

## **Senate Executive Committee**

152nd General Assembly  
Wednesday, June 28, 2023  
Senate Chamber/Virtual Meeting

### **Committee Members Present:**

Senator David P. Sokola	<a href="mailto:David.Sokola@delaware.gov">David.Sokola@delaware.gov</a>
Senator Bryan Townsend	<a href="mailto:Bryan.Townsend@delaware.gov">Bryan.Townsend@delaware.gov</a>
Senator S. Elizabeth Lockman	<a href="mailto:Elizabeth.Lockman@delaware.gov">Elizabeth.Lockman@delaware.gov</a>
Senator Sarah McBride	<a href="mailto:Sarah.McBride@delaware.gov">Sarah.McBride@delaware.gov</a>
Senator Marie Pinkney	<a href="mailto:Marie.Pinkney@delaware.gov">Marie.Pinkney@delaware.gov</a>
Senator Gerald W. Hocker	<a href="mailto:Gerald.Hocker@delaware.gov">Gerald.Hocker@delaware.gov</a>
Senator Brian Pettyjohn	<a href="mailto:Brian.Pettyjohn@delaware.gov">Brian.Pettyjohn@delaware.gov</a>

### **Other Legislators Present:**

Rep. Stephanie T. Bolden	<a href="mailto:StephanieT.Bolden@delaware.gov">StephanieT.Bolden@delaware.gov</a>
Rep. Krista Griffith	<a href="mailto:Krista.Griffith@delaware.gov">Krista.Griffith@delaware.gov</a>
Sen. Darius Brown	<a href="mailto:Darius.Brown@delaware.gov">Darius.Brown@delaware.gov</a>
Sen. Nicole Poore	<a href="mailto:Nicole.Poore@delaware.gov">Nicole.Poore@delaware.gov</a>
Sen. Kyra Hoffner	<a href="mailto:Kyra.Hoffner@delaware.gov">Kyra.Hoffner@delaware.gov</a>
Sen. Russ Huxtable	<a href="mailto:Russell.Huxtable@delaware.gov">Russell.Huxtable@delaware.gov</a>
Rep. Cyndie Romer	<a href="mailto:Cyndie.Romer@delaware.gov">Cyndie.Romer@delaware.gov</a>

### **Staff:**

Valerie McCartan, Senate	<a href="mailto:Valerie.McCartan@delaware.gov">Valerie.McCartan@delaware.gov</a>
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### **Attendees:**

Appendix A contains a list of members of the public pre-registered for the meeting webinar and those who signed the in-person sign-in sheet and/or provided testimony on the legislative portion of the agenda during this meeting.

### **Agenda**

Approval of June 21<sup>st</sup> Meeting Minutes

#### Nominations:

1. Chief Information Officer of the Department of Technology and Information – Gregory Lane
2. Delaware Interscholastic Athletic Association – Kevin Dickerson, Ed.D.

3. Unemployment Insurance Appeal Board – David Vones
4. Professional Standards Board – Delethia McIntire; Ned Gladfelter

Legislation:

1. HB 215 (Bolden)
2. HB 202 w/ SA 1 (Romer)
3. HB 281 (Chukwuocha)
4. HB 235 (Schwartzkopf)
5. HB 26 w/ HA 2 (F/N) (Bush)
6. HB 82 (F/N) (Griffith)
7. HB 139 w/ HA 1 (Spiegelman)
8. HB 198 (Carson)
9. HS 1 for HB 205 (F/N) (Minor-Brown)
10. HB 207 (Parker Selby)
11. HB 65 (F/N) (Heffernan)
12. HB 177 w/ HA 1 (F/N) (Heffernan)
13. HB 185 (F/N) (Heffernan)

*Senator Sokola* convened the meeting at 1:05 p.m. and conducted a roll call. Sens. Townsend, Lockman, McBride, Hocker, and Sokola were all marked present at the time of roll call. (Sen. Pinkney was marked present at 1:08 p.m. Sen. Pettyjohn was marked present at 1:22 p.m.)

With a quorum present at the time of convening, Sen. Sokola asked for a motion to approve the minutes of the June 21, 2023 committee meeting. *Sen. Townsend* motioned to approve the minutes and *Sen. Lockman* provided a second. The minutes were approved by committee members and will be posted to the June 21, 2023 meeting of the Committee's page on the General Assembly website.

At 1:07 p.m., Sen. Sokola moved to the legislative portion of the agenda in order to accommodate Legislators present who must soon report to Joint Finance Committee.

**HB 215 (Bolden) AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS.**

*Synopsis:* Section 1 of this bill moves the date of primary elections for statewide office, county office, and municipal office to the fourth Tuesday in April, which is the date of the presidential primary (in presidential election years). The dates for submitting and withdrawing notification of candidacy have been adjusted accordingly. Section 2 of the bill changes the deadline for a minor political party selecting its candidate at the party's convention. Section 3 of the bill changes the deadline for filing certificates of nomination from September 1st to April 1st. Section 4 changes the "closed" period in which a voter is not allowed to change his or her political affiliation to match the 60-day limit in 15 Del. C. § 3189 for presidential primaries. Section 5 provides that the Act is applicable to all primary elections after October 1, 2024.

*Sen. Sokola* invited the bill's prime sponsor, Rep. Stephanie T. Bolden, to speak to the bill.

*Rep. Stephanie T. Bolden* said HB 215 changes our local primaries to the same time as the presidential primary. It would not go into effect until 2026. It provides efficiencies in terms of cost savings, increasing voter turnout, reducing voter confusion, and giving the state a timely manner to get ballots out to our citizens who are overseas. It also ensures participation for working families.

*Sen. Sokola*, seeing no members of the committee with questions about HB 215, asked if there was public comment on the bill.

*Robert Overmiller* said he supports the legislation.

*Shyanne Miller*, Metropolitan Wilmington Urban League (MWUL), spoke in favor of the legislation. It makes it easier for voters to know where to go to cast their vote. It is important for voters to have a simplified voting system, especially in primaries where less voters are expected to be engaged.

*Branden Fletcher*, DE NAACP, said a lot of people participate in elections like the presidential nomination. More people are eager to turn out for that. Changing this is important to expanding voter turnout.

*Coby Owens*, Metropolitan Wilmington Urban League (MWUL) and Delaware NAACP, said these organizations are both in support of this bill. This bill creates an opportunity for increased participation in our state primaries and reduces the number of times citizens have to come out to vote in multiple primaries. It cuts down on confusion among voters.

*Carter Hill*, Libertarian Party of Delaware Chair, said no one has consulted the Libertarian Party to discuss how this might impact them. There seems to be a change in the bill that doesn't align with the others. Section 2 would move the deadline for minor party nominating conventions from August 1 back to March 15. This strips already disadvantaged parties of nearly 20% of the 2-year election cycle to recruit candidates. Ultimately voters may have fewer choices on this ballot as a result. He asks that the bill not be released from committee and that a new bill be proposed without changes that he believes harm minor parties and disenfranchise voters. (Mr. Hill submitted written testimony, which is included in Appendix B.)

Additional written testimony submitted to the committee on HB 215 from the AARP Delaware and Robert Bell is included in Appendix B.)

*Sen. Sokola*, seeing no additional public comment said the bill will be circulated for signatures.

**HB 215 – Reported out of the Committee: 0 Favorable; 5 Merits (Sokola, Townsend, Lockman, Pinkney, McBride); 0 Unfavorable**

1:15 pm

**HB 82 – Griffith – AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO COMMUNICATION OF ELECTION INFORMATION.**

*Synopsis:* This Act requires the Department of Elections to biennially mail a notice to all registered voters informing the registrant of their polling place and containing the following additional information: a brief description of all available methods of voting; the dates and times on which the general and any primary election will be held; deadlines for voter registration for each election and for party changes before a primary; and a brief outline of procedures and requirements and polling places and early voting sites. If the notice is returned as undeliverable the Department is directed to follow a procedure already set forth in Code for attempting to update and verify voting registration records. The notice is to be mailed not later than 30 days before the state primary election.

*Sen. Sokola* called on Rep. Griffith, the bill's prime sponsor.

*Rep. Griffith* showed everyone the voter registration card that tells you where your polling location is but does not give information to voters about where to vote, when to vote, etc. HB 82 expands information shared with voters including the dates and times elections will be held, deadlines for voter registration, and change of party, as well as a brief outline of voting procedures. Voters will receive a piece of mail containing this information including helpful inserts, QR codes, and other tools that voters will be able to utilize so that they can make a good plan for voting.

*Sen. Sokola* asked if there was any public comment.

*Robert Overmiller* said he supports HB 82.

*Rebecca Cotto*, YWCA Delaware, spoke in support of HB 82. One of their advocacy areas is voter rights. They support voters having as much information as possible in order to make election decisions. This will help to increase voter turnout and accessibility.

*Sen. Sokola*, seeing no additional public comment said the bill will be circulated for signatures.

**HB 82 – Reported out of the Committee: 2 Favorable (Sokola, Lockman); 4 Merits (Hocker, Pinkney, McBride, Townsend); 0 Unfavorable**

1:18 pm

**HB 218 – Chukwuocha – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMMISSION OF VETERANS' AFFAIRS.**

*Synopsis:* This Act changes the composition of the Commission and further clarifies the definition of "veterans" as it pertains to this Section of Title 29. The Delaware Commission of Veterans' Affairs is comprised of members, appointed by the Governor, who represent specific veteran organizations. The United States Congress defines the Korean War Era as June 27, 1950 to January 31, 1955, and today most living Korean War Veterans are in their upper 80s or lower 90s. This amendment will redesignate the seat to an organization that is self-perpetuating and whose membership will continue on, and also serve to provide the diverse representation of all veterans. Also preserved is the ability of the current Korean War Commissioner to remain as a Commissioner until his term expires or that seat otherwise becomes vacant. The sole remaining active Chapter of the Korean War Veterans of America in Delaware is in the process of being

disbanded due to lack of membership. The Office of Veterans Services is staffed by individuals employed by the State, but who have been required, by reference to the definition of “veteran,” to have “served honorably.” Staffing of the OVS, including the veterans’ cemeteries, has been challenging. This amendment clarifies that a veteran, for qualification as a commissioner, must have been discharged under other than dishonorable conditions. This clarification is consistent with federal laws and regulations regarding the definition of “veteran.”

*Sen. Sokola* called on *Sen. Brown*, the Senate Prime Sponsor, to speak about the bill.

*Sen. Brown* said the bill comes from the Delaware Commission for Veterans’ Affairs, which asked for the expansion of the term “veteran” so that there can be broader eligibility for individuals and those who have served honorably. The Commission also asked that a seat be redesignated from a Korean War Veteran to a member of the National Association of Black Veterans (NABVets). This is because there is only one sole member of the Korean chapter and they are currently inactive. It’s currently a position that sits vacant. (*Sen. Brown’s PowerPoint* and one page summary of HB 218 is included in Appendix B.)

*Sen. Sokola*, seeing no comment from committee members, asked if there was any public comment.

*Josh Matticks*, Executive Director, Office of Veterans Services, offered his support for the bill.

*Nolan Lewis*, representing the Delaware Commission on Veterans Affairs, stated his support for the bill.

*Robert Overmiller*, said he would rather that the NABVets position be added and then the Korean War position be dropped once no one is able to serve in that position, but he does support the bill.

*Sen. Sokola*, seeing no additional public comment said the bill will be circulated for signatures.

**HB 218 – Reported out of the Committee: 0 Favorable; 6 Merits (Sokola, Lockman, Hocker, Pinkney, McBride, Townsend); 0 Unfavorable**

At 1:21 p.m., *Sen. Sokola* moved to the nominations portion of the agenda, beginning with Gregory Lane, to be appointed Chief Information Officer of the Department of Technology and Information.

*Kevin Dickerson, Ed.D.*, to be appointed to the Delaware Interscholastic Athletic Association, came before the committee at 1:32 p.m.

*David Vones*, to be appointed to the Unemployment Insurance Appeal Board, came before the committee at 1:35 p.m.

*Delethia McIntire*, to be appointed to the Professional Standards Board, came before the committee at 1:36 p.m.

*Ned Gladfelter*, to be appointed to the Professional Standards Board, could not be present in person today due to previously schedule travel. There is no specific rule that nominees must come before the Senate for a hearing. Given the fact that it is June 28<sup>th</sup>, and there are only two days of session remaining, a decision was made to consider his appointment despite his absence. Mr. Gladfelter was asked by the Chair asked to reach out to committee members. Sen. Sokola spoke with him and was satisfied with their discussion.

At 1:43 p.m., Sen. Sokola returned to the legislative portion of the agenda.

**HB 202 w/ HA 1 – Romer – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF A FIREARM AT A POLLING PLACE.**

*Synopsis:* This Act limits those individuals who may possess a firearm at a polling place on an Election Day to the following: (1) law enforcement officers, (2) commissioned security guards acting in their official capacity, (3) constables acting in their official capacity, and (4) active-duty members of the United States Armed Forces and Delaware National Guard acting in their official capacity. This Act is applicable to any in-person election held under Title 15, any local school election held under Title 14, and any municipal election held in accordance with the municipality's charter, ordinance, or code, and includes locations designated for early voting. This Act also provides an exemption for individuals who reside or visit private property adjacent to a polling place, or who are traveling from private property to another location.

HA 1 clarifies that areas outside of the actual polling place, such as parking areas and adjoining structures, are excluded from the definition of polling place.

*Sen. Sokola* called on Rep. Romer who was virtual.

*Rep. Romer* said HB 202 prohibits firearms within a polling location on election day. This includes primaries, general, school, special, and municipal elections. Ensuring the safety and well-being of our poll workers and voters is paramount. They should feel secure. Currently there is no provisions that prohibit poll workers or monitors from open carry or concealed carry at polling locations. Concerns were heard from poll workers that this caused some discomfort, leading some to choose to not work the polls in the future. As we want to expand and build off early voting, we need more election volunteers to work for us.

*Anthony Albence*, Commissioner of Elections, said he was available to answer any questions the committee might have.

*Sen. Pettyjohn* asked how the provisions of the bill might work. He sees there is an exemption for structures adjacent to the polling place. How would it apply to individuals in those adjacent structures?

*Rep. Romer* said the bill originally looked at 50-100 feet outside the polling location, but when they looked at early voting sites, the goal is to address the area within the polling location. If a firehouse is adjacent, that would not apply.

*Sen. Pettyjohn* asked about Line 28, individuals employed as a security officer, constable. He is wondering about them being present but not in their official capacity. They are stopping by a polling place to vote. Would they have to store their firearm when they went in to vote?

*Rep. Romer* said if they are not working at the polling place but they are on duty, they could have their firearm within that location. If they are off duty, they would have to store their firearm.

*Sen. Sokola*, seeing no other questions from the committee, asked for public comment.

*Robert Overmiller* said he is opposed to the legislation. He said schools are soft targets and shootings in them have been increasing, not decreasing. This legislation would make polling places soft targets. People who have a carry permit have been trained on how to keep their cool. He thinks it's a mistake for the bill to move forward.

*Traci Murphy*, representing the Delaware Coalition Against Gun Violence, said their organization supports HB 202. Firearms are a ready means of intimidation. The display of a gun instills fear in the average citizen. According to recent research from UC Davis, 2.5% of voters consider "to stop people who do not share my beliefs" as a reason for political violence. 83% of people said such violence is never or almost never justified. There is over 70% support for a variety of policy solutions like this one to prevent extremists from threatening democracy.

Appendix B contains written testimony on HB 202 submitted by the League of Women Voters of Delaware, William Kuschel, the Delaware Coalition Against Gun Violence, and George Higgins.

*Sen. Sokola*, seeing no additional public comment said the bill will be circulated for signatures.

**HB 202 w/ HA 1 – Reported out of the Committee: 1 Favorable (Lockman); 3 Merits (Sokola, Townsend, Pinkney); 0 Unfavorable**

1:54 pm

**HB 235 (Schwartzkopf) – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.**

*Synopsis:* This bill changes the time a holder of a license for the sale of alcoholic liquor for on-premises consumption may sell alcohol from 9:00 a.m. to 8:00 a.m.

*Sen. Sokola* said this bill relates to alcoholic liquors and the time of sale. Currently the law says no holder of a license to sell liquor shall sell before 9:00 a.m. This legislation changes that to one hour earlier, 8:00 a.m.

*Sen. Sokola*, seeing no questions from committee members, asked if there is any public comment.

*Robert Overmiller* said he supports this bill.

*Sen. Sokola*, seeing no additional public comment said the bill will be circulated for signatures.

**HB 235 – Reported out of the Committee: 0 Favorable; 5 Merits (Sokola, Pettyjohn, Hocker, Pinkney, Townsend); 0 Unfavorable**

1:56 pm

**HB 26 w/ HA 2 (Bush) – AN ACT TO AMEND TITLE 29 OF THE DELEWARE CODE RELATING TO STATE EMPLOYEE LEAVE.**

*Synopsis:* This Act provides state employees 30, rather than 15, days of paid leave per year to attend training camp or serve special duty as ordered by the military reserves or Delaware National Guard.

HA 2 clarifies that leave for training camp or special duty applies to all benefit eligible State employees who are in the classified service or who are exempt from classified service.

*Sen. Sokola* reviewed the synopsis of the bill and asked for questions or comments from the committee. Seeing none, he asked if there is public comment on HB 26.

*Robert Overmiller* said he supports this legislation.

*Sen. Sokola*, seeing no additional public comment said the bill will be circulated for signatures.

**HB 26 w/ HA 2 – Reported out of the Committee: 0 Favorable; 6 Merits (Sokola, Lockman, Pettyjohn, Hocker, Townsend, Pinkney); 0 Unfavorable**

1:58 pm

**HB 139 w/ HA 1 (Spiegelman) – AN ACT TO AMEND THE CHARTER OF THE TOWN OF TOWNSEND.**

*Synopsis:* This Act amends the Charter of the Town of Townsend in the following ways: 1. It requires the Town Council to determine rules for Town Meetings after being sworn in at the Town Council reorganization meeting in June of each year. 2. It removes the requirement that a copy of ordinances, codes, rules and regulations be printed for each official of the Town. 3. It allows the Mayor to vote on Town matters, whereas before, the Mayor could only vote in the event of a tie. 4. It clarifies the procedures for disqualification and removal from office for the Mayor and Council members, as well as election procedures and term of office. 5. For a councilperson to be elected mayor, they must have sat as a councilperson for at least twelve consecutive months, although if no such members of the council qualify, the Mayor will be elected from the sitting members. 6. All candidates must successfully pass a background check as provided by the Town. 7. If within 90 days of the swearing in, a newly sworn in Councilperson is disqualified, the candidate with the next highest number of votes shall be appointed to fill the remainder of the term. 8. The Town Manager will now have the ability to authorize and approve reimbursements. 9. It revises the section of the Charter regarding the Police Force. This Act also makes technical changes to the Charter as deemed appropriate.



HA 1 clarifies the police force has a duty to enforce all state and municipal laws.

*Sen. Sokola* asked *Sen. Hoffner* to speak on the bill.

*Sen. Hoffner* said this is a simple charter change and includes measures such as allowing the Mayor to vote on town matters - not only in the event of a tie, clarifying procedures for disqualification and removal from office for the Mayor and town council, and requiring all candidates to successfully pass a background check.

*Sen. Hocker* asked if the entire council of Townsend are in favor of this.

*Sen. Hoffner* said that is correct.

*Sen. Sokola* asked if there was any public comment on the bill. Seeing none, he said the bill will be circulated for signatures.

**HB 139 w/ HA 1 – Reported out of the Committee: 0 Favorable; 6 Merits (Sokola, Lockman, Pettyjohn, Hocker, Townsend, Pinkney); 0 Unfavorable**

2:00 p.m.

**HB 198 – Carson – AN ACT TO AMEND THE TOWN CHARTER OF THE TOWN OF CLAYTON.**

*Synopsis:* This Act is a comprehensive amendment of the Town Charter for the Town of Clayton. It sets forth detailed basis for removal from office of Mayor and Town Council and process for filling any vacancies on Town Council. The Amendment allows the Mayor and members of Town Council to participate and vote in Council meetings by remote electronic means, when unavoidable circumstances prohibit in person attendance, so long as all members can hear and speak with one another. The Act allows the Town to borrow up to an amount not to exceed 20% of the assessed value of assessable and taxable real property within the Town limits. The Act also allows the Town to purchase general obligation bonds not to exceed 20% of the assessed value of all real estate subject to taxation within the Town. The Act establishes the Town's power to regulate orderly growth and development including subdivisions and site plans and procedures for securing financial guarantees to ensure satisfactory completion of new land development. The Act also allows the Town to adopt the assessment of Kent County in lieu of making its own independent assessment and valuation for purposes of levying town taxes. The Act specifies the Town Manager is the Town Tax Collector. The Act allows the Council, by ordinance, to impose impact fees and the purpose for such impact fees. The Act specifies the duties of the Police Chief and Town Manager. The Act specifies all appointments and promotions of Town employees shall be under the direction of the Mayor and the Town Council including hiring, termination, promotion or discipline of all employees. The Act specifies use of Town money by Town Council. The Act sets forth new election procedures, including voter qualifications, voter registration, and conduct of elections for Town elections.

*Sen. Hoffner* said this is the first complete charter change for Clayton in many years. They are bringing everything current, such as having meetings in hybrid fashion. The town of Clayton is very small but is growing and they wanted to make sure everything is up to date.

*Sen. Sokola* asked if there was any public comment on HB 198. No one had signed up to testify. *Sen. Sokola* said the bill will be circulated for signatures.

**HB 198 – Reported out of the Committee: 0 Favorable; 5 Merits (Sokola, Pettyjohn, Lockman, Hocker, Townsend); 0 Unfavorable**

2:02 p.m.

**HS 1 for HB 205 – Minor-Brown – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE LAW ENFORCEMENT OFFICER BILL OF RIGHTS.**

**Synopsis:** This Act makes a number of revisions to the Law-Enforcement Officer's Bill of Rights in Title 11 of the Delaware Code. It adds part-time officers to the coverage of the chapter. It distinguishes between formal investigations and informal inquiries, but requires that even informal inquiries must comport with federal and State law, including *NLRB v. J. Weingarten, Inc.*, 420 U.S. 251 (1975) and *Garrity v. New Jersey*, 385 U.S. 493 (1967). This Act requires that a detailed narrative of an internal investigation must be prepared by an investigating agency and publicly posted in any case involving use of force that results in serious physical injury; the discharge of a firearm; a sustained finding of sexual assault or sexual harassment; a sustained finding of dishonesty; or a sustained finding of domestic violence. Further, it requires that an investigation into officer misconduct must be completed, regardless of the employment status of the officer. I.e., even if an officer resigns or retires while an investigation is pending, the department must complete the investigation and report sustained findings of misconduct to the Council on Police Training. The Act also requires a department to provide information to a complainant or victim of officer misconduct sufficient to reasonably address concerns regarding the investigation and its outcome, including the investigative findings, conclusions, and any recommendations for further action. Finally, the Act requires, upon request of a defendant in a criminal or delinquency case, and through the Department of Justice, all existing records relating to sustained findings of misconduct relating to perjury, intentional false statements or false reports, or destruction, falsification, or concealment of evidence by an officer who participated in the investigation or prosecution. It also provides that law-enforcement officers must be required, upon hire, to sign an agreement allowing the hiring agency to provide copies of that officer's personnel file and disciplinary and investigative records with any other law-enforcement agency that makes an offer or conditional offer of hire to that officer in the future. The CJC will aggregate and post all of the narratives required to be prepared under this chapter on its website, along with an annual report of the following: (1) The number of public complaints and internal complaints relating to police misconduct that the department received each year, broken down by subject matter of the complaint; (2) The number of formal investigations undertaken by the department each year, and the number of complaints resolved without a formal investigation; (3)

The number of formal investigations that resulted in a sustained finding of misconduct, an unsubstantiated finding, or any other disposition. Records relating to any incident for which a detailed narrative is required to be prepared and posted must be preserved for at least 25 years. This Substitute differs from the original House Bill No. 205 as follows: 1. It adds sustained findings that a law-enforcement officer engaged in sexual harassment to the required public disclosures. 2. It broadens the requirement for public disclosures relating to sustained findings of dishonesty. 3. It limits the requirement for public disclosures relating to the discharge of a firearm to those instances where the firearm is discharged at a person. 4. It clarifies that the required disclosures apply to chiefs of police and other high ranking officials. 5. It moves all of the disclosures into a single section (§ 9210). 6. It requires, instead of permitting, that the victim or complainant with respect to misconduct must be told of the conclusion of the inquiry. 7. It clarifies that the public detailed narratives required for certain incidents is a prospective requirement, while disclosures in a criminal or delinquency matter pertain to all relevant existing records. 8. It requires additional disclosures to the defendant of investigations into dishonesty-related misconduct that occurred in the course of the investigation of the pending matter; requires law-enforcement agencies to disclose to the Department of Justice such records; and provides if the investigation finds the allegation unsubstantiated it may not be used in any criminal or delinquency proceeding. 9. Reinforces the duty of the State to preserve and disclose records underlying misconduct dealt with in this chapter. 10. Reverts references to the Police Officer Standards and Training Commission to Council on Police Training. 11. Sets a timeline for the preparation and posting of required public disclosures.

*Sen. Sokola* offered the floor to *Sen. Lockman*.

*Sen. Lockman* summarized the synopsis of the bill. She said she has experts on hand to comment on the bill as well. She noted efforts to make legislative progress around concerns about lack of transparency surrounding complaints and discipline regarding law enforcement. There are concerns that the public is shielded from knowing whether officers sworn to protect our communities are following procedures or who have a history of violating policies and are otherwise doing damage to the communities they serve. The secrecy around this has led to strong distrust in the system and the belief that law enforcement is effectively policing itself. This bill is intended to shine some light onto the system by publicly posting sustained serious reports of misconduct and disclosing certain records to defense counsel. It renames the Law Enforcement Officers Bill of Rights (LEOBOR) as the Police Officers Due Process Accountability and Transparency (PODPAT). It defines serious sustained allegations and mandates that every police agency provide a detailed narrative of sustained allegations to the Criminal Justice Council for public dissemination which must be published within 30 days of receipt. Any complainant will be provided with resolution of the complaint. Serious sustained allegations included discharge of firearm at a person, use of force that leads to serious physical injury, sexual assault or harassment while on duty, sustained findings of domestic violence, sustained findings of dishonest conduct, falsification or concealment of evidence. This bill would require that an investigation be completed and reported regardless of the employment status of the officer. It adds part time police officers to coverage under the system. The Dept of Justice (DOJ) is mandated to disclose all existing records related to sustained findings. DOJ has the duty to disclose to the defense or the court any investigation into dishonesty by the officer. *Sen. Lockman* referenced an email

from Lt. James Leonard, President of the DE Fraternal Order of Police, stating support collectively from law enforcement. She wants to request commentary from DOJ and then after hearing from him, the Office of Defense Services.

*Sen. Sokola* said this effort has gone through many iterations and he thanked *Sen. Lockman* for her comments and summary. He invited *A.J. Roop* from DOJ to testify.

*A.J. Roop*, Chief of Staff, Department of Justice (DOJ), said the Attorney General (AG) has been working for more than three years on this effort to increase transparency and is grateful that all sides have worked to come to this agreement. DOJ applauds the collaboration that has taken place. HS 1 for HB 205 represents historic progress. Going back to the summer of 2020, seeing early drafts of this bill as it was worked through, it is impressive that everyone came together to make this a reality. There was commitment on both sides, and he commends law enforcement for what they brought to the table, seeking to be the best that we can be. Delaware has always strived to be on the forefront in criminal justice. This bill gives DOJ the information it needs to build strong cases while balancing that we need a mechanism to bring forward misconduct whether substantiated or unsubstantiated to be used in the appropriate context. Prosecutors are to seek justice at all times, and when you seek justice that means guaranteeing the defendant has a fair trial while also making sure the rights of Delawareans, particularly victims, are also adequately represented.

*Sen. Lockman* said the Legislative Black Caucus deserves credit for its strong effort in this reform. It's very earliest beginning was focused on providing greater access for defense counsel to records.

*Sen. Sokola* invited *Kevin O'Connell* forward to testify.

*Kevin O'Connell*, Chief Defender, Office of Defense Services, thanked *Sen. Lockman* for her work on this issue. He said his office has mixed feelings about HS 1 for HB 205. Any information is better than what we have under the current LEOBOR. It's good that the public will receive reports regarding sustained findings and that victims and complainants are entitled to know the resolution of their complaint, the findings and recommendations. It's good that lawyers for people accused of crime are required to receive from DOJ records of sustained, dishonest action by police involved in the prosecution in charges against their clients. That is something the Constitution has always required. There are positive steps forward. He is concerned that this is still not real transparency, because it still gives law enforcement the ability to determine what misconduct will be disclosed. Under HS 1 for HB 205, police would only be required to disclose misconduct that the police determine to be sustained. Police continue to be allowed to continue to determine what evidence is admissible in a criminal case. Criminal defense lawyers should have access to all unsubstantiated claims of misconduct. In this system, the fox is guarding the henhouse and is being asked to self-report any misconduct. In the State of New York in June 2020, a law was repealed that kept law enforcement officers' disciplinary records secret. The NY courts have said the people must disclose all evidence, both substantiated and unsubstantiated allegations of police misconduct by testifying prosecution witnesses. In ODS' opinion, all use of force reports both sustained and not sustained should be accessible to the public, as well as lawyers, in criminal cases. This bill limits it to use of force records only relating to serious

physical injury, which is defined as injury substantially likely to result in death. Recently a Wilmington police officer was prosecuted for assault against an individual, but none of it would have been disclosed, because it didn't involve serious physical injury. It just involved physical injury. ODS intends to hold lawmakers to their commitment to move forward to make this law better in the coming year. It's ODS' position that criminal defense lawyers should get access to all allegations of misconduct, not just sustained ones. In addition, a consistent set of rules, applicable to all law enforcement agencies regarding the preservation of all misconduct records of sustained, unsubstantiated claims, and all other dispositions should be in place. Civilian review boards should be established that are not dominated by law enforcement or their designees. A reliable and accessible data collection system that tracks all police misconduct should be put in place. While ODS voices these concerns and needs, it does support the passage of HS 1 to HB 205 as a first step toward greater transparency and accountability.

*Sen. Lockman* thanked all stakeholders and acknowledged the collaboration that has occurred.

*Sen. Pinkney* commended *Sen. Lockman* on her work on this issue. She noted that there is still work to be done to seek more transparency and to get further when it comes to LEOBOR. She thinks it's important to get somewhere, and this bill does that. She asked if any of the cases that we know about would have looked differently under the provisions of this bill.

*A.J. Roop* said prosecutors are responsible for knowing about any conduct that can be inculpatory or serve as impeachment evidence. It's their job to find out about it. 99% of the time, law enforcement provides that. Currently, if they want an officer's personnel file, it has to be subpoenaed. Under this bill, they can point to the statute, and the file is mandated to be provided to DOJ.

*Sen. Pinkney* asked if DOJ will have better tools to prosecute officers who cause harm.

*A.J. Roop* said yes, they just prosecuted and convicted the Wilmington police officer due to the underlying conduct in that incident. DOJ's Div. of Civil Rights and Public Trust intention is to continue to this investigatory work. Although it's not always seen, a vast majority of police officers want those cases prosecuted. In that recent case, Wilmington provided three officers to investigate and testify.

*Sen. Pinkney* asked Kevin O'Connell if he could give a practical example of how the bill will impact the work that ODS does. She asked if he could offer a scenario.

*Kevin O'Connell* referenced case law under *Snowden v State*. If you know about something in a police officer's file, you can file a motion and the judge can determine whether any evidence is disclosable. That system doesn't work because his office doesn't know what's in the file. With HS 1 to HB 205, they would now at least have some statutory authority for access to files, and it will move the needle forward in disclosing more police misconduct.

*Sen. Pinkney* asked about the *Snowden* ruling and how often is it not granted.

*Mr. O'Connell* said it is not granted most times, because they don't know what is in a personnel file.

*Sen. Pettyjohn* said he appreciates the work done on this issue. As a member of the Law Enforcement Accountability Task Force, he realized there was room for improvement and thinks this is a very good first step. He commends *Sen. Lockman* for the work on this legislation.

*Sen. Sokola*, seeing no further questions from committee members, asked for public comment on HS 1 for HB 205.

*Robert Overmiller* said he does not support the bill.

*James DeChene* spoke on behalf of the City of Newark Police Department. They are in support of the legislation and thank the sponsors for their work.

*Shyanne Miller*, Metropolitan Wilmington Urban League (MWUL), thanked *Sen. Lockman* for her work on this issue and for her communication with MWUL on this issue over the last three years. However, MWUL does not support HS 1 for HB 205. They think it will slow down progress on reform and do not think there was enough consultation with advocates on the bill language. They think the bill maintains the status quo of allow police to investigate themselves. MWUL does not think the bill reaches the needed level of transparency.

*Coby Owens*, DE NAACP, MWUL, said DOJ's testimony indicated that this bill changes nothing. Being assaulted by a police officer is a trauma. In 2020, we talked about accountability. Let's not stop here. This bill does not bring justice to families that have been harmed. Look at the various victims across Delaware. There has been no justice in this state, and this bill will not change anything.

*Javonne Rich*, ACLU of DE, Policy & Advocacy Director, said to call this a police transparency and accountability bill is a misnomer. It gives minimal information to the public, and police still decide what will be investigated. This will all be done without any public oversight. There are significant concerns from the public and advocates. HS 1 for HB 205 continues to vest too much power in law enforcement. More work remains to be done to increase transparency.

*Rick McCabe*, Chief of New Castle City Police and Second Vice President of the Association of Police Chiefs. He referenced the email from Lt. James Leonard and read it to the committee. He thanked the co-sponsors of the legislation. He talked about lifting the veil of secrecy many believe surrounds their profession and provide access to information where officers fall short of the standard expected by their agencies, they sought to educate the public on the process to ensure their officers are held accountable, and they sought to build trust among the public. Without that relationship, they are not effective. They recognize change is difficult but necessary. (Lt. Leonard's email is included in Appendix B.)

*Mariann Kenville Moore*, Delaware Coalition Against Domestic Violence, said they appreciate being able to participate in the reform effort. They recognize that to advance accountability and transparency, negotiation is necessary. They are still concerned about the exposure that victims

of domestic and sexual violence may face having their identities made public. Public disclosures can lead to safety concerns. It is likely to have the potential effect of silencing victims. This is a step toward greater transparency, but it is not the solution. They look forward to working with the General Assembly and others on this issue as it is implemented.

*Lincoln Willis*, representing the League of Local Governments, said the League thinks this legislation will increase transparency, equitability, and ensuring public trust. The League stands with its partners in support of HS 1 for HB 205.

Appendix B contains written testimony on HS 1 for HB 205 submitted by the Delaware Center for Justice, the League of Local Governments, and Lt. James Leonard, President of the DE Fraternal Order of Police.

Sen. Sokola, seeing no additional public comment on HS 1 for HB 205, said the bill will be circulated for signatures.

**HS 1 for HB 205 – Reported out of the Committee: 0 Favorable; 5 Merits (Sokola, Lockman, Townsend, Pinkney, McBride); 0 Unfavorable**

2:40 p.m.

**HB 207 – Huxtable – AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILTON.**

Synopsis: This Act amends the Charter of The Town of Milton. Specifically, Section 1 of the Act allows for an exception to the lengthy annexation process for a contiguous property owner seeking annexation if the property is two acres or less. Section 2 of the Act then sets up that less cumbersome annexation process for properties two acres or less. Section 3 of the Act replaces the list of exceptions to competitive bidding with incorporation by reference of the more detailed Town of Milton Procurement Policy. Section 4 of the Act reinstates a prior limit on real property taxes to a function of the total of assessed values within the Town. Specifically, the “cap” is 0.5% of that total. Currently, the cap is a fixed number, \$1,750,000. However, the Town has annexed into its limits a number of parcels that will necessarily require additional expenditures of Town funds for services such as policing and, therefore, the Town will need to collect additional real property taxes.

*Sen. Sokola* invited *Sen. Huxtable* to speak on the bill.

*Sen. Huxtable* reviewed the synopsis of the bill and said the Town Manager of Milton is available to speak about the bill.

*Kristy Rogers*, Town of Milton, said she appreciates the committee’s consideration of the bill and is available to answer any questions.

*Sen. Sokola*, seeing no public comment on HB 207, said the bill will be circulated for signatures.

**HB 207 – Reported out of the Committee: 0 Favorable; 6 Merits (Sokola, Townsend, Pinkney, Pettyjohn, Hocker, Lockman); 0 Unfavorable**

2:42 p.m.

**HB 65 – Heffernan – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BEREAVEMENT LEAVE.**

Synopsis: According to the Mayo Clinic, miscarriages occur in about 20% of all pregnancies, and generally, in the first 12 weeks. According to the Centers for Disease Control, 1 out of every 100 American pregnancies ends in stillbirth. Black women have a significantly higher risk of miscarrying— 43% higher when compared to white women. Black mothers are also more than twice as likely to experience stillbirth compared to Hispanic and white mothers. This bill provides State employees who suffer a miscarriage, stillbirth or other loss, a maximum of 5 days of paid bereavement leave. This Act shall be known as the "Sloane Hajek Act of 2023".

*Sen. Sokola* called on *Sen. Poore* to present the bill.

*Sen. Poore* said HB 65 grants bereavement leave to those state employees who have suffered the loss of a pregnancy. According to the Mayo Clinic, miscarriages occur in 20% of all pregnancies. The CDC states that one out of every 100 pregnancies end in a stillbirth. In 2022, the Delaware Statewide Benefits Office reported 169 employees who suffered a loss. Establishing paid leave for a common pregnancy outcome would destigmatize the experience and offer supports for individuals during a physical and emotional time.

*Sen. Pinkney* and *Sen. Lockman* asked to be added as cosponsors to HB 65.

*Sen. Sokola*, seeing no further questions or comments from committee members, asked for public comment.

*Samantha Hajek* works for the Department of State. She and her husband lost their baby on November 12, 2022 as a result of a miscarriage. The following days were filled with grief, a hospital stay, and trip to the funeral home. Her supervisor reached out to HR to find out how much bereavement time she would receive. Pregnancy loss did not qualify for any bereavement. In total, she used 65 hours of sick time. When her grandmother died in 2017, she was given 2 days of bereavement. She is still grieving but advocating for other women who have experienced loss. She hopes no other state employees will have to wonder if their loss qualifies for bereavement leave or if they have enough leave to cover them as they process the emotional and physical trauma of pregnancy loss. She appreciates the bill sponsors work on behalf of this issue, as well as the committee's support and consideration of HB 65.

Appendix B contains written testimony submitted on HB 65 from the DE Office of Women's Advancement and Advocacy.

*Sen. Sokola*, seeing no additional public comment on HB 65, said the bill will be circulated for signatures.



**HB 65 – Reported out of the Committee: 1 Favorable (Pettyjohn); 4 Merits (Sokola, Townsend, Hocker, Pinkney); 0 Unfavorable**

2:46 p.m.

**HB 177 w/ HA 1 – Heffernan – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO COMPASSIONATE LEAVE.**

Synopsis: This bill increases the amount of Compassionate Leave for eligible employees of the State upon the death of an immediate family member.

HA 1 removes Section 2 of House Bill No. 177, which had established an effective date of July 1, 2024.

*Sen. Sokola* recognized *Sen. Poore*, the Senate sponsor of HB 177.

*Sen. Poore* said loss is inevitable for all of us. This bill increases the amount of compassionate leave upon the death of an immediate family member. Three days is currently allowed. The bill would extend the amount of compassionate leave to five days. Jen Biddle from the Department of Human Resources is available to testify if needed. *Sec. DeMatteis* has indicated her department's commitment to this issue.

*Sen. Sokola* mentioned HA 1, which will make the provision effective upon the signature of the Governor.

*Sen. Sokola* asked if there was any public comment on the bill. Seeing none, he said HB 177 w/ HA 1 will be circulated for signatures.

**HB 177 w/ HA 1 – Reported out of the Committee: 0 Favorable; 5 Merits (Sokola, Lockman, Townsend, Pettyjohn, Hocker, Pinkney); 0 Unfavorable**

2:48 p.m.

**HB 185 – Heffernan – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO HEALTH CARE INSURANCE AND ELIMINATION OF THE STATE SHARE WAITING PERIOD.**

Synopsis: This legislation prioritizes recruitment and retention of State employees by removing the 3-month waiting period for the state to pay its share of premium or subscription charges for health care coverage under § 5202 of Title 29 for benefit eligible state employees hired on or after January 1, 2024 by revising the definition of a “regular office or employee.”

*Sen. Sokola* yielded to *Sen. Poore*.

*Sen. Poore* said there is a lot we need to do for retention of state employees. HB 185 prioritizes recruitment and retention of state employees by removing the 3-month waiting period for the state to pay its share of premium or subscription charges for the health care coverage. This will be effective for state employees hired on or after January 1, 2024. We know today how important healthcare is to our state employees.

*Sen. Sokola* asked for questions from committee members.

*Sen. Hocker* said he has concerns about the legislation because sometimes employees come on board knowing they have procedures forthcoming, use the insurance, and then leave employment. He said he could not implement his 30-day group health insurance after the ACA was implemented. He does still offer insurance to his employees but had to go to a 90-day waiting period.

*Sen. Poore* is unsure if that is related to private versus public employees. She said this bill relates to the state lacking in staff, and this is one tool for the state to hire and incentivize retention of good employees.

*Sen. Pinkney* thinks this is an important piece of legislation. She had a personal experience where she left her health insurance plan at the hospital when she became a legislator, and then waited the 90-day waiting period for her state health insurance plan to begin. In the meantime, she broke her finger. She did not have health insurance coverage and went one and a half months until she could have the surgery she needed, and she also lost income because she wasn't able to/allowed to work at her job at the hospital. We should reward our state employees for their work. She asked to be added as a cosponsor to HB 185.

*Taylor Hawk*, representing the DSEA, spoke in support of HB 185. DSEA believes the bill will help the state's recruitment of educators which is important amid statewide educator shortages. They have heard repeatedly from their members that benefits matter. Eliminating the 3-month waiting period will provide an additional recruitment tool to help Delaware schools fill vacancies. She thanked the sponsors of the legislation.

*Sen. Sokola*, seeing no further comments, said HB 185 will be circulated for committee member signatures.

**HB 185 – Reported out of the Committee: 1 Favorable (Pinkney); 5 Merits (Sokola, Lockman, Townsend, Pettyjohn, Hocker); 0 Unfavorable**

*Sen. Sokola* asked for a motion to adjourn the meeting. A motion was offered by *Sen. Pinkney* and seconded by *Sen. Pettyjohn*.

*Senator Sokola*, without objection, adjourned the meeting at 2:55p.m.

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### **Meeting Minute Preparation**

Valerie McCartan, 7/28/2023

### **Approval of Meeting Minutes**

Approved by Sen. Pettyjohn; Seconded by Sen. McBride, Senate Executive Committee meeting, 9/8/2023

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## Appendix A

*Members of the public pre-registered for webinar  
and In-person sign-in sheet Attendees*

Robert Overmiller
Shyanne Miller, Metropolitan Wilmington Urban League
Branden Fletcher, Delaware NAACP
Coby Owens, Metropolitan Wilmington Urban League/DE NAACP
Carter Hill, Libertarian Party of Delaware, Chair
Josh Matticks, Office of Veterans Services
Nolan Lewis, National Assoc. for Black Veterans Inc. (NABVETS), Wilm, DE Chapter 94
Javonne Rich, ACLU-DE
Rick McCabe, FOP/DACP
Traci Murphy, Delaware Coalition Against Gun Violence
Samantha Hajek
Taylor Hawk, DSEA
Rebecca Cotto, YWCA Delaware
Lincoln Willis, League of Local Governments
James DeChene, City of Newark
Kevin O'Connell, Office of Defense Services
A.J. Roop, Department of Justice
Mariann Kenville Moore, DE Coalition Against Domestic Violence
Kristy Rogers, Town of Milton
Anthony Albence, Commissioner, DE Department of Elections
Valerie Harwood, DE Commission of Veterans Affairs
Anthony West, Gettwp
Rodney Little, NABVETS, Chapter 94

## **Appendix B**

*Public comments submitted electronically by members of the public.*

## McCartan, Valerie (LegHall)

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**From:** Carter Hill, LPDE Chair <Chair@LP-Delaware.org>  
**Sent:** Tuesday, June 20, 2023 11:37 AM  
**To:** Sokola, David (LegHall)  
**Subject:** HB 215 - Section 2 Changes

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Chairman Sokola:

It seems the goal of HB 215 is to align primaries in the state of Delaware, which applies only to the two major parties. However, there's also a proposed change to Section 2, which applies only to minor parties. This change, moving our convention deadline from 8/1 back to 3/15, strips minor parties of four and a half months to recruit candidates. That's nearly 20% of the 2-year general election cycle. As I'm sure you're aware, minor parties already face a steep uphill battle in elections. Crippling third parties even more does nothing to help voters. In fact, it hurts voters by reducing the potential number of options they will have on their ballot.

As the Chairman for Delaware's affiliate of the third largest political party in the country, I would think at least an email reaching out to discuss the impacts of this potential change was warranted, yet I've seen and heard not a single word from any legislator sponsoring this bill.

This bill being fast-tracked is highly concerning, given the proposed impact to minor parties. Allowing this bill to go to the Senate for a vote, even with the hopes of an amendment passing is not enough. I therefore respectfully request that you encourage the Senate Executive Committee to let this bill die on the vine, and for you to rework the bill to remove the proposed change to Section 2.

Thank you for your time,

Carter Hill  
Chairman, LPDE  
571-235-0977



222 Delaware Ave., Ste. 1630 | Wilmington DE 19801  
866-227-7441 | Fax: Number | TTY: Number  
aarp.org/de | deaarp@aarp.org | twitter: @aarpde  
facebook.com/DE

## **AARP Delaware asks you to support H.B. 215**

June 27<sup>th</sup>, 2023

To All Delaware State Senators:

On behalf of AARP Delaware's 188,000 members, we urge you to vote "yes" on HB 215.

AARP is a nonpartisan, nonprofit organization that fights for issues that matter most to families, like caregiving, aging in place, and voter engagement.

AARP believes that states should maximize voter participation. That is why we support H.B. 215, which would move Delaware's primary elections to the fourth Tuesday in April, putting them in line with Delaware's presidential primary election.

Delaware has one of the latest primaries in the country. We feel that moving our statewide, county, and municipal primaries to the same day as the presidential primary will allow Delawareans to cast their ballots for all offices in a single primary—from the president down to their municipal offices—without having to take additional time out from their busy lives.

AARP Delaware urges legislators to promote maximum participation in our voting system and vote "yes" on H.B. 215.

Thank you,

A handwritten signature in black ink that reads "Lucretia B. Young". The signature is fluid and cursive, with the first name "Lucretia" being the most prominent part.

Lucretia Young  
State Director  
AARP Delaware  
(302) 521-6552

## McCartan, Valerie (LegHall)

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**From:** Robert Bell <ra\_bell3@yahoo.com>  
**Sent:** Wednesday, June 28, 2023 10:52 AM  
**To:** Sokola, David (LegHall); Townsend, Bryan (LegHall); Lockman, Elizabeth (LegHall); McBride, Sarah (LegHall); Pinkney, Marie (LegHall); Hocker, Gerald (LegHall); Pettyjohn, Brian (LegHall)  
**Subject:** No on HB215

Greetings committee members,

I am writing this morning to respectfully request that you do not support House Bill 215, changes to primary elections. This bill adversely effects 3rd parties and their potential for candidate selection.

Moving primary election dates to track federal/presidential primaries is an abrogation of states rights; not all elections are federal or presidential, indeed most are not. Minor parties are more-often successful in local elections, and forcing them to conform to a federal practice is inappropriate for the state to require. Allowing the parties to have more time to recruit and promote candidates will be a benefit to all Delawareans.

Thank you for your attention,

Robert Bell  
Delaware Citizen / District RD32 + SD17

# HOUSE BILL 218

DELAWARE COMMISSION OF VETERANS' AFFAIRS





## BACKGROUND

- Chapter 87 provides for a Commission member from the Delaware Korean War Veterans population. The Governor appoints that individual based on recommendations from the Delaware chapters.
- The living veterans of the Korean War era in the U.S. are in their late 80's - early 90's.
- Delaware's last Korean War Veterans chapter has become inactive as of April 2023.
- The chapter faced membership challenges as well as an inability to find leadership to sustain its activity. Without any active chapter this makes appointments impossible in the near future.

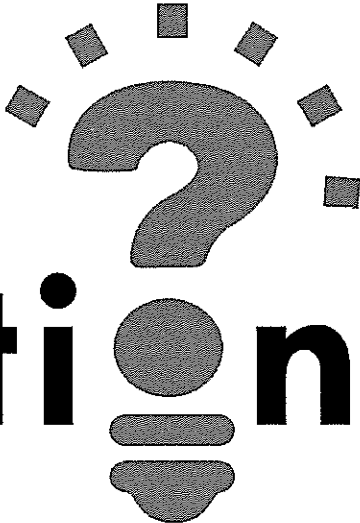
# HOUSE BILL 218

## Delaware Commission of Veterans' Affairs

This Act does two things:

- 1) It changes the composition of the Commission by redesignating the seat for a Korean War Veterans organization to a Delaware member of the National Association of Black Veterans (NABVets). The seat will be redesignated following the completion of the full-term or resignation of the current commissioner representing Korean War Veterans.
- 2) It expands the definition of “veterans” as it pertains to this Section of Title 29. Specifically, it clarifies that veterans that have served and were discharged “under other than dishonorable conditions” rather than exclusively “honorable” conditions. This clarification is consistent with federal laws and regulations regarding the definition of “veteran.”

*Any*  
**Question**



## HOUSE BILL 218

### AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMMISSION OF VETERANS' AFFAIRS.

#### Background

The Delaware Commission of Veterans' Affairs is comprised of members, appointed by the Governor, who represent specific veteran organizations. One of these members must be from the Korean War era. The United States Congress defines the Korean War era as June 27, 1950 to January 31, 1955, and today most living Korean War Veterans are in their late 80s – early 90s.

#### Why are changes needed?

The Commission has requested that the definition of veteran be changed to provide the Office of Veteran Services (OVS) a potentially broader pool of candidates for vacant positions found in the merit system. OVS is staffed by individuals employed by the State, but who have been required, by reference to the definition of “veteran,” to have “served honorably.” Staffing of the OVS, including the veterans' cemeteries, has been challenging.

The redesignation of the Commission seat is in response to the aging population of Korean War Veterans and a desire to increase representation on the Commission. Korean War Veterans are aging, and, as of April 2023, the sole active chapter of Korean War Veterans of America in Delaware went inactive. This chapter faced membership challenges as well as an inability to find leadership to sustain its operations. Without any active chapter this makes appointments impossible in the near future. Redesignating the seat for National Association of Black Veterans (NABVets) will ensure that there is a pool of potential appointees for the Commission and that Black Delaware Veterans are represented on the Commission.

#### What does this bill do?

This Act does two things:

(1) It changes the composition of the Commission by redesignating the seat for a Korean War Veterans organization to a Delaware member of the NABVets. The seat will be redesignated following the completion of the full-term or resignation of the current commissioner representing Korean War Veterans.

(2) It expands the definition of “veterans” as it pertains to this Section of Title 29. Specifically, it clarifies that veterans that have served and were discharged “under other than dishonorable conditions” rather than exclusively “honorable” conditions. This clarification is consistent with federal laws and regulations regarding the definition of “veteran.”

## McCartan, Valerie (LegHall)

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**From:** jill itzkowitz <jillitzkowitz@gmail.com>  
**Sent:** Tuesday, June 13, 2023 4:06 PM  
**To:** McCartan, Valerie (LegHall)  
**Subject:** HB202 testimony 6/13/23 executive committee  
**Attachments:** HB202 testimony 6.14.23.docx; unknown.tiff

Hi,

Attached is the League of Women voters of Delaware testimony in support of HB202.

Jill Itzkowitz  
Chair of VOTE411  
(302) 650-6862

[Website](#) | [LWVDE Instagram](#)  
[LWVDE Twitter](#) | [FaceBook](#)  
Empowering Voters. Defending Democracy



TESTIMONY OF  
THE LEAGUE OF WOMEN VOTERS OF DELAWARE

Before The Senate Executive Committee

June 14, 2023

**In support of HB202**

Good morning, my name is Jill Itzkowitz and I am pleased to speak today, on behalf of the League of Women Voters of DE, in support of HB202.

We would like to thank the sponsors for proposing legislation that would restrict unauthorized firearms at polling places. This would prevent voter intimidation and make voters feel safe as they cast their ballots.

The League views voting as a fundamental right that should not be undermined. As Deborah Turner, president of the LWVUS stated, "Allowing private citizens to carry guns inside polling places poses a threat to the election process." This is more important at this time given the heightened political polarization and increase in gun violence.

Again, we like to thank the sponsors of HB202 for promoting and safeguarding voting in Delaware.

**McCartan, Valerie (LegHall)**

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**From:** William Kuschel <wkroblg@use.startmail.com>  
**Sent:** Tuesday, June 20, 2023 10:11 AM  
**Subject:** Vote NO on House Bills 201 and 202

Dear Senators:

Please vote **NO on HB 201 and HB 202.**

When the bills were proposed there was not enough time to anticipate all the negative ramifications. **The Federal Gun Free Zone law has been well vetted and prevents the alleged person walking up to the school door with a rifle. It is already unlawful under Federal law.**

HB 201 and HB 202 will just cause excessive and unnecessary legislation as well as delay in emergency medical services. **DO you want to delay emergency medical services? This is just one negative affect of these bills. The others are too numerous to list.**

Wanting to change laws of this nature as a last minute after thought is not a good idea with so few days left in the legislative session.

Before changing a law of this nature much thought needs to go into the crafting of the language of these types of bills, since it affects all aspects of life.

No consideration of Federal law addressing the issue?

Please vote NO on HB201 and HB 202.

Thank you for your time, sincerely,

William Kuschel

## McCartan, Valerie (LegHall)

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**From:** Traci Murphy <tracimurphy@decagv.org>  
**Sent:** Wednesday, June 14, 2023 10:58 AM  
**To:** McCartan, Valerie (LegHall)  
**Cc:** Romer, Cyndie (LegHall); Dennis Greenhouse  
**Subject:** Public Comment for HB 202

Apologies for missing today's Executive Committee meeting in person, I'm traveling for a conference with the Joyce Foundation, whose research I reference in my remarks below:

HB 202

Dear Members of the Senate Executive Committee,

I'm writing today to offer public comment in support of HB 202.

Firearms are a ready means of intimidation. In the U.S. Supreme Court's words, "the display of a gun instills fear in the average citizen." And laws nationwide recognize the special intimidating effect of guns: again, every state and the District of Columbia prohibits the use of a gun to threaten or intimidate a member of the public.

According to recent research from UC Davis, 2.5% of voters consider "to stop people who do not share my beliefs from voting" as justification for political violence.

According to recent research from Joyce Foundation, "Most people are united in the belief that political violence is intolerable: 83 percent of respondents said violence intended to influence a party or election is never or almost never justified. Further, there was strong support – over 70 percent – for a variety of policy solutions aimed at preventing armed extremist or political violence from threatening democracy. Perhaps most exciting is that these high levels of support hold true for large majorities, across political parties and among gun owners."

Thank you.

Traci Murphy  
Executive Director  
Delaware Coalition Against Gun Violence

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**TRACI MANZA MURPHY**  
*Executive Director*  
Delaware Coalition Against Gun Violence  
[tracimurphy@decagv.org](mailto:tracimurphy@decagv.org)



I'm George Higgins, a resident of Newark, and I thank you for this opportunity to testify in SUPPORT of Delaware's House Bill 202. When passed, this law will enable us to limit those individuals who possess a firearm at a polling place on Election Day to those who are commissioned to protect and to serve.

As a gun owner myself, I am constantly appalled by the irresponsible behavior of people who have access to firearms. People who misuse their *right* to own a firearm to intimidate or even summarily *maim* and *kill* their fellow human beings.

I've owned guns since the 1960s and there is nothing in this law or other laws that impedes my own reasonable possession and use of firearms. This bill is not taking away my right to own firearms. This bill is ensuring that firearms in the vicinity of polling places are only carried and used by those who are specifically assigned to safeguard our freedom to vote without duress or intimidation.

Having personally experienced intimidation instigated by people openly carrying firearms during public gatherings, I know the danger posed to the public and to those officers whose charge it is to keep the peace.

And, having had two beloved members of my own family gunned down and killed in their own home during a home invasion, I know the devastating and permanent effects that gun violence has on individuals, families, and communities.

I believe we all have a role to play in reducing the abuse of firearms. And protecting the peace and sanctity of the polling place is fundamental to ensuring our rights to life and liberty under the Constitution.

As a responsible gun owner, I urge our elected officials to support and pass HB 202 bill into law. Let's work together to ensure the safe and responsible use of firearms in our community. Thank you.

George Higgins  
239 North Star Road  
Newark, DE 19711

## McCartan, Valerie (LegHall)

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**From:** Leonard III, James <James.Leonard@newcastlede.gov>  
**Sent:** Wednesday, June 28, 2023 7:25 AM  
**To:** McBride, Sarah (LegHall); Townsend, Bryan (LegHall); Sokola, David (LegHall); Lockman, Elizabeth (LegHall); Pinkney, Marie (LegHall); Hocker, Gerald (LegHall); Pettyjohn, Brian (LegHall)  
**Cc:** Kim Willson; McCabe, Richard (CJ); Mumford, Todd (DOC)  
**Subject:** HB 205 Hearing

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning Senators,

I hope this email finds you all well as you power through these last days of the legislative session. I wanted to take a quick minute to let you know that, due to a medical procedure, I will not be able to be at today's Executive Committee hearing. Please do not mistake my absence for apathy surrounding this bill/issue. The truth is, it was a matter of "only date available" for me to complete this procedure. As many of you know the FOP, along with the DSTA and the Chiefs, have been committed to working with the members of the General Assembly and members of the public to effectuate law enforcement reform. Our main goal has been to provide due process for Delaware's law enforcement officers while lifting the "iron curtain" many believe we operate behind. In doing this, we wholeheartedly believe we can increase the trust that must exist between law enforcement and the public they have sworn to protect.

I had hoped to be able to be there with you all today to speak to how this bill will benefit the public and the hard working men and women of Delaware's law enforcement community. Unfortunately, I will be unable. I have provided Chief Rick McCabe from the Delaware Association of Chief's of Police a statement to read during public comment, if you'll allow him as he will also be speaking on behalf of the Chief's. Know we come before you as a unified group of law enforcement professionals committed to reasonable reform efforts and he is speaking on my behalf. Our VP, Todd Mumford will also be should you have any FOP specific questions that Chief McCabe is unable to answer.

Thanks for your time and as always, please reach out if you have any questions. I'll be available before 930 this morning or anytime after tomorrow morning.

If I don't see you, please enjoy your summer.

Take care,

Jamie

Lt. James Leonard, III  
Technology & Special Projects Executive Officer/Legislative Liaison  
New Castle County Division of Police  
3601 N. Dupont Highway  
New Castle, Delaware 19720  
President, Delaware Fraternal Order of Police  
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HS 1 for HB 205—Delaware League of Local Governments

6/28/2023

Good afternoon, Mr. Chairman and Members of the  
Senate Executive Committee:

I'm Lincoln Willis representing the Delaware League of Local Governments.

Marcia Scott, the Executive Director of the Delaware League of Local Governments could not be here today but I wanted to present remarks based upon her remarks in House Committee. The League applauds this bill, which is a model of collaboration among the bill's sponsors and the **Delaware Law Enforcement Partnership** (including the Delaware Association Chiefs of Police, Delaware State Troopers Association, Fraternal Order of Police, and Department of Safety and Homeland Security).

It replaces the Law Enforcement Officers' Bill of Rights with the Police Officers' Due Process, Accountability and Transparency. Moreover, it makes important revisions to the Delaware Code that ultimately will increase transparency, accountability, ensure equitable policing, and enhance public trust in Delaware law enforcement agencies. We understand that all findings of investigations and reports would be posted on the Police Officer Standards and Training Commission's (or POST) website.

The Delaware League of Local Governments stands with the **Delaware Law Enforcement Partnership in support of HS 1 for HB 205**. Thank you for your consideration.

Regards,  
Lincoln D. Willis  
Government Affairs  
Delaware League of Local Governments

**From:** Dave Bever <mail@networkforgood.com>  
**Sent:** Wednesday, June 28, 2023 12:51 PM  
**To:** Sokola, David (LegHall)  
**Subject:** [MARKETING] A First Step Towards Policing Reform



The Delaware Center for Justice (DCJ) supports HS 1 for House Bill 205 and House Bill 206 as a small first step in the right direction to increasing police transparency and accountability. With that being said, we fully acknowledge that HS 1 for HB 205 and HB 206 do not address all the communities' concerns about the Law Enforcement Officer Bill of Rights (LEOBOR) and with policing in general, and for that we empathize with the families affected by the shortcomings of this legislation. It was clear after numerous conversations with lawmakers that this legislation has the support needed to pass and therefore, we must focus on moving forward.

To that end, we plan to advocate for a statewide police file retention policy and additional access to records not included in these bills. We will also fight for community appointments to the Council on Police Training (COPT), as well as the establishment of robust Civilian Review Boards (CRBs) to ensure that the community is centered in the response to police misconduct.

We urge members of the General Assembly to view HS 1 for HB 205 and HB 206 as a starting point to police reform, and therefore, the work must not end here. The Delaware Center for Justice looks forward to implementation, analyzing the data, and working with legislators on future police reform efforts.

In solidarity,

A handwritten signature in black ink, appearing to read "Dave Bever", written over a light blue horizontal line.

Dave Bever  
Executive Director

Delaware Center for Justice Inc  
100 W 10th St Ste 905  
Wilmington, DE 19801  
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**WOMEN'S  
ADVANCEMENT  
& ADVOCACY**

June 29, 2023

The Honorable David P. Sokola  
Chair, Senate Executive Committee  
411 Legislative Ave.  
Dover, DE 19901

Re: HB 65– Support

Dear Chair and Members of the Committee:

My name is Melanie Ross Levin, and I am the Director of the Office of Women's Advancement and Advocacy. I would like to share my full support for HB 65 which provides State employees who suffer a miscarriage, stillbirth or other loss, a maximum of 5 days of paid bereavement leave. Our current compassionate leave policy does not include pregnancy loss. Expanding compassionate leave to include pregnancy loss for State of Delaware employees would destigmatize a common experience with pregnancy and offer support for individuals during a harrowing time that often has extreme physical and emotional consequences.

The physical toll of miscarriage can often be heavy, coupled with a likely additional weight of emotional shame, guilt, and loss that can be intense. According to a study from the American Journal of Obstetrics and Gynecology, 29% of women who miscarry experience PTSD, 24% experience anxiety, and 11% have moderate to severe depression. If individuals who have experienced a miscarriage are expected to return to work too quickly without time to adequately recover or heal from the loss, it will most likely prolong negative health effects and ultimately impair the business.

Being able to utilize compassionate leave in relation to pregnancy loss allows individuals to take the time they need to heal without the extra burden of financial instability. Through this policy, we can ensure State of Delaware employees a safer workplace environment, one that values them as people and acknowledges the hardships they face through continued support during this difficult time. Several municipalities and states include pregnancy loss in their leave benefits including Illinois, Utah, Pittsburg, Portland, and Boston.

Given that state employees need time to heal both physically and/or emotionally, I urge the committee to vote yes on HB65 and expand compassionate leave policy to explicitly include pregnancy loss.

Sincerely,  
Melanie Ross Levin  
Director, Office of Women's Advancement and Advocacy  
Melanie.RossLevin@delaware.gov  
(302) 603-5102