SPONSOR: Rep. Keeley
Reps. Heffernan, Jaques, Kowalko, Lynn, Miro, Mitchell, Osienski, Smyk, Wilson; Sen. Hall-Long

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 214

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

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

Section 1. Amend § 612(a), Title 11 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline as follows and redesignating accordingly:

§ 612 Assault in the second degree; class D felony.

(a) A person is guilty of assault in the second degree when:

(1) The person recklessly or intentionally causes serious physical injury to another person; or

(2) The person recklessly or intentionally causes physical injury to another person by means of a deadly weapon or a dangerous instrument; or

(3) The person intentionally causes physical injury to a law-enforcement officer, a volunteer firefighter, a full-time firefighter, emergency medical technician, paramedic, fire police officer, fire marshal, correctional officer, a sheriff, a deputy sheriff, public transit operator, a code enforcement constable or a code enforcement officer who is acting in the lawful performance of duty. For purposes of this subsection, if a law-enforcement officer is off duty and the nature of the assault is related to that law-enforcement officer's official position, then it shall fall within the meaning of "official duties" of a law-enforcement officer; or

(4) The person intentionally causes physical injury to the operator of an ambulance, a rescue squad member, ~~licensed practical nurse, registered nurse,~~ paramedic, licensed medical doctor or any other person while such person is rendering emergency care; or

(5) The person intentionally causes physical injury to a licensed practical nurse or registered nurse while the nurse is performing a work-related duty; or

~~(5)~~ (6) The person recklessly or intentionally causes physical injury to another person who is 62 years of age or older; or

~~(6)~~ (7) The person intentionally assaults a law-enforcement officer while in the performance of the officer's duties, with any disabling chemical spray, or with any aerosol or hand sprayed liquid or gas with the intent to incapacitate such officer and prevent the officer from performing such duties; or

~~(7)~~ (8) The person intentionally, while engaged in commission of any crime enumerated in this chapter, assaults any other person with any disabling chemical spray, or with any aerosol or hand sprayed liquid or gas with the intent to incapacitate the victim; or

~~(8)~~ (9) The person intentionally causes physical injury to any state employee or officer when that employee or officer is discharging or attempting to discharge a duty of employment or office; or

~~(9)~~ (10) The person recklessly or intentionally causes physical injury to a pregnant female. It is no defense to a prosecution under this subsection that the person was unaware that the victim was pregnant; or

~~(10)~~ (11) A person who is 18 years of age or older and who recklessly or intentionally causes physical injury to another person who has not yet reached the age of 6 years. In any prosecution of a parent, guardian, foster parent, legal custodian or other person similarly responsible for the general care and supervision of a child victim pursuant to this paragraph, the State shall be required to prove beyond a reasonable doubt the absence of any justification offered by § 468(1) of this title. In any prosecution of a teacher or school administrator pursuant to this paragraph, the State shall be required to prove beyond a reasonable doubt the absence of any justification offered by § 468(2) of this title; or

~~(11)~~ (12) The person recklessly or intentionally causes physical injury to a law-enforcement officer, security officer, fire policeman, fire fighter, paramedic, or emergency medical technician in the lawful performance of their duties by means of an electronic control device shall be a class C felony.

SYNOPSIS

Currently, for an assault to rise to the level of assault in the second degree against a nurse, the nurse must be rendering emergency care. This bill includes an assault on a nurse performing a work-related duty as a second degree assault.