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Short, Thornburg, Walls, D.E. Williams, D.P. Williams,
Wilson; Sen. Hall-Long

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 146

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO DOMESTIC VIOLENCE

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

1 Section 1. Amend § 2105(a), Title 13 of the Delaware Code by striking said subsection in its entirety and inserting
2 in lieu thereof the following:

3 “(a) The Council shall have the power to investigate and review, through a review panel, the facts and
4 circumstances of all deaths and near deaths that occur in Delaware as a result of domestic violence. Near deaths means a
5 victim in serious or critical condition as certified by a physician. This review shall include both homicides and suicides
6 resulting from domestic violence. Reviews may also include cases where the victim suffered a substantial risk of serious
7 physical injury or death. The review of deaths or near deaths involving criminal investigations will be delayed for at least 6
8 months, and will under no circumstances begin until authorized by the Attorney General's office. Any case involving the
9 death of a minor (any child under the age of 18) related to domestic violence will be reviewed jointly by the appropriate
10 regional panel of the Child Death Review Commission and the domestic violence fatal incident review panel. The death of
11 a minor will only be reviewed by the domestic violence fatal incident review panel where the minor's parents or guardians
12 were involved in an abusive relationship and the minor's death is directly related to that abuse.”.

SYNOPSIS

This bill allows, but does not require, the Domestic Violence Fatal Incident Review Team (FIRT) to review near deaths resulting from domestic violence. This bill does not otherwise modify the existing procedures for FIRT reviews and investigations of deaths resulting from domestic violence.