



SPONSOR: Rep. Oberle & Rep. Lee & Rep. Williams & Sen. Vaughn ;
Reps. Smith, Spence, Buckworth, DiPinto, Ewing; Sens. Cook,
Amick, Cloutier, Still

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE BILL NO. 482

AN ACT TO AMEND TITLES 10, 11 AND 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF
SAFETY AND HOMELAND SECURITY, CONSTABLES AND CAPITOL POLICE AND BUILDINGS AND GROUNDS.

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

1 Section 1. Amend § 8203(2), Title 29 of the Delaware Code by adding a new subsection "(d)" to read as follows:

2 "(d) A director of the Division of Capitol Police who shall be known as the Chief of Capitol Police. The Chief of
3 Capitol Police shall be qualified by training and experience to perform the duties of the office. The Chief of Capitol Police shall be
4 chosen from among the ranks of the Capitol Police and through the normal promotional policies of the Capitol Police."

5 Section 2. Amend § 8203, Title 29 of the Delaware Code by deleting subsection "(10)".

6 Section 3. Amend Chapter 82, Title 29 of the Delaware Code by adding a new "§ 8233" to read as follows:

7 "§ 8233. Division of Capitol Police.

8 The Division of Capitol Police is established and shall be responsible for the performance of all the powers, duties and
9 functions heretofore vested in the Division of Capitol Police, pursuant to Chapter 82, Title 11."

10 Section 4. Amend Title 11 of the Delaware Code by adding a new Chapter 82 entitled "Capitol Police" to read as follows:

11 "Chapter 82. Capitol Police.

12 Subchapter I. General Provisions.

13 § 8201. Appointment and classification; primary duty.

14 The Department of Safety and Homeland Security, hereinafter in this Chapter referred to as 'Department', may appoint
15 police officers whose primary duty shall be to compel the enforcement of all laws within the State. They shall be officially known
16 and referred to as Capitol Police. The Department may classify such Capitol Police according to such rank as the Department
17 determines, and according to the duties assigned to them from time to time by the Department.

18 § 8202. Powers and duties of Capitol Police; local police officers assisting Capitol Police.

19 (a) Capitol Police shall have police powers similar to those of constables and other police officers, and shall be
20 conservators of the peace throughout the State, and they shall suppress all acts of violence, and enforce all laws relating to the safety
21 of persons and property.

§ 8203. Salaries.

Each of the Capitol Police shall receive a salary in accordance with the current Capitol Police compensation schedule.

§ 8204. Uniforms.

The Chief of Capitol Police shall, subject to the approval of the Department, prescribe the specifications for the standard uniforms to be used by the Capitol Police.

§ 8205. Capitol Police stations; location, staff and equipment.

The Department shall establish and maintain at least three (3) Capitol Police offices in the State, one (1) of which shall be located at New Castle County Courthouse, New Castle County, one (1) of which shall be located in Kent County, and one (1) of which shall be located in Sussex County, and such other offices as the Department deems necessary for the proper policing of, and for the enforcement of the laws of the State. Such Capitol Police stations as are herein directed to be established and maintained shall each be staffed with members of the Capitol Police, and shall each be equipped with radio equipment to aid in the police work of the Department.

§ 8206. Work week.

The regular work week of all members of the Capitol Police appointed by the Department shall consist of a 5-day, 40-hour week, except at such times as the Department, acting upon the specific recommendation of the Chief of Capitol Police, may declare a longer regular work week during periods of special need."

Section 5. Amend § 8203(10) of Title 29 of the Delaware Code by inserting after "violence." the following:

"The Chief of Capitol Police shall have the power to appoint security officers who shall have the powers of constables pursuant to Chapter 27 of Title 10 of the Delaware Code."

Section 6. Amend § 2701 of Title 10 of the Delaware Code by inserting as a new subsection"(c)" the following:

"(c) The Delaware Capitol Police may appoint security officers who shall have the power of constables but shall not be subject to appointment or examination of the Board of Examiners of Constables nor the training requirements under this Chapter."

Section 7. Delete § 422(b) of Title 29 of the Delaware Code.

SYNOPSIS

This Bill delineates the Capitol Police as a separate division in the Department of Safety and Homeland Security, re-establishes its current powers and practices as an enumerated section under Delaware Law, and eliminates the police powers of the custodians of the State House.