



SEAN M. LYNN  
STATE REPRESENTATIVE  
31<sup>st</sup> District

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

COMMITTEES  
Judiciary, Chair Agriculture Education  
Health & Human Development  
Public Safety & Homeland Security

## House Judiciary Committee Meeting Minutes

5.11.22

***This committee meeting has been recorded and may be accessed via [legis.delaware.gov](https://legis.delaware.gov)***

Chair Lynn called the meeting to order at 1:11 p.m. Members present included Reps. Cooke, Dorsey Walker, Griffith, Smyk, Spiegelman, Vanderwende. Reps. Williams and Yearick and Sen. Lawson were also present. For a list of guests present, please see the attendance list below.

Chair Lynn introduced **HB 398, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE HUMAN TRAFFICKING INTERAGENCY COORDINATING COUNCIL.**

Rep. Williams explained that this Act would rename the Human Trafficking Interagency Coordinating Council as the Delaware Anti-Trafficking Action Council to better communicate what the council does. The legislation also revises the responsibilities and membership of the Council, placing it within the authority of the Criminal Justice Council and requiring the appointment of an Executive Director with the ability to employ staff, as necessary.

Vice Chair Griffith thanked Rep. Williams for her work on this issue.

Rep. Williams asked expert witness Brian Moore, Chair of the Human Trafficking Interagency Coordinating Council, to comment on the legislation.

Brian Moore said that the legislation would provide the Council with full-time staff, which would allow them to carry out their duties more effectively.

Rep. Spiegelman asked what funding will be needed for the implementation of the legislation.

Rep. Williams replied that the cost will be \$231,000 for fiscal year 2023, \$312,000 for fiscal year 2024, and \$318,000 for fiscal year 2025. She asked expert witness Commissioner Mary McDonough to comment on the legislation.

Mary McDonough thanked Rep. Williams and Sen. Poore for sponsoring the legislation. She said that when the Council was initially founded there were financial provisions for three full-time staff members. In 2014, however, the General Assembly did not provide financial provisions for any full-time staff. She noted that the Council has not been able to adequately fulfil its duties without this funding.

Chair Lynn opened the floor to public comment.

Sherry Long, representing Restore Delaware, spoke in support of the legislation. She recalled attending a seminar four years ago in which the lead state trooper focused on combatting human trafficking said that he was embarrassed at Delaware's lack of initiative on the issue. She added that, without significant funding, the Council cannot collect sufficient data to



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determine the extent of the issue of human trafficking in Delaware. She asked the legislators of the committee to consider co-sponsoring the bill.

Caroline Brittingham, representing the Delaware Department of Justice, said that her department supports the bill. She noted that by giving the authority the Council to the Criminal Justice Council that they will be able to apply for additional grants and provide specialized trainings on combatting human trafficking. She thanked Rep. Williams and Sen. Poore for their continued support.

A motion was made by Rep. Griffith and seconded by Rep. Dorsey Walker to release HB 398 from committee; motion carried. Yes= 6 (Cooke, Dorsey Walker, Griffith, Lynn, Smyk, Spiegelman, Vanderwende); No= 0; Absent= 3 (Bush, Gray, Mitchell). The bill was released from committee with a F=6, M=1, U=0 vote.

Chair Lynn introduced **HB 13, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FIREARMS.**

Rep. Yearick said that two children, including a 12-year-old boy, had been shot the night before the committee hearing. He also acknowledged another shooting that occurred two nights prior to the committee hearing. He explained that the legislation would increase the minimum penalty for the crime of Possession of a Firearm During the Commission of a Felony to 5 years and to 10 years for defendants with 2 prior felonies. He added that constituents from across the state are concerned about gun violence and want criminals to be held accountable for their actions. He said that in 2019, there were 209 victims of shootings, 72% of which had two prior felony weapon arrests and 27% of which had three or more felony weapon arrests. He also said that in 2019, there were 101 known suspects of shootings, 80% of which had one or two prior felony weapons arrests and 20% of which had three or more prior felony weapons arrests. He added that rearrest rates for offenders released from 2015 to 2017 were between 65 and 77% and that reconviction rates were between 56 and 74%. He said that it is important to impose additional consequences for individuals who commit serious crimes, and that current penalties are not being administered adequately.

Vice Chair Griffith asked Rep. Yearick if and how he has collaborated with the Delaware Department of Justice on the proposed legislation.

Rep. Yearick replied that he shared the bill with the Delaware Department of Justice when it was first filed but has not been actively working in conjunction with them.

Vice Chair Griffith said that she cannot support the legislation until the Delaware Department of Justice reviews it.

Rep. Mitchell asked if there was anyone representing the Delaware Department of Justice present at the committee hearing.



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Chair Lynn asked Kristine Iannelli, representing the Delaware Department of Justice, to comment on the legislation.

Kristine Iannelli confirmed that the Delaware Department of Justice has not been involved with this bill, and that they look forward to working with Rep. Yearick on the issue.

Chair Lynn asked Kristine Iannelli to address Rep. Yearick's statement that the current penalties for the crime of Possession of a Firearm During the Commission of a Felony are not being administered adequately.

Kristine Iannelli said that the Delaware Department of Justice overwhelmingly achieves convictions when prosecuting crimes committed with firearms and that she will make the relevant statistics available to the members of the committee.

Chair Lynn added that there is a perception that firearm related charges are not being pursued. He said that he would like a representative from the Delaware Department of Justice to come before the committee to confirm whether this is the case.

Rep. Mitchell said that while he agrees with the intent of the bill, he cannot support it until the Delaware Department of Justice provides the relevant statistics.

Chair Lynn said that he believes this legislation provides an opportunity to address the perception that gun charges are being dropped by the Delaware Department of Justice and that he would like to have an extensive conversation about the issue.

Rep. Mitchell asked Kristine Iannelli to make the relevant data available to the committee members as soon as possible.

Rep. Smyk noted that the legislature is beginning to approach the end of session and that he believes this issue should be addressed before then, as he has heard similar concerns from his constituents about whether firearm-related charges are being dropped. He added that as a former law enforcement officer he knows that police agencies are relying on the government for guidance on this issue.

Chair Lynn asked Kristine Iannelli if she would have the relevant data available by the following week.

Kristine Iannelli confirmed that she would have all the requested information ready.

Chair Lynn asked Rep. Yearick if he would like to table the legislation until the following week.

Rep. Yearick agreed to table the bill for the time being.

Chair Lynn asked Rep. Yearick to work with the Delaware Department of Justice on this legislation prior to the next committee hearing.



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A motion was made by Rep. Smyk and seconded by Rep. Cooke to table HB 13; motion carried. Yes= 8 (Cooke, Dorsey Walker, Griffith, Lynn, Mitchell, Smyk, Spiegelman, Vanderwende); No= 0; Absent= 2 (Bush, Gray). The bill was tabled.

Chair Lynn introduced **HB 235, AN ACT TO AMEND TITLE 6 AND TITLE 31 OF THE DELAWARE CODE RELATING TO INDIVIDUALS WHO ARE HOMELESS.**

Chair Lynn thanked his former legislative aide Leanne Moore and Dr. Deborah Gilbert White for their assistance in drafting the legislation. He said that from 2020 to 2021 there was a 35% increase in Delaware's unhoused population, although this is an estimate and may be much higher. He added that the state can only account for visibly unhoused people, such as those sleeping on the street, and those living in shelters. There are other unhoused people who are "hidden," including those who might be couch surfing or living in other places not found by researchers. He clarified that the legislation does not legalize panhandling.

Chair Lynn said that the legislation does not give people experiencing homelessness additional rights, but protects the rights that they already have, such as the ability to move freely in public. He specified that, unlike other states, this legislation has an enforcement mechanism that would allow those who believe they have experienced discrimination due to their housing status to file a complaint with the Human Relations Commission. The legislation does not address asking for help and loitering. He added that the number of unhoused individuals has risen due to the COVID-19 pandemic; there are over 1,100 Delawareans that are unsheltered every night, and over a quarter of these are children. He said that there are currently staff members in each school district who provide resources to children who are unhoused.

Rep. Dorsey Walker pointed out that the COVID-19 pandemic was particularly difficult for unhoused students, who could not access electronic devices. She added that legislators intervened on their behalf. She thanked Chair Lynn for his work on this issue.

Chair Lynn opened the floor for public comment.

Nick Beard, representing the Delaware Coalition Against Domestic Violence, said that domestic violence is the cause of homelessness for approximately 60% of unhoused women. She noted that these women may be forced to make a choice between homelessness and exposing themselves and their children to violence. She added that shelters are not a stable environment for a woman to provide a child with a sense of normalcy. She thanked the staff of shelters for unhoused people for the work that they do.

Erin Gallagher, representing Housing Alliance Delaware, said that 2,369 people were experiencing homelessness on a single night in February of 2022. This was double the number of people experiencing homelessness on a single night in January of 2020. One in three of the people found to be experiencing homelessness were children. She added that her organization's hotline was contacted by approximately 3,000 families experiencing



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homelessness or at risk of becoming homeless between January and March of 2022. She said that 465 callers reported having slept in a place not meant for human habitation. She requested that the language on line 72 of the legislation be altered slightly.

Scott Kidner, representing the Delaware Apartment Association, thanked Chair Lynn for prior conversations regarding the legislation. He said that individuals with Housing Choice Vouchers should not be considered homeless. He added that the legislation creates a new protected class of citizens, which will result in difficult adjudication. He also pointed out that the definition of a homeless individual includes people who are going to lose their housing within 14 days, and noted that, in some cases, the tenant may be responsible for their own loss of housing by violating the terms of their lease or decided to move out.

Debra Burgos, representing the Delaware Apartment Association, said that landlords should be able to consider housing status in accepting applicants as it indicates whether the individual can pay rent. She expressed concern about the costs that would be incurred by landlords during litigation procedures. She added that individuals who occupy vehicles may park on the street in front of a landlord's residence, causing their tenants to feel unsafe.

Abby Halstead, representing the Delaware Apartment Association, said that she would like to speak on behalf of property managers in the state. She said the legislation would result in landlord's screening unhoused people one way, and housed people another way, creating a conflict with federal fair housing standards. She added that a landlord would not be able to run renter verification on a person without an address but would be able to on a person with an address. This could cause a person with an address to feel discriminated against.

Coby Owens, representing the Metropolitan Wilmington Urban League, said that housing instability is a serious issue in Delaware, caused in part by a lack of affordable housing. He added that shelter beds are limited and that many unhoused people end up sleeping in unsafe and uninhabitable environments. He said that, in 2021, 9,355 Delaware families experienced a homeless crisis and 25 percent of these families identified as being without safe shelter. He noted that individuals experiencing homelessness are also restricted in their ability to move freely in public spaces.

Kyra Hoffner said that the legislation would protect the rights and privileges of people experiencing homelessness. She expressed concern, however, that the bill would institutionalize homelessness and would suggest that unhoused people are a separate class of citizens. She added that the legislation would prevent harassment and discrimination against homeless people occupying public spaces.

Dr. Deborah Gilbert White, the founder and coordinator of HerStory Ensemble, said that she began asking for a homeless bill of rights for the past 10 years, having experienced homelessness herself. She noted her belief that the opposition to the legislation is based on



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stereotypes and prejudice. She added that it is important for unhoused people to have a way to report discrimination.

Gene Dvornick, Town Manager of Georgetown, Delaware, said that local governments have some concerns regarding the legislation. He noted that the bill may encourage individuals to sleep in vehicles parked in public areas. He asked the committee to allow municipalities more time to explore other concepts to address homelessness that will consider the safety and security of unhoused individuals and the surrounding communities.

Marcia Scott, representing the Delaware League of Local Governments, said that her organization had concerns regarding the language of the bill. She noted that the legislation does not account for additional costs that may be incurred by municipalities, potentially creating unfunded mandates. She said these costs may include funding behavioral health units within police departments, sanitation stations such as public restrooms and showers, and nonprofit efforts to provide temporary shelter and food. She added that the legislation does not consider municipal election laws, as an unhoused person cannot provide proof of residency. She said that her organization does not support provisions in the legislation that would allow unhoused people to sleep in public areas.

Cheyenne Miller, representing the Metropolitan Wilmington Urban League, said that her program works directly with people experiencing homelessness and supports expanding protections for this population. She added that access to public spaces should not be restricted based on housing status. The legislation does not give unhoused people extra rights but protects the rights they already have.

Archie Campbell, Mayor of Milford, Delaware, said that the legislation does not account for some of the costs that may be incurred by municipalities, such as funding behavioral health units, sanitation stations, and nonprofits providing temporary shelter and food. He echoed Marcia Scott, saying that the legislation would have an impact on municipal voting laws, as unhoused people cannot provide proof of residency.

Ann Aviles, co-chair of the H.O.M.E.S campaign and associate professor at the University of Delaware, said that there is not enough housing for people who need it, and that unhoused individuals should not be penalized for something out of their control.

Linda Barnett, representing the League of Women Voters of Delaware, said that the legislation aligns with their public policy principle that no person or group suffer legal, economic or administrative discrimination. She encouraged the committee to support the bill.

Chair Lynn thanked those who provided public comment. He added that there was an upcoming amendment that would strike the language regarding voting rights from the bill.

A motion was made by Rep. Dorsey Walker and seconded by Rep. Griffith to release HB 235 from committee; motion failed. Yes= 3 (Dorsey Walker, Griffith, Lynn); No= 3 (Smyk,



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Spiegelman, Vanderwende); Absent= 2 (Bush, Gray); Not Voting= 2 (Cooke, Mitchell). The bill was not released from committee.

Chair Lynn adjourned the meeting at 2:22 p.m.

Respectfully submitted by:

Wyatt Patterson



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#### Attendance List

- Sherry Long
- Nick Beard
- Caroline Brittingham
- Erin Gallaher
- Jon Offredo
- Deb Burgos
- C. Scott Kidner
- Abby Halstead
- Coby Owens
- Kyra Hoffner
- Dr. Deborah Gilbert White
- Gene Dvornick
- Marcia Scott
- Ann Aviles
- Archie Campbell
- Cheyenne Miller
- Deniese Clendenning
- Jeff Kague
- Linda Barnett
- Mark Whitfiled