



SPONSOR: Sen. Wilson & Rep. D. Short
Sens. Buckson, Hocker, Lawson, Pettyjohn, Richardson;
Reps. Cooke, Gray, Griffith, Morris, Osienski, Shupe,
Yearick

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 232
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL MISCHIEF.

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

Section 1. Amend § 811, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 811. Criminal mischief; classification of crime; defense.

(a) A person is guilty of criminal mischief when the person intentionally or ~~recklessly~~: recklessly does any of the following:

(1) Damages tangible property of another ~~person; or person.~~

(2) Tamper with tangible property of another person so as to endanger person or ~~property; or property.~~

(3) Tamper or makes connection with tangible property of a gas, electric, steam or waterworks corporation, telegraph or telephone corporation or other public utility, except that in any prosecution under this subsection it is an affirmative defense that the accused engaged in the conduct charged to constitute an offense for a lawful purpose.

(4) Damages an authorized emergency vehicle. For purposes of this section:

a. "Aircraft" means a device in, on, or by which an individual or thing may be transported in the air.

b. "Authorized emergency vehicle" means all of the following:

1. A vehicle, aircraft, watercraft, or unmanned aircraft system owned, leased, or used in performance of duties by any of the following:

A. A fire department or fire company, including the use by fire chief, assistant fire chief, chief engineer, or fire police officer.

B. A law-enforcement agency.

C. An ambulance company.

2. A specialized vehicle used by a paramedic in performance of the paramedic's duties.

c. "Law-enforcement agency" means an agency that employs a law-enforcement officer, as defined under § 222 of this title.

d. "Unmanned aircraft system" means as defined under § 1334 of this title.

e. "Vehicle" means as defined under § 222 of this title.

f. "Watercraft" means a device in, on, or by which an individual or thing may be transported on the water.

(b) Criminal mischief is punished as follows:

(1) Criminal mischief is a class F felony if the person intentionally causes damage to an authorized emergency vehicle resulting in pecuniary loss of \$5,000 or more and in the authorized emergency vehicle becoming temporarily unable to be used to respond to an emergency.

~~(1)(2)~~ (2) Criminal mischief is a class G felony if the actor-person intentionally causes pecuniary loss of \$5,000 or more, or if the actor-person intentionally causes a substantial interruption or impairment of public communication, transportation, supply of water, gas gas, or power, or other public service; service.

~~(2)(3)~~ (3) Criminal mischief is a class A misdemeanor if the actor-person intentionally or recklessly causes pecuniary loss in excess of \$1,000; \$1,000 and paragraphs (b)(1) and (b)(2) of this section do not apply.

~~(3)(4) Otherwise criminal~~ (4) Criminal mischief is an unclassified misdemeanor; misdemeanor if paragraphs (b)(1) through (b)(3) of this section do not apply.

~~(4)(5) If an actor the person~~ (5) If the person commits an act of criminal mischief of any degree on or along a Delaware byway, as defined in § 101 of Title 17, the court shall impose a minimum mandatory fine of at least \$500.

(c) It is a defense that the ~~defendant-person~~ defendant-person has a reasonable ground to believe that the ~~defendant-person~~ defendant-person has a right to engage in the conduct set forth in subsection (a) of this section.