



**WILLIAM J. CARSON, Jr.**  
STATE REPRESENTATIVE  
28<sup>th</sup> District

HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
411 LEGISLATIVE AVENUE  
DOVER, DELAWARE 19901

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Public Safety & Homeland  
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## **House Public Safety & Homeland Security Committee Meeting 6.5.19**

Chair Carson called the meeting to order at 2:44 p.m. Members present include Reps. Cooke, Bush, Briggs King, Morris, Smyk, and Vanderwende.

### **Chair Carson introduced HB 163, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMS COMPANY VOLUNTEERS.**

Chair Carson, the prime sponsor, explained that the bill waives background check fees for individuals applying for membership with volunteer ambulance services.

Chair Carson requested a motion. A motion was made by Rep. Bush and seconded by Rep. Briggs King to release HB 163 from committee; motion carried. Yes=5 (Carson, Bush, Briggs King, Morris, Vanderwende); No=0; Absent=4 (Cooke, Brady, Osienski, Smyk). HB 163 was reported out of committee with a F=6, M=1, U=0 vote.

### **Chair Carson introduced HB 78, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE.**

Lt. Tom Brackin from the Delaware Troopers Association opposed the bill in its current form and mentioned that further discussion should occur among the prime sponsor and law enforcement.

Rep. Bolden, the prime sponsor, explained that the bill is similar to HB 78 in that it aims to make the robbery section of the criminal code fairer. She added that that act removes carjacking portions of the criminal code and embeds them within existing robbery statutes. She noted that the bill will also remove minimum mandatory sentences for some conduct and further removes sentence enhancements based on previous convictions and age of victim. Comparatively, she added that judges will have discretion to impose lengthier sentences for subsequent conduct or crimes against the elderly, children, and those with disabilities. She summarized that the bill is supported by the Attorney General's Office.

Lt. Brackin mentioned that the House Majority Whip and Speaker of the House had some concerns with the bill and believed that further discussion would occur prior to the bill reaching the House floor.

Chair Carson requested a motion with the stipulation that consensus would be reached by Rep. Bolden and law enforcement prior to the bill reaching the House floor. A motion was made by Rep. Smyk and seconded by Rep. Bush to release HB 78 from committee. Motion carried. Yes=5 (Carson, Cooke, Bush, Morris, Smyk), No=2



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(Briggs King, Vanderwende), Absent=2 (Osienski, Brady). HB 78 was reported out of committee with a F=0, M=0, U=6 vote.

**Chair Carson introduced HB 77, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BURGLARY.**

Rep Bolden, the prime sponsor, explained that HB 77 addresses similar issues as HB 78 by simplifying the burglary section of the criminal code. She added that the bill consolidates home invasion crimes within existing burglary statutes. She added that the bill treats the burglary of an occupied dwelling the same regardless of what time of day or night the crime occurs and removes minimum mandatory sentences for some conduct but keeps it for home invasion by mandating a 6 year minimum and a maximum of 25 years in prison. She noted that the bill also eliminates certain sentence enhancements based on prior convictions and the age of the victim.

Chair Carson requested a motion with the same stipulation from HB 78. A motion was made by Rep. Smyk and seconded by Rep. Bush to release HB 77 from committee. Motion carried. Yes=5 (Carson, Cooke, Bush, Morris, Smyk), No=2 (Briggs King, Vanderwende), Absent=2 (Osienski, Brady). HB 78 was reported out of committee with a F=0, M=0, U=6 vote.

**Chair Carson introduced HS 1 for HB 29, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DNA ANALYSIS AND DATA BANK.**

Rep. Dukes, the prime sponsor, explained that the original bill passed this committee in January, but has adopted a substitute in lieu of to assuage concerns from the Attorney General's Office. He added that the bill will allow for DNA sampling from cheek swabs of those accused of serious felony offenses. He made clear that samples will only be forwarded for analysis if determination of probable cause came from a judge at a preliminary hearing or by a grand jury indictment. He noted that all other samples will be destroyed or expunged from a DNA database.

Rep. Briggs King asked if a fiscal note will be attached.

Rep. Dukes said that no fiscal note is attached.

Chair Carson requested a motion. A motion was made by Smyk and seconded by Rep. Cooke to release HS 1 for HB 29 from committee. Motion carried. Yes=6 (Carson, Cooke, Bush, Morris, Smyk, Vanderwende), No=1 (Briggs King), Absent=2 (Osienski, Brady). HS 1 for HB 29 was reported out of committee with a F=0, M=8, U=0 vote.



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**Chair Carson introduced SB 77 w/ SA 2, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL REGISTRATION PLATES FOR COUNTIES AND MUNICIPALITIES.**

Deputy Secretary Nicole Majeski from the Delaware Department of Transportation supported the bill and summarized that it would authorize the Division of Motor Vehicles to issue special registration plates without having to enact a law for each request.

Chair Carson requested a motion. A motion was made by Rep. Vanderwende and seconded by Rep. Morris to release SB 77 w/ SA 2 from committee. Motion carried. Yes=7 (Carson, Cooke, Bush, Briggs King, Morris, Smyk, Vanderwende). No=0, Absent=2 (Osienski, Brady). SB 77 w/ SA 2 was reported out of committee with a F=0, M=8, U=0 vote.

Chair Carson concluded the meeting at 3:00 p.m.

Respectfully Submitted by:

Eric Hastings

**Speaker List:**

Nicole Majeski — Deputy Secretary, Delaware Department of Transportation