SPONSOR: Rep. Gorman & Sen. Pinkney
Reps. Burns, Morrison, Lynn, Romer, Neal, Ortega, Phillips, Kamela Smith, Snyder-Hall, Lambert; Sen. Cruce

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 153
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO ARREST AND DETENTION.

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

Section 1. Amend Chapter 19, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1914. Arrest or detention by private person prohibited.

(a) Except as set forth under subsection (b) of this section, arrest or detention by any person who is not specifically authorized by statute to effect an arrest or detention is prohibited.

(b) If a peace officer is attempting to effect an arrest or detention, a private citizen may assist upon request of a peace officer or if the peace officer is incapacitated.

Section 2. Amend Chapter 65, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6563. ~~Incarceration upon arrest by private detective.~~ [Repealed.]

~~All persons arrested by private detectives or private detective agencies on state, county or municipal warrants, or in any other manner, shall be incarcerated only in the custody of the Department or in a place provided by the State, county or municipality for the incarceration of persons.~~

§ 6564. ~~Violation of § 6563 of this title.~~ [Repealed.]

~~Whoever, being a private detective, violates § 6563 of this title shall be fined not less than $100 nor more than $500, or, in default of the payment of such fine, imprisoned not less than 6 months nor more than 1 year.~~

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