



SPONSOR: Rep. Morrison & Rep. Phillips & Sen. Poore
Reps. Bolden, Romer, Burns, Berry, Gorman, Griffith;
Sens. Hansen, Hoffner

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 355
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO SEXUAL ASSAULT, HARASSMENT, AND DISCRIMINATION.

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

Section 1. Amend Chapter 81, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8146. Limitation on civil actions; sexual assault, harassment, and discrimination.

(a) For purposes of this section, “communication” means information related to an incident of sexual assault, harassment, or discrimination experienced by the individual making the communication. An incident of sexual assault, harassment, or discrimination includes any of the following:

(1) A sexual offense as defined in § 761 of Title 11.

(2) An act that would constitute sexual harassment under § 711A of Title 19.

(3) A discriminatory housing practice as defined by § 4602 of Title 6 that involves sexual assault, harassment, or discrimination.

(b) No cause of action exists, and no civil liability may be imposed, on a person for a communication made without malice regarding a complaint of sexual assault, harassment, or discrimination. For purposes of this subsection, “malice” means that the communication is made with knowledge that it is false or with reckless disregard for the truth.

(c) This section applies to any communication by a person who has a reasonable basis to file a complaint of sexual assault, harassment, or discrimination, whether the person files a complaint or not.

(d) This section applies to any communication by a person who is a witness to sexual assault, harassment, or discrimination, whether the person has a reasonable basis to file a complaint of sexual assault, harassment, or discrimination, or whether the person files a complaint or not.

(e) A prevailing defendant in a civil lawsuit for libel, slander, or any other relevant tort arising out of a communication under this section may be entitled to attorneys’ fees and costs.

Section 2. This Act is known as “Speak Your Truth Act”.