SPONSOR: Sen. Henry & Rep. Mitchell
Sens. Ennis, Marshall; Reps. Keeley, Lynn

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 154

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 4795, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4795. Jurisdiction. [Effective until Dec. 18, 2015]

(a) The Superior Court shall have original and exclusive jurisdiction over any violation of this chapter by persons 18 years of age or older.

(b) The provisions of subsection (a) of this section or any other law to the contrary notwithstanding, the Court of Common Pleas shall have original jurisdiction over any violation of the following by persons 18 years of age or older:

(1) Section 4761(a) and (b) of this title.

(2) Section 4763 of this title.

~~(1)~~ (3) Section 4764 of this ~~title;~~ title.

~~(2)~~ (4) Section 4771 of this ~~title,~~ title.

~~by persons 18 years of age or older.~~

(c) The Family Court shall have original and exclusive jurisdiction over violations of this chapter by persons under age 18.

§ 4795. Jurisdiction. [Effective Dec. 18, 2015] [For application of this section, see 80 Del. Laws, c. 38, § 6]

(a) The Superior Court shall have original and exclusive jurisdiction over any violation of this chapter by persons 18 years of age or older.

(b) The provisions of subsection (a) of this section or any other law to the contrary notwithstanding, the Court of Common Pleas shall have original jurisdiction over any violation of the following by persons 18 years of age or older:

(1) Section 4761(a) and (b) of this title.

(2) Section 4763 of this title.

~~(1)~~ (3) Section 4764(a), (b), and (d) of this ~~title;~~ title.

~~(2)~~ (4) Section 4771 of this title, except where jurisdiction over the civil penalty resides in the Justice of the Peace Court pursuant to subsection (c) of this ~~section;~~ section.

~~by persons 18 years of age or older.~~

(c) The Justice of the Peace Court shall have original jurisdiction over any violation of the following by persons 18 years of age or older:

(1) Section 4764(c) of this ~~title;~~ title.

(2) Section 4774(b) of this ~~title;~~ title.

~~by persons 18 years of age or older.~~

(d) The Family Court shall have original and exclusive jurisdiction over violations of this chapter by persons under age 18.

Section 2. This Act becomes effective 30 days after its enactment into law.

SYNOPSIS

This Act provides the Court of Common Pleas original, but non-exclusive, jurisdiction over misdemeanor charges of possession, use, or consumption of prescription, non-controlled substances; controlled substances; or counterfeit controlled substances.

This Act reflects § 4795, Title 16 of the Delaware Code as it exists following the enactment of House Bill No. 39, as amended, 80 Del. Laws, c. 38, on June 18, 2015, and amends both the version of § 4795, Title 16 effective today and the version effective following the effective date of House Bill No. 39, as amended. This Act also makes technical corrections to conform existing law to the guidelines of the *Delaware Legislative Drafting Manual*.

Author: Senator Henry