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DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE BILL NO. 161

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HOME INVASION.

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

1 Section 1. Amend Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as
2 shown by strike through as follows:

3 § 830. Home invasion.

4 (a) A person is guilty of home invasion when the person knowingly enters a dwelling owned or
5 occupied by another while the person or another participant in the crime is armed with a deadly weapon
6 and when, in effecting entry or when in the dwelling or in the immediate flight therefrom, he/she engages
7 in conduct constituting at least one of the following criminal offenses as defined by the Delaware Code:

8 (1) Robbery in the first degree;

9 (2) Assault in the first or second degree;

10 (3) Rape, of any degree;

11 (4) Murder, of any degree;

12 (5) Manslaughter;

13 (6) Kidnapping, of any degree.

14 (b) Home invasion is a class A felony. A person convicted of home invasion for a second time
15 shall receive a minimum sentence of life imprisonment at Level V without benefit of probation or parole,
16 notwithstanding any provision of the Delaware Code to the contrary.

17 (c) Any person charged with home invasion who has attained the age of 16 years shall be tried
18 as an adult, notwithstanding any provision of the Delaware Code to the contrary.

19 Section 2. Amend § 829 of Title 11 of the Delaware Code by making insertions as shown by underlining and
20 deletions as shown by strike through as follows:

21 § 829 Definitions relating to criminal trespass and burglary trespass, burglary and home invasion.

22 Section 3. If any provision of this Act, or the application thereof to any person, thing or circumstances is held
23 invalid, such invalidity shall not affect the provisions or application of this Act that can be given effect without the invalid
24 provisions or application, and to this end the provisions of this Act are declared to be severable.

SYNOPSIS

This Act establishes the crime of home invasion as a class A felony. The Act is premised on the belief that every person's home is their castle. No one should be permitted to enter someone else's home with a deadly weapon, or with another person with a deadly weapon, and engage in serious criminal activity.

AUTHOR: Sen. Lawson