them and providing notice of any changes in the make-up of the Task Force to the Director of the Division of Legislative Services.

(4) Providing meeting notices, agendas, and minutes to the Director of the Division of Legislative Services.

(5) Ensuring the final report of the Task Force is submitted to all members of the General Assembly, the Governor, the Director and the Librarian of the Division of Legislative Services, and the Delaware Public Archives.

BE IT FURTHER RESOLVED that a quorum of the Task Force is a majority of its members.

BE IT FURTHER RESOLVED that:

(1) Official action by the Task Force, including making findings and recommendations, requires the approval of a quorum of the Task Force.

(2) The Task Force may adopt rules necessary for its operation. If the Task Force does not adopt rules or if the adopted rules do not govern a given situation, the current edition of Mason's Manual of Legislative Procedure controls.

(3) The Office of the Attorney General is responsible for providing reasonable and necessary support staff and materials for the Task Force.

BE IT FURTHER RESOLVED that the co-chairs, with the assistance of staff assigned to the Task Force, must compile a report containing a summary of the Task Force's work regarding the issues assigned to it under this Joint Resolution, including any findings and recommendations, and submit the report to the General Assembly, the Governor, and the Director and the Librarian of the Division of Legislative Services not later than January 1, 2026.