



SPONSOR: Sen. Marshall
Sen. Blevins; Reps. Lofink Maier
Scott; Sens. Connor Henry
McDowell; Rep. Spence

DELAWARE STATE SENATE

140th GENERAL ASSEMBLY

SENATE BILL NO.

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO ADULT PROTECTIVE SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:
(Two-Thirds of all members elected to each house thereof concurring therein):

Section 1. Amend §3902(16)a. of Title 31 of the Delaware Code, by deleting the words “intentionally and” as they appear therein.

Section 2. Amend §3902(18) of Title 31 of the Delaware Code, by deleting the word “intentional” where it appears after the phrase “means the”, and further by deleting the phrase “intentional,” as it appears in said subsection.

Section 3. Amend §3902(19) of Title 31 of the Delaware Code by deleting the word “intentional” where it appears in paragraph (a) and paragraph (b) of said subsection.

Section 4. Amend §3913(a)(b) and (c) of Title 31 of the Delaware Code by deleting the word “intentionally” wherever it appears in said subsections and by substituting in lieu thereof the words “knowingly or recklessly”.

Section 5. Amend §3913(b) of Title 31 of the Delaware Code by deleting the period and the end of the subsection and substituting in lieu thereof the following:

“but less than \$5,000. If the value of the resources is \$5,000 or more but less than \$10,000, the person shall be guilty of a Class E felony. If the value of the resources is \$10,000 or more but less than \$50,000, the person shall be guilty of a Class D felony and if the value of the resources is \$50,000 or more the person shall be guilty of a Class C felony. Any

17 subsequent conviction under this subsection shall be treated as a Class C felony regardless of the
18 amount of resources exploited.” Change.

SYNOPSIS

This amendment is designed to eliminate the need to prove intentional conduct relating to the abuse and exploitation of infirm adults by requiring the lesser mens rea of acts done knowingly or recklessly. The amendments also increase the penalties for the crime of Expolitation of an Infirm Adult depending upon the amount.

Author: Sen. Marshall