



SPONSOR: Sen. Blevins & Rep. Spence, & Rep. Schwartzkopf
Sens. Cook, Copeland, Marshall, McBride, Peterson, Simpson;
Reps. Ennis, Hudson, Keeley, Kowalko, Lavelle, Longhurst,
Maier, McWilliams, Mitchell, Mulrooney, Schooley, Short,
Stone, Brady, Cathcart, Hall-Long, Johnson, Valihura, Walls &
Williams

DELAWARE STATE SENATE

144th GENERAL ASSEMBLY

SENATE BILL NO. 60
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO REGISTRATION OF SEX OFFENDERS AND COMMUNITY NOTIFICATION OF SEX OFFENDERS ON PROBATION, PAROLE, CONDITIONAL RELEASE OR RELEASE FROM CONFINEMENT.

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

Section 1. Amend § 4120(d)(2), Title 11, Delaware Code, by striking it in its entirety and substituting in lieu thereof:

“(2) The registration forms shall include, but are not limited to, the following information: the sex offender's legal name, any previously used names, aliases or nicknames, Social Security number, email address(es), and the age, gender, race and physical description of the sex offender. The registration form shall also include all other known identifying factors, the offense history and the sex offender's current residences or anticipated place of future residences, places of study and/or places of employment, and the registration plate numbers and descriptions of any vehicles owned or operated by the offender. The forms shall also include a statement of any relevant conditions of release, discharge, parole or probation applicable to the sex offender. Additionally, the form shall identify the age of the victim(s) of the offense(s) and describe the victim's relationship to the offender. The form shall also indicate on its face that false statements therein are punishable by law. A photograph of the offender taken at the time of registration shall be appended to the registration form.”

Section 2. Amend § 4120(e), Title 11, Delaware Code, by striking the number “7” wherever it is found in that subsection and by substituting in lieu thereof the number “three (3)” at each location.

Section 3. Amend § 4120(f)(1), Title 11, Delaware Code, by adding the phrase “his name,” immediately after the phrase “this section who thereafter changes” and further by striking the phrase “the offender’s own” as found in that paragraph..

Section 4. Amend § 4120(f)(1), Title 11, Delaware Code, by adding the phrase “by appearing in person” immediately after the phrase “with the Delaware State Police” as it appears in the first sentence of that paragraph.

Section 5. Amend § 4120(f)(1), Title 11, Delaware Code, by striking the number “7” as found therein and by substituting in lieu thereof the number “3”.

Section 6. Amend § 4120(f)(6), Title 11, Delaware Code, by striking the number “7” as found therein and by substituting in lieu thereof the number “3”.

Section 7. Amend § 4120(g), Title 11, Delaware Code, by striking that subsection in its entirety, and by substituting in lieu thereof, a new subsection (g) to read as follows:

“(g) Any person required to register as a sex offender pursuant to this section shall be required periodically to verify that he or she continues to reside at the address provided at the time of registration. The frequency of periodic address verification shall be:

- (1) Every 90 days for life following the date of completion of the initial registration form if the person is designated to Risk Assessment Tier III pursuant to § 4121 of this title. A Tier III offender shall appear in person at locations designated by the Superintendent of the Delaware State Police to verify all registry information every 90 days for life; or
- (2) Every 6 months after the completion of the initial registration form, if the person is designated to Risk Assessment Tier II pursuant to § 4121 of this title. A Tier II offender shall appear in person at locations designated by the Superintendent of the Delaware State Police to verify all registry information every 6 months unless relieved of registration obligations.”
- (3) Every year after the completion of the initial registration form, if the person is designated to Risk Assessment Tier I pursuant to § 4121 of this title. A tier I offender shall appear in person at locations designated by the Superintendent of the Delaware State Police to verify all registry information every 12 months unless relived of registration obligations.”

Section 8. Amend § 4120(k), Title 11, Delaware Code, by striking subsection (k) in its entirety and substituting in lieu thereof the following:

“(k) A warrant shall issue for any sex offender who knowingly or recklessly fails to register or re-register or provide verification on the date on which it is required pursuant to this section or §4121 or to otherwise comply with any of the provisions of this section or §4121, and any sex offender doing so shall be guilty of a class G felony.”

Section 9. Amend § 4121(a)(1), Title 11, Delaware Code, and by inserting the phrase “any other organization, company or individual upon request,” immediately after the phrase “schools, licensed day care facilities, public libraries,”.

Section 10. Amend § 4121(a)(2), Title 11, Delaware Code by inserting the phrase “who enter a plea of guilty, or are” immediately after the phrase “adjudications of delinquency and persons”.

Section 11. Amend § 4121(a)(3), Title 11, Delaware Code by making plural the word “address” as it appears immediately after the phrase “include the last verified” in the second sentence.

Section 12. Amend § 4121(a)(3), Title 11, Delaware Code, by inserting the following new sentences, “Exempt from the records are the identity of the victims, the Social Security number of the offender, and arrests that did not result in conviction. The public access records shall include a warning that information should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in civil or criminal penalties.”, immediately following the phrase “designated for public access by the Superintendent of the Delaware State Police.”.

Section 13. Amend § 4121(b), Title 11, Delaware Code by deleting subsection (b) in its entirety and substituting in lieu thereof:

“(b) Upon a person's conviction or adjudication of delinquency or at the time of sentencing for any offense set forth in subparagraphs (a)(4)a., b., d., e., f., or g. of this section, the court shall inform the person that he or she shall be designated as a sex offender and that a Risk Assessment Tier will be assigned to him or her by the court.”

Section 14. Amend § 4121, Title 11, Delaware Code by deleting subsections (c) and (d) in their entirety.

Section 15. Amend § 4121, Title 11, Delaware Code by adding a new subsection (c) to read as follows:

“(c) Following the sentencing of a person convicted or adjudicated delinquent for any offense described in subparagraph (a)(4) e. of this section, or following a finding by the sentencing court that the person has

violated the terms of his or her probation or parole as set forth in subparagraph (a)(4)f. of this section, the sentencing court shall assign the defendant to the Risk Assessment Tier applicable for the originally charged offense.”

Section 16. Amend § 4121(e), Title 11, Delaware Code by redesignating it § 4121(d).

Section 17. Amend the newly redesignated § 4121(d)(1)e., Title 11, Delaware Code by striking the word “fourteenth” as found therein and by substituting in lieu thereof the word “sixteenth.”

Section 20. Amend the newly redesignated § 4121(d)(7), Title 11, Delaware Code by striking the phrase “promptly after conviction and” as it appears immediately following “subsection shall be filed by the State”.

Section 21. Amend § 4121(f), Title 11, Delaware Code by redesignating it as § 4121(e).

Section 22. Amend newly redesignated § 4121(e)(1)(b), Title 11, Delaware Code by striking the number ‘15’ wherever it is found in this subparagraph and by substituting in lieu thereof the number ‘25’ at each location, and further by deleting the phrase ‘or I’.

Section 23. Amend the newly designated § 4121(e)(1), Title 11, Delaware Code by inserting as a new subparagraph c. the following:

“c. For 15 years following the sex offender’s release from Level V custody, or for 15 years following the effective date of any sentence to be served at Level IV or below, if the person is designated to Risk Assessment Tier I, and is not otherwise required to register for life pursuant to this subsection, except that any time spent at any subsequent period of Level V custody shall not be counted against such 15 year period.”

Section 24. Amend the newly designated § 4121(e) (2) a. and b., Title 11, Delaware Code by striking the number “15” wherever it appears in this subparagraph, a. and b., and substituting in lieu thereof the number “25” at each location.

Section 25. Amend the newly designated § 4121(e)(2)a., Title 11, Delaware Code by inserting the phrase “has successfully completed an appropriate sex offender treatment program certified by the State,” immediately following the phrase “imposed, and the offender”.

Section 26. Amend the newly designated Amend § 4121(e)(2)b., Title 11, Delaware Code by inserting the phrase “has successfully completed an appropriate sex offender treatment program certified by the State and ” immediately following the phrase “imposed, and the offender”.

Section 27. Amend the newly designated § 4121(e)(2)c., Title 11, Delaware Code by inserting the phrase “has successfully completed an appropriate sex offender treatment program certified by the State and” immediately following the phrase “imposed, and the offender”.

Section 28. Amend the newly designated § 4121(e)(2)e., Title 11, Delaware Code by striking the phrase “enter the information concerning the redesignation into the DELJIS system” as found therein and by substituting in lieu thereof the phrase “notify the Sex Offender registry.”

Section 29. Amend § 4121(g), Title 11, Delaware Code by redesignating it as § 4121(f).

Section 30. Amend the newly designated § 4121(f), Title 11, Delaware Code, by striking the phrase “offender” where it appears immediately following “describe his or her relationship to the” and substituting in lieu thereof the word “victim”.

Section 31. Amend § 4121(h), Title 11, Delaware Code by redesignating it as § 4121(g).

Section 32. Amend the newly designated § 4121(g) Title 11, Delaware Code by striking the number “5” as found therein and substituting in lieu thereof the number “3”.

Section 33. Amend § 4121(i), Title 11, Delaware Code by redesignating it § 4121(h).

Section 34. Amend § 4121(j), Title 11, Delaware Code by redesignating it § 4121(i).

Section 35. Amend the newly designated § 4121(i)(3), Title 11, Delaware Code by inserting “study or” immediately after the phrase “office of the local jurisdiction where the offender plans to”.

Section 36. Amend § 4121(k), Title 11, Delaware Code by redesignating it § 4121(j).

Section 37. Amend § 4121(l), Title 11, Delaware Code by redesignating it § 4121(k).

Section 38. Amend § 4121(m), Title 11, Delaware Code by redesignating it § 4121(l).

Section 39. Amend § 4121(n), Title 11, Delaware Code by redesignating it § 4121(m).

Section 40. Amend § 4121(o), Title 11, Delaware Code by deleting subsection (o) in its entirety and by substituting in lieu thereof, a new (n) to read as follows:

“(n) Notwithstanding any provision of this section to the contrary , any sex offender convicted of any offense specified in subparagraph (a)(4)c.of this section shall be designated to a Risk Assessment Tier by the Court. The designation shall be in accord with the provisions of subsection (d) of this section.”

Section 41. Amend § 4121(p), Title 11, Delaware Code by deleting it in its entirety.

Section 42. Amend § 4121(q), Title 11, Delaware Code by redesignating it § 4121(o).

Section 43. Amend § 4121(r), Title 11, Delaware Code by redesignating it § 4121(p).

Section 44. Amend § 4121(s), Title 11, Delaware Code by redesignating it § 4121(q) and by striking the words “not withstanding” and substituting in lieu thereof the word “notwithstanding”.

Section 45. Amend § 4121(t), Title 11, Delaware Code by redesignating it § 4121(r).

Section 46. Amend § 4121(u), Title 11, Delaware Code by redesignating it § 4121(s).

Section 47. Amend § 4121(v), Title 11, Delaware Code by redesignating it § 4121(t).

Section 48. Amend newly redesignated § 4121(o), by deleting the phrase “Attorney General shall enter such information”, and by substituting in lieu thereof, the phrase “agency responsible for registering the offender shall have the information entered”.

Section. 49. Amend the newly designated §4121(d)(6)a., Title 11 of the Delaware Code by inserting after the word “The” and before the word “offense,” the phrase “Tier II or Tier III”, and further by amending the newly designated §4121(d)(6)c. by inserting between the phrase “no person” and “shall be afforded” the phrase “designated as a Tier II or Tier III sex offender” and by deleting the phrase “if the victim or victims of any of the offenses for which the person was convicted is less than 18 years old” where it appears in the second paragraph therein, and further by substituting in lieu thereof the phrase “if the victim of any of the offenses for which the person was convicted were less than 12 years old”

Section 50. Amend the newly designated §4121(k), Title 11 of the Delaware Code by striking it in its entirety and substituting in lieu thereof the following:

“(k) Notwithstanding any law, rule or regulation to the contrary, if after the exercise of due diligence by the sex offender, the offender is unable to secure an anticipated place of future residence, for the purposes of this subsection the offender shall be designated as ‘homeless’. The term ‘homeless’ shall also include any person who anticipates a future place of residence in or at any temporary homeless shelter or other similar place of temporary residence. The fact that a sex offender has secured an anticipated place of future residence at a homeless shelter or other similar place of temporary residence shall be reported by the court or agency having custody of the offender, along with the name and address of the shelter or residence as required by subsections (h) and (i) of this section, but such information shall not be included in any public notification required or permitted by subsection (i) or subsection (i) of this section, except that such information shall be provided to the agency, organization or entity having supervisory or operational authority over such shelter or similar place of temporary residence. Notwithstanding any law, rule or regulation to the contrary, any sex offender who is designated as ‘homeless’ pursuant to this section shall verify his or her registration information as follows:

(1) A Tier III sex offender designated as ‘homeless’ shall appear in person at locations designated by the Superintendent of the Delaware State Police to verify all registration information every week following the date of completion of the initial registration form;

(2) A Tier II sex offender designated as 'homeless' shall appear in person at locations designated by the Superintendent of the Delaware State Police to verify all registration information every 30 days following the date of completion of the initial registration form;

(3) A Tier I sex offender designated as 'homeless' shall appear in person at locations designated by the Superintendent of the Delaware State Police to verify all registration information every 90 days following the date of completion of the initial registration form.'

Section 51. Amend §4121, Title 11 of the Delaware Code by adding a new subsection to read as follows:

'(u) If any provision of this sub-chapter or any amendment hereto, or the application thereof to any person, thing or circumstances is held invalid, such invalidity shall not affect the provisions or application of this Sub-chapter or such amendments that can be given effect without the invalid provisions or application, and to this end the provisions of this Sub-chapter and such amendments are declared to be severable.'

Section 52. The provisions of this Bill shall not become effective until sufficient appropriations are made by the General Assembly to implement its provisions."