



SPONSOR: Rep. Longhurst & Sen. Hall-Long
Reps. Barbieri, Bennett, Carson, Hudson, J. Johnson, Q.
Johnson, Keeley, Mitchell, Mulrooney, Plant, Schooley,
Schwartzkopf, Sens. Henry, Peterson

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 348

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 (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend §1105, Title 11 of the Delaware Code by deleting the existing section in its entirety and substituting a new “§1105” in lieu thereof as follows:

“§1105. Crime Against a Vulnerable Adult.

(a) Any person who commits, or attempts to commit, any of the crimes or offenses set forth in subsection (f) of this section against a person who is a vulnerable adult is guilty of a Crime Against a Vulnerable Adult.

(b) A Crime Against a Vulnerable Adult shall be punished as follows:

(1) If the underlying offense is an unclassified misdemeanor, or a class B misdemeanor, the Crime Against a Vulnerable Adult shall be a class A misdemeanor;

(2) If the underlying offense is a class A misdemeanor, the Crime Against a Vulnerable Adult shall be a class G felony;

(3) If the underlying offense is a class C, D, E, F, or G felony, the Crime Against a Vulnerable Adult shall be one class higher than the underlying offense.

(c) “Vulnerable adult” means a person 18 years of age or older who, due to coercion, intimidation, fear, or dependency, or by reason of mental or physical limitation(s), or mental illness or disability, can be influenced to act in a manner inconsistent with the person’s own best interests regarding his or her person or property. Without limitation, the term “vulnerable adult” includes any adult for whom a guardian of the person or property has been appointed.

(d) Notwithstanding any provision of law to the contrary, it is no defense to an offense or sentencing provision set forth in this section that the accused did not know that the victim was a vulnerable adult or

that the accused reasonably believed the person was not a vulnerable adult unless the statute defining the underlying offense, or a related statute, expressly provides that knowledge that the victim is a vulnerable adult is a defense.

(e) Nothing in this section shall be deemed to prohibit prosecution or sentencing under any other section of this Code, except that no person shall be sentenced for both an underlying offense and violation of subsection (a) of this section if the underlying offense, as charged against the accused, has an element that the victim was 62 years of age or older or was an infirm adult.

(f) The following shall be underlying offenses for the purposes of this section:

Title 11:

§ 601. Offensive touching

§ 602(a). Menacing

§ 602(b). Aggravated Menacing

§ 603. Reckless endangering in the second degree

§ 604. Reckless endangering in the first degree

§ 605. Abuse of a pregnant female in the second degree

§ 606. Abuse of a pregnant female in the first degree

§ 611. Assault in the third degree

§ 612. Assault in the second degree

§ 621. Terroristic threatening

§ 622. Hoax device

§ 625. Unlawfully administering drugs

§ 626. Unlawfully administering controlled substance or counterfeit substance or narcotic drugs

§ 645. Promoting suicide

§ 651. Abortion

§ 763. Sexual harassment

§ 764. Indecent exposure in the second degree

§ 766. Incest

§ 767. Unlawful sexual contact in the third degree

§ 769. Unlawful sexual contact in the first degree

§ 770. Rape in the fourth degree

50	§ 776.	Sexual extortion
51	§ 780.	Female genital mutilation
52	§ 781.	Unlawful imprisonment in the second degree
53	§ 782.	Unlawful imprisonment in the first degree
54	§ 783.	Kidnapping in the second degree
55	§ 791.	Acts constituting coercion
56	§ 803.	Criminal mischief
57	§ 825.	Burglary in the second degree
58	§ 831.	Robbery in the second degree
59	§ 835.	Carjacking in the second degree
60	§ 841.	Theft
61	§ 842.	Theft; lost or mislaid property
62	§ 841A.	Theft of a motor vehicle
63	§ 843.	Theft; false pretense
64	§ 844.	Theft; false promise
65	§ 846.	Extortion
66	§ 848.	Misapplication of property
67	§ 853.	Unauthorized use of a vehicle
68	§ 854.	Identity theft
69	§ 861.	Forgery
70	§ 903.	Unlawful use of credit card
71	§ 909.	Securing execution of documents by deception
72	§ 914.	Use of consumer identification information
73	§ 916.	Home improvement fraud
74	§ 917.	New home construction fraud
75	§ 1001.	Bigamy
76	§ 1311.	Harassment
77	§ 1312.	Stalking
78	§ 1335.	Violation of privacy
79	§ 1339.	Adulteration

80 § 1451. Theft of a firearm
81 Title 6:
82 § 7322. Securities Fraud.”.

SYNOPSIS

This purpose of this Act is to provide greater protections for Delaware’s vulnerable adults, individuals the General Assembly considers to be particularly at risk of physical, emotional and/or financial exploitation. The Act creates a new criminal offense, Crime Against a Vulnerable Adult, which imposes enhanced penalties in more than 50 criminal offenses if the victim is a vulnerable adult.