



SPONSOR: Rep. Lofink

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1

TO

HOUSE BILL NO. 407

1 AMEND House Bill No. 407 by striking lines 1 through 4 and by substituting in lieu thereof the following:

2 "Section 1. Amend §6601(1)b., Title 18 of the Delaware Code by striking paragraph b. in its entirety and by  
3 substituting in lieu thereof:

4 'b. Members of the Delaware National Guard who are called out to serve on state duty pursuant to Subchapter V  
5 of Chapter 1 of Title 20 or are activated for federal service pursuant to Title 10 of the United States Code, and members of  
6 the United States armed forces who are domiciled in Delaware and are serving on active duty at the time of death;''.

SYNOPSIS

This Amendment states precisely which persons in military service qualify for death-in-the-line-of-duty benefits.

A person who is domiciled in Delaware is more than a temporary or transient resident. A domicile is a true, fixed, and permanent home and principal establishment, and to which, whenever he or she is absent, he or she has the intention of returning. It is a legal residence, as distinguished from a temporary place of abode. A good indication of domicile is where the person registers to vote and pays taxes. The Servicemembers Civil Relief Act (SCRA) protects military pay from being taxed by any state other than the military member's state of domicile. A person may have more than one residence, but may have only one legal domicile at one time.