



SPONSOR: Sen. Bushweller & Rep. Mitchell & Rep. Miro
Sens. Ennis, Hocker, Poore, Townsend; Reps. Q. Johnson,
Paradee, Spiegelman, Wilson

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 200

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TERRORISTIC THREATENING.

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

1 Section 1. Amend § 621, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 621 Terroristic threatening.

4 (a) A person is guilty of terroristic threatening when that person commits any of the following:

5 (1) The person threatens to commit any crime likely to result in death or in serious injury to person or
6 property. Any violation of paragraph (a)(1) of this section shall be a class A misdemeanor except where the victim
7 is a person 62 years of age or older, in which case any violation of paragraph (a)(1) of this section shall be a class
8 G felony ;

9 (2) The person makes a false statement or statements:

10 a. Knowing that the statement or statements are likely to cause evacuation of a building, place
11 of assembly, or facility of public transportation;

12 b. Knowing that the statement or statements are likely to cause serious inconvenience; or

13 c. In reckless disregard of the risk of causing terror or serious inconvenience; or

14 Any violation of paragraph (a)(2)a. of this section shall be a class E felony. Any violation of paragraph (a)(2)b. or
15 c. of this section shall be a class G felony unless the place at which the risk of evacuation, serious inconvenience or terror is
16 created is a place that has the purpose, in whole or in part, of acting as a daycare facility, nursery or preschool,
17 kindergarten, elementary, secondary or vocational-technical school, or any long-term care facility in which elderly persons
18 are housed, in which case it shall be a class F felony.

19 (3) The person commits an act with intent of causing an individual to believe that the individual has been
20 exposed to a substance that will cause the individual death or serious injury. Any violation of paragraph (a)(3) of
21 this section shall be a class F felony. Notwithstanding any provision of this subsection to the contrary, a first
22 offense of paragraph (a)(2) of this section by a person 17 years old or younger shall be a class A misdemeanor.

23

24 ~~(b) Any violation of paragraph (a)(1) of this section shall be a class A misdemeanor except where the victim is a~~
25 ~~person 62 years of age or older, in which case any violation of paragraph (a)(1) of this section shall be a class G felony.~~
26 ~~Any violation of paragraph (a)(2) of this section shall be a class G felony unless the place at which the risk of evacuation,~~
27 ~~serious inconvenience or terror is created is a place that has the purpose, in whole or in part, of acting as a daycare facility,~~
28 ~~nursery or preschool, kindergarten, elementary, secondary or vocational technical school, or any long term care facility in~~
29 ~~which elderly persons are housed, in which case it shall be a class F felony. Any violation of paragraph (a)(3) of this section~~
30 ~~shall be a class F felony. Notwithstanding any provision of this subsection to the contrary, a first offense of paragraph (a)(2)~~
31 ~~of this section by a person 17 years old or younger shall be a class A misdemeanor.~~

32 ~~(e)(b)~~ In addition to the penalties otherwise authorized by law, any person convicted of an offense in violation of
33 paragraph (a)(2) of this section shall:

34 (1) Pay a fine of not less than \$1,000 nor more than \$2,500, which fine cannot be suspended; and

35 (2) Be sentenced to perform a minimum of 100 hours of community service.

36 ~~(d)(c)~~ In addition to the penalties otherwise authorized by law, any person convicted of an offense in violation of
37 paragraph (a)(3) of this section shall pay a fine of not less than \$2,000, which fine cannot be suspended.

SYNOPSIS

This bill increases the penalty for committing terroristic threatening that causes evacuation of a building, place of assembly, or facility of public transportation from a class G felony to a class E felony.

Author: Senator Bushweller