



SPONSOR: Sen. Blevins & Sen. Sorenson;
Reps. Hudson & McWilliams

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 271

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SEX OFFENSES AGAINST CHILDREN.

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

1 Section 1. Amend §769, Title 11 of the Delaware Code by deleting the wording of that section in its entirety and
2 substituting in lieu thereof the following:

3 “A person is guilty of unlawful sexual contact in the first degree when:

4 (a) in the course of committing unlawful sexual contact in the third degree or in the course of committing unlawful sexual
5 contact in the second degree, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the
6 crime, the person causes physical injury to the victim or the person displays what appears to be a deadly weapon or dangerous
7 instrument; or

8 (b) the person intentionally has sexual contact with another person who has not yet reached his or her sixteenth birthday
9 and the defendant stands in a position of trust, authority or supervision over the child, or is an invitee or designee of a person who
10 stands in a position of trust, authority or supervision over the child. Unlawful sexual contact in the first degree is a class F felony.”

11 Section 2. Amend §761(f), Title 11 of the Delaware Code by inserting the phrase “; or (3) intentionally causing or
12 allowing another person to touch the defendant’s anus, breast, buttocks or genitalia” immediately after the word “genitalia” as that
13 word appears for the second time in that subsection.

SYNOPSIS

This Act fosters consistency in the statutes defining sexual offenses against children by providing that unlawful sexual contact against a child over whom the defendant holds a position of trust, authority or supervision is unlawful sexual contact first degree. This demarcation is similar to that in the rape statutes. The Act also closes a loophole in the definition of unlawful sexual contact by clearly prohibiting a defendant from intentionally causing or allowing a child to touch him or her in a sexual manner. The “mistake of age” provision applicable to Delaware’s sex crimes laws is updated by this Act. Because there are different age thresholds defined in the various sex crimes statutes which were recently revised, the language must be changed to include all such age levels. The Act also extends the coverage of the existing offense of Continuous Sexual Abuse of a Child to any course of criminal sexual conduct perpetrated against any child under the age of 18.

Author: Senator Blevins