



SPONSOR: Rep. Spence & Sen. McBride & Rep. Valihura & Sen. Cloutier
;
Reps. Smith, Atkins, Carey, Ewing, Fallon, Gilligan, Hocker,
Lee, Lofink, Oberle, Outten, Stone, Wagner; Sens. Adams,
DeLuca, Still

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE BILL NO. 404
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2
AND
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.

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

Section 1. Amend Title 11 of the Delaware Code by adding a new § 4205A to read as follows:

“§ 4205A. Additional Penalty for Serious Sex Offenders or Pedophile Offenders.

(a) Notwithstanding any provision of this Chapter or any other laws to the contrary, a defendant convicted of any crime set forth in § § 771(a)(2), 772, 773, 778 or 779 of this Title shall be sentenced to not less than 25 years up to life imprisonment to be served at Level V if:

(1) the defendant has previously been convicted or adjudicated delinquent of any sex offense set forth in this Title and classified as a class A or B felony, or any similar offense under the laws of another state, the United States or any territory thereof; or

(2) the victim of the instant offense is a child less than fourteen (14) years of age.”.

(b) A fiscal report on the financial impact of this legislation shall be submitted by the Criminal Justice Coordinator or designee to the Controller General and Chairpersons of the Joint Finance Committee no later than March 15, 2008 after consultation with the Chief Judge of Superior Court, the Commissioner of Corrections, the Attorney General and Chief Public Defender or their designee.”.