



SPONSOR: Rep. DiPinto & Sen. Vaughn

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 60

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE AND TITLE 21 OF THE CODE RELATING TO DRIVERS' LICENSES.

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

1 Section 1. Amend Title 10 of the Delaware Code by striking §1012(d) in its entirety and inserting the following
2 thereto:

3 "(d) Any child actively participating in the Family Court Adjudicated Drug Court Program as a result of
4 a Family Court misdemeanor adjudication may motion the Court for permission to apply for a Level I Learner's
5 Permit or driver's license under the following terms.

- 6 1. that no driving privileges, prior driver's license and/or conditional driver's license have
7 been otherwise revoked within the preceding 12 months; and
8 2. that at least 60 days or the length of time prior to licensure required by 23 U.S.C. § 159,
9 whichever is longer, has elapsed since the beginning of the child's active participation in
10 the Family Court Adjudicated Juvenile Drug Court Program and the child has completed
11 at least 12 hours of treatment through the drug treatment provider.
12 3. In the event that the Court grants the request, and if the child is otherwise qualified, the
13 Department of Public Safety shall grant the child a Level I Learner's Permit or reinstate the
14 child's driving privileges as specified in the Court order.
15 4. The Court may restrict the driving privileges granted under this Section. These restrictions
16 may include but are not limited to the right to drive to school, work or to the office of a
17 treatment provider."

18 Section 2. Amend § 2707(b)(9), Title 21 of the Delaware Code and § 4177K(a) of Title 21 of the
19 Delaware Code by inserting the phrase "Except as provided by Section 1012 of Title 10 of the Delaware Code" at
20 the beginning of the first sentence.

21 Section 3. Amend § 2702(e)(5) of Title 21 of the Delaware Code by deleting ", and" before "§ 4764"
22 and inserting in lieu thereof "; § 4764" and by inserting "; and § 1012 of Title 10" after "Title 16".

23 Section 4. If any provision of this Act or the application thereof to any person or circumstances is held
24 invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect
25 without the invalid provision or application and to this end the provisions of this Act are severable.

26 Section 5. The Family Court Adjudicated Drug Program Act is effective as of January 6, 2003.

SYNOPSIS

This Act modifies the effective date of the Family Court Adjudicated Drug Court Program that was enacted by the 141st General Assembly. In addition, the bill clarifies how the program may affect a juvenile's driving privileges.