SPONSOR: Rep. Lynn & Rep. Harris & Sen. Hoffner & Sen. Pinkney
Reps. Berry, Gorman, Morrison, Neal, Snyder-Hall,
K. Johnson, Romer, Griffith; Sens. Cruce, Sokola, Poore,
Seigfried

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 2
FOR
HOUSE BILL NO. 94
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT AMENDING TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO LAW ENFORCEMENT COOPERATION IN FEDERAL IMMIGRATION ENFORCEMENT.

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

Section 1. Amend Chapter 84B, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8401B. Definitions.

As used in this ~~chapter~~ chapter:

(1) "Child-serving entity" means as defined in § 309 of Title 31.

(2) "Exigent circumstance" means a reasonable likelihood that there is an imminent risk to public safety or the safety of an individual or group.

(3) "Health-care facility" means an institution, office, facility, or agency that provides health care in the ordinary course of business, whether operated for profit or nonprofit and whether privately owned or operated or owned or operated by a unit of State or local government. "Health-care facility" includes:

a. Hospitals and licensed medical facilities.

b. Continual care communities and any other nontraditional, long-term care facilities identified by the Department of Health and Social Services or the Delaware Health Care Commission.

c. Any custodial or residential facility where health, nutritional, or personal care is provided for individuals, including nursing homes, home health-care facilities, and adult day-care facilities.

d. Any physician's office, whether an individual or group practice.

e. Any independent clinical laboratory or any radiology laboratory.

HD : KL : SCD : 0131530098
DLS : HVW : CBM : 5081530206
Released: 06/25/2026 03:40 PM

f. The office of any other licensed health-care provider, including a physical therapist, dentist, physician assistant, podiatrist, chiropractor, independently practicing nurse or nurse practitioner, optometrist, pharmacist, or psychologist.

~~"law-enforcement agency" means the Delaware State Police, the Wilmington City Police Department, the New Castle County Police, the University of Delaware Police Division, the Delaware State University Police Department, the police force established by the Delaware River and Bay Authority, the police department, bureau of police, or police force of any incorporated municipality, city, or town within this State, the Department of Natural Resources and Environmental Control, the Delaware Capitol Police, Probation and Parole Office of the Department of Correction, Probation and Parole of the Department of Services for Children, Youth and their Families, State Fire Marshal, the Department of Justice, the State Police Drug Diversion Unit, or the State Division of Alcohol and Tobacco Enforcement.~~

(4) "Law-enforcement agency" means a government agency that employs law-enforcement officers.

(5) "Law-enforcement officer" means as defined in § 222 of this title.

§ 8403B. Federal agency cooperation; restrictions.

(a) A law-enforcement officer may not directly participate with a federal agency in civil immigration enforcement activities at a child-serving entity, an institution of higher education, a place of worship, or a health-care facility unless an exigent circumstance exists. Direct participation includes assistance with arrests, detentions, searches, or the seizure of property during federal civil enforcement actions.

(b) Nothing in this section prohibits a law-enforcement officer from assisting federal criminal immigration activities conducted under a valid court order.

(c) A law-enforcement officer or agency that directly participates with a federal agency in a civil immigration enforcement activity under an exigent circumstance must provide notice in writing within 48 hours to the Police Officer Standards and Training Commission and the Department of Safety and Homeland Security that includes all of the following:

(1) The name of the law-enforcement officer or law-enforcement agency who participated in the activity.

(2) The name of the federal agency to whom assistance was provided.

(3) The date, time, and duration of the activity.

(4) The purpose of the activity.

(5) The name of any individual impacted by the activity.

(6) A list of any records or other evidence collected during the activity.

(7) The nature of the exigent circumstance.

(8) The reason why the activity was required to take place at the identified location rather than in a place not covered by subsection (a) of this section.

(d) At least every 6 months, the Department of Safety and Homeland Security shall aggregate the reports received under subsection (c) of this section and deliver them to the Governor, the Chair of the House and Senate Judiciary Committees, and the Director and Librarian of the Division of Legislative Services.