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DELAWARE STATE SENATE  
144th GENERAL ASSEMBLY

SENATE BILL NO. 60

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:

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

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

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

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

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

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

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

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

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

27 The frequency of periodic address verification shall be:

28 (1) Every 90 days for life following the date of completion of the initial registration  
29 form if the person is designated to Risk Assessment Tier III pursuant to § 4121  
30 of this title. A Tier III offender shall appear in person at locations designated by  
31 the Superintendent of the Delaware State Police to verify all registry information  
32 every 90 days for life; or

33 (2) Every 6 months after the completion of the initial registration form, if the  
34 person is designated to Risk Assessment Tier II pursuant to § 4121 of this title.  
35 A Tier II offender shall appear in person at locations designated by the  
36 Superintendent of the Delaware State Police to verify all registry information  
37 every 6 months unless relieved of registration obligations.”

38 (3) Every year after the completion of the initial registration form, if the person is  
39 designated to Risk Assessment Tier I pursuant to § 4121 of this title. A tier I  
40 offender shall appear in person at locations designated by the Superintendent of  
41 the Delaware State Police to verify all registry information every 12 months  
42 unless relieved of registration obligations.”

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

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

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

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

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

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

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

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

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

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

68 “(c) Following the sentencing of a person convicted or adjudicated delinquent for any offense described  
69 in subparagraph (a)(4) e. of this section, or following a finding by the sentencing court that the person has violated the  
70 terms of his or her probation or parole as set forth in subparagraph (a)(4)f. of this section, the sentencing court shall assign  
71 the defendant to the Risk Assessment Tier applicable for the originally charged offense.”

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

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

75 Section 18. Amend the newly redesignated § 4121(d)(6)a., Title 11, Delaware Code by striking the number “12”  
76 as found therein, and substituting in lieu thereof the word “sixteen”.

77 Section 19. Amend the newly designated § 4121(d)(6)c., Title 11, Delaware Code by striking it in its entirety and  
78 substituting in lieu thereof:

79                   “c. The sentencing court determines by a preponderance of the evidence that such person is not  
80                   likely to pose a threat to public safety if released from the obligations imposed by this section, and by § 4120  
81                   of this title.

82                   Notwithstanding anything in this paragraph to the contrary, no person shall be afforded relief from  
83                   designation as a sex offender if the victim or victims of any of the offenses for which person was convicted  
84                   were less than 12 years old at the time of the crime. If the victim was older than 12 years, and the offender  
85                   was less than 18 years old at the time of the crime the prohibition shall not apply. Any person seeking relief  
86                   from designation as a sex offender under this paragraph shall file a petition with the sentencing court prior to  
87                   sentencing requesting such relief. The petition shall be granted or denied by the sentencing court after it  
88                   weighs all relevant evidence which bears upon the particular facts and circumstances of the offense, and the  
89                   character and propensities of the offender.”

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

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

93                   Section 22. Amend newly redesignated § 4121(e)(1)(b), Title 11, Delaware Code by striking the number “15”  
94                   wherever it is found in this subparagraph and by substituting in lieu thereof the number “25” at each location.

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

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

102                   Section 24. Amend the newly designated § 4121(e) (2) a. and b., Title 11, Delaware Code by striking the number  
103                   “15” wherever it appears in this subparagraph, a. and b., and substituting in lieu thereof the number “25” at each location.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

137 Section 42. Amend § 4121(q), Title 11, Delaware Code by redesignating it § 4121(o).  
138 Section 43. Amend § 4121(r), Title 11, Delaware Code by redesignating it § 4121(p).  
139 Section 44. Amend § 4121(s), Title 11, Delaware Code by redesignating it § 4121(q) and by striking the words  
140 “notwithstanding” and substituting in lieu thereof the word “notwithstanding”.  
141 Section 45. Amend § 4121(t), Title 11, Delaware Code by redesignating it § 4121(r).  
142 Section 46. Amend § 4121(u), Title 11, Delaware Code by redesignating it § 4121(s).  
143 Section 47. Amend § 4121(v), Title 11, Delaware Code by redesignating it § 4121(t).  
144 Section 48. Amend newly redesignated § 4121(o), by deleting the phrase “Attorney General shall enter such  
145 information”, and by substituting in lieu thereof, the phrase “agency responsible for registering the offender shall have the  
146 information entered”.

#### SYNOPSIS

This bill amends the existing Megan’s Laws in order to conform to recent federal legislative changes required under the “Adam Walsh Act.” Specifically, registered sex offenders will be required to verify additional information, in person to the Delaware State Police. High risk offenders must appear in person every 90 days, moderate risk offenders every 6 months, and low risk offenders annually. The additional information includes Social Security numbers, name changes, vehicle description and registration, additional residences, additional workplaces, and additional places of study. Sex offenders will be photographed every time they register, re-register, and appear to verify information. Offenders will have 3 business days to report any changes of information to the State Police. The amended legislation clarifies that a failure to verify information on the date on which the verification is required constitutes a criminal offense. Community notification procedures exempt the release of certain information and shall include a warning that civil or criminal liability may attach if information is used for an unlawful purpose. The time span for offenders extends to 25 years for moderate risk offenders and 15 years for low risk offenders. Other changes are intended to reflect practical concerns based upon Delaware Supreme Court interpretations of the statutes. Outdated hearing and timing requirements are eliminated based upon the compulsory nature of Delaware’s Megan’s Laws. These amended laws are also applicable to all persons who, after June 27, 1994, have been declared a sex offender or as otherwise defined at existing §4121(a)(4) of Title 11, Delaware Code.

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