SPONSOR: Rep. Dukes & Sen. Hall-Long ;
Reps. Hudson, Briggs King, Gray, Hensley, Kenton, Outten, Smyk, Wilson; Sens. Ennis, Marshall, Poore, Simpson

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 239

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DISTRIBUTION OR DELIVERY OF A CONTROLLED SUBSTANCE CAUSING DEATH.

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

Section 1. Amend Chapter 47, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4752B. Drug Dealing – Resulting in death; class B felony.

(a) A person is guilty of drug dealing resulting in death when the person delivers a Schedule I or II controlled substance in Tier 1 or greater quantity to another person, and said controlled substance thereafter causes the death of another person who uses or consumes it.

(b) It is not a defense to a prosecution under this section that the defendant did not directly deliver the controlled substance to the decedent.

(c) It is an affirmative defense to a prosecution under this section that the defendant made a good faith effort to promptly seek, provide, or obtain emergency medical or law enforcement assistance to another person who was experiencing a medical emergency after using a Schedule I or II controlled substance, and whose death would otherwise form the basis for criminal liability under this section.

(d) Any person who violates subsection (a) of this section is guilty of a class B felony.

Section 2. This Act shall be known as Brock Cerklefskie's Law.

SYNOPSIS

This bill creates the crime of Drug Dealing – Resulting in death. This purpose of this bill is to address the recent spike in deaths resulting from substances such as heroin and fentanyl.

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