SPONSOR: Rep. K. Williams & Rep. Barbieri & Sen. Blevins
Reps. Baumbach, Bolden, Briggs King, Keeley, Kowalko, Miro, Mitchell, Potter, Ramone, Wilson; Sens. Bushweller, Lopez

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 130

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO UNLAWFUL SEXUAL CONTACT.

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

Section 1. Amend § 768, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 768 Unlawful sexual contact in the second degree; class F felony.

(a) A person is guilty of unlawful sexual contact in the second degree when: ~~the~~

(1) The person intentionally has sexual contact with another person who is less than 18 years of age or causes the victim to have sexual contact with the person or a third ~~person.~~ person; or

(2) The person is a health professional as defined in § 761(e)(4) of this title, and in the course of providing those professional health services, intentionally has sexual contact with the patient or causes the patient to have sexual contact with the person or a third person.

(b) Unlawful sexual contact in the second degree is a class F felony.

SYNOPSIS

This bill creates a felony level offense for a person that is a health professional and in the course of providing professional health services to the victim, intentionally has sexual contact with the victim. This bill adds to the existing crime of unlawful sexual contact in the second degree and makes the conduct described therein as a felony offense, rather than a misdemeanor, due to the vulnerability of the victim as a patient seeking services from a health professional.

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