



FRANKLIN COOKE
STATE REPRESENTATIVE
16th District

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

COMMITTEES
Public Safety & Homeland Security, Chair
Corrections
Gaming & Parimutuals
Housing & Community Affairs
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Labor
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House Public Safety & Homeland Committee Meeting Minutes

5.2.23

This committee meeting has been recorded and may be accessed via legis.delaware.gov

Chair Cooke called the meeting to order at 12:01 p.m. Members present included Vice Chair Osienski and Reps. Bush, Johnson, Romer, Briggs King, Morris and Vanderwende. Senator McBride and Reps. Dorsey Walker and Short were also present. For a list of guests present, please see the attendance list below.

Chair Cooke introduced **HB 133, AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.**

Rep. Dorsey Walker, sponsor of the bill, stated this legislation concerns line of duty deaths for public safety officials. She said suicide is the second leading cause of death for public safety officials and suicide rates for public safety officials is fifty-four percent higher than average citizens. There is a seventy percent chance a public safety official commits suicide after a high-stress incident without intervention. Across the United States, thirty-seven percent of EMTs and paramedics have admitted to contemplating suicide and six percent have attempted it. One in three correctional officers deal with post traumatic stress disorder (PTSD) and ten percent have considered suicide. This bill makes clear that suicide is a death in the line of duty for first responders, police officers, firefighters, corrections officers, probation officers and the National Guard in Delaware. She added that the families suffer because they do not have access to benefits, like pensions, if their family member committed suicide. This bill makes it possible for grieving families to get access to the benefits.

Rep. Bush thanked her for bringing this legislation forward.

Rep. Johnson said she was unaware of this problem and thanked Rep. Dorsey Walker for this bill.

Rep. Romer said she has a constituent tied to this type of issue and thanked Rep. Dorsey Walker for addressing this issue. She asked about the current resources for public safety officials as they see traumatic events in their line of work.

Chair Cooke deferred to Sgt. Michael Ripple of the Delaware State Police (DSP)

Sgt. Ripple replied there are specially trained individuals who respond right away to public safety officials who were involved in traumatic events. They are currently trying to start a program with resources for officials regarding ongoing stress, financial issues, and other problems they may encounter. At the State Police level they have a hotline for individuals to call twenty-four hours a day. He said this is an ongoing issue that they are trying to address.

Rep. Dorsey Walker said that the public safety official must attend three to six counseling sessions in order for their family to receive benefits.

Sgt. Ripple said DSP offers six to ten free counseling sessions annually for their employees.

Rep. Romer said she feels so strongly about mental health resources for male dominated jobs because they are not always encouraged to ask for help.

Chair Cooke asked if this legislation would apply to 911 Operators.

Sgt. Ripple replied that it would apply to them.

Rep. Briggs King said there is a stigma attached to mental health especially with this line of work because they may be removed from duty or have their firearm taken from them for seeking help. She wants to ensure they have the resources but are not penalized.

Sgt. Ripple replied their wellness program works to break the stigma and confidentiality will be in place.

Rep. Morris asked if this applies to off-duty individuals.

Rep. Dorsey Walker replied that it does apply to off-duty individuals and if they commit suicide it would be considered a line of duty death. She clarified that the language is inclusive of circumstances.

House attorney Natalie Woloshin replied that suicide would be considered a line of duty death which is defined in the Delaware Code. This legislation adds suicide to those definitions.

Rep. Morris said it is not clear if they must be on-duty or if it can take place off-duty.

Ms. Woloshin replied that they are a covered person whether they are on-duty or not.

Rep. Morris said it is a little vague and he would like clarification because he believes the language does not correctly show the intent of the bill.

Ms. Woloshin said there is a rebuttable presumption which provides that suicide is included in that presumption, regardless of the individuals location.

Chair Cooke opened the floor to public comment.

Jay Jones from the Delaware Volunteer Firefighters Association said they would like to see revisions regarding what was discussed today for clarity during the adjudication process. He provided an example of a firefighter who stopped alongside the road to help someone but they were denied a line of duty death because they were off-duty at the time of their death. He added that his brother who was a firefighter committed suicide therefore he wants to make sure the legislation is right. There is a lot of stress in this field whether you are on duty or not which is why this is important.

Chair Cooke asked if there should be clarity regarding off-duty deaths.

Rep. Dorsey Walker agreed there should be clarity.

Debra Lawhead, Insurance Coverage Administrator at the Delaware Department of Human Resources, said she works to adjudicate these cases and needs clarification about the legislation. She said dispatchers are not included in the bill and there is no language discussing the required number of counseling sessions an individual must attend. She added that the language discussing the travel of back and forth from work included in the bill is due to firefighters or police doing administrative work where they represent their agency, not necessarily on duty.

Rep. Vanderwende asked if this includes retired personnel.

Rep. Dorsey Walker replied it does not include retired personnel but there can be an amendment if needed.

Vice Chair Osienski said he would make the motion to release if Rep. Dorsey Walker agrees to make the changes the committee discussed today.

Rep. Dorsey Walker replied she will make the changes and thanked the committee for their consideration.

A motion was made by Vice Chair Osienski and seconded by Rep. Briggs Kingi to release HB 133 from committee; motion carried. Yes = 8 (Cooke, Osienski, Bush, Johnson, Romer, Briggs

King, Morris, Vanderwende); No = 0; Absent = 0. The bill was released from committee with a F=1, M=7, U=0 vote.

Chair Cooke introduced SS1 for SB95, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES.

Senator Sarah McBride, sponsor of the bill, said this is a cleanup bill from SS1 for SB151 which was passed in the 151st General Assembly. That legislation established a program that helps to fund auto insurance policies for youth in and aging out of foster care. She said this is a time sensitive technical cleanup as the program is now accepting applications. The young people in and aging out of the foster care system said one of the most significant barriers to physical and economic mobility was barriers to obtaining a driver's license and auto insurance. This is a biproduct of the cost of auto insurance and liability challenges. This program subsidizes either independent auto insurance policies or the increased cost of adding a foster youth onto their parents auto insurance through the Office of the Child Advocate. The program also included several protections for the youth in regard to liabilities, including foster parent liability only up to what their insurance policy covers. The problem with the legislation from the 151st General Assembly is the protections from liability only covers licensed individuals, making a gap for individuals with their learners permit who are not licensed yet. This bill extends the liability protections to individuals with their learners permit and clarifies they are only liable for the amount their insurance policy covers, not other insurance policies on the market.

Rep. Johnson said she believes in this legislation.

Chair Cooke opened the floor for public comment.

A motion was made by Rep. Briggs King and seconded by Rep. Johnson to release SS1 for SB95 from committee; motion carried. Yes = 8 (Cooke, Osienski, Bush, Johnson, Romer Briggs King, Morris, Vanderwende); No = 0; Absent = 0. The bill was released from committee with a F=6, M=2, U=0 vote.

Chair Cooke introduced HB 106, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE MOTORCYCLE RIDER EDUCATION ADVISORY COMMITTEE.

Rep. Short, sponsor of the bill, said the Motorcycle Rider Education Committee has existed in the past through resolutions passed each General Assembly. This legislation codifies it in the State and allows for it to exist as it should without having to pass a resolution every two years. The committee oversees the training of the motorcycle education courses and meets at least quarterly.

Chair Cooke opened the floor for public comment.

A motion was made by Rep. Romer and seconded by Rep. Johnson to release HB 106 from committee; motion carried. Yes = 8 (Cooke, Osienski, Bush, Romer, Briggs King, Johnson, Morris, Vanderwende); No = 0; Absent = 0. The bill was released from committee with a F=6, M=2, U=0 vote.

Chair Cooke adjourned the meeting at 12:36 p.m.

Respectfully Submitted by:
Maggie Karpinski

Attendance List:

- Jay Jones
- Debra Lawhead
- Natalie Woloshin

