



SPONSOR: Sen. McDowell & Rep. Maier

DELAWARE STATE SENATE

140th GENERAL ASSEMBLY

SENATE BILL NO. 422

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CHILD SEX ABUSE INFORMATION REPOSITORY.

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

1 Section 1. An act to Amend 11 Del. C. Section 8550 (2) by deleting said section and
2 inserting in lieu thereof the following:

3 “ ‘Child sex abuse’ means any of the following crimes committed against a
4 child:

5 (A) any sexual offense or child exploitation in violation of Chapter 5, Subchapter
6 II, Subpart D and Subchapter V of Title 11 of the Delaware Code committed
7 by an adult; or

8 (B) notwithstanding 10 Del. C. § 1009, any adjudication of delinquency which, if
9 the person had been charged as an adult, would constitute an offense under
10 Chapter 5, Subchapter V or Chapter 5, Subchapter II, Sections
11 766,767,769,770 (except for those provisions dependent upon the age of the
12 victim), 771,772, or 773, of Title 11 of the Delaware Code; or

13 (C) any conviction, plea, or adjudication of delinquency under the laws
14 of another State, territory or jurisdiction which is the same as or equivalent to
15 the preceding specified offenses;”

16 Section 2. Amend 11 Del.C. Section 8561(f) by inserting after words “shall be hired by
17 the child care provider” and before the word “if” the following:
18 “or have regular direct access to the child care facility”

SYNOPSIS

Section 8561(f) of Title 11 currently prohibits only adults convicted of child sex abuse as defined in Section 8550(2) from being employed in day care facilities. Section one makes clear that it is not simply adults convicted of sexual offenses or child exploitation in violation of specified Delaware Criminal Code sections who are prohibited from being employed by a child care provider or from having direct access to a child care facility, but any person, child or adult convicted of or adjudicated delinquent of sex offenses or child exploitation against a child or convicted or adjudicated delinquent in violation of similar or like out of state criminal laws are also prohibited.

Section 2 clarifies that it is not simply those persons who the child care provider “shall hire” that are prohibited but also those who would for any reason have regular direct access to the facility.
Author: Sen. McDowell