

**Senate Corrections and Public Safety Committee**

153rd General Assembly  
Wednesday, January 29, 2025  
Senate Chamber/Virtual Meeting  
10:06 a.m. –10:47 a.m.

*Senate Committee Recording:*

<https://legis.delaware.gov/WatchAndListen?view=1&category=246>

**Committee Members Present:**

Senator Kyra Hoffner, Chair	Kyra.Hoffner@delaware.gov
Senator David P Sokola	David.Sokola@delaware.gov
Senator Brian Pettyjohn	Brian.Pettyjohn@delaware.gov
Senator David Lawson	David.Lawson@delaware.gov

**Committee Members Absent:**

Senator Marie Pinkney- Vice Chair	Marie.Pinkney@delaware.gov
Senator Nicole Poore	Nicole.Poore@delaware.gov

**Agenda:**

I.SB 32 (Hoffner): AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PRIVACY FOR CORRECTIONAL OFFICERS, AND PROBATION AND PAROLE OFFICERS.

Introduction

Senator Hoffner commenced the meeting and reviewed the hybrid meeting protocol. She explained the meeting structure and the order in which comments would be taken from the committee members and the members of the public. She conducted roll call, noting that Senator Pinkney, Vice-Chair and Senator Poore were both absent.

I.SB 32 (Hoffner): AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PRIVACY FOR CORRECTIONAL OFFICERS, AND PROBATION AND PAROLE OFFICERS. 10:08:05

*Synopsis: This Act allows for correctional officers and probation and parole officers employed with the Department of Correction to make a written request that their personal information not be published and remain confidential. The Act takes effect 180 days after its enactment to allow for implementation.*

Senator Hoffner introduced SB32 explaining that this bill is a privacy bill for correctional officers. This bill originated after there were incidences of released inmates and family of inmates targeting correctional officers at their homes. Protecting correctional officer safety is critical, keeping their personal information private prevents threats from becoming a real. The privacy offered to correctional officers will extend to their families to protect them from harassment. Knowing that correctional officer safety is a priority to the state helps maintain clear boundaries between officers and the inmates. It is our duty to protect officers to the best of our ability. This bill did pass the Senate last year (2024). Senator Hoffner invited expert witness Zachary Taylor to present the bill to the committee. [10:13:21]

Zachary Taylor: Director of Government relations, Consumer Data Industry Association (CDIA). Represents a group of companies who use personal information that is protected by this law to perform transactions such as health insurance, car loans, mortgages, leases, etc. He states that the definition of publicly post and public display is so broad that it often prohibits life activity. Looking forward to ironing out the bill. They have worked with courts and police officers across the country to make sure that similar bills are appropriately tailored.

Senator Hoffner invited committee members to ask questions of Zachary Taylor, seeing none, she moved on [10:15:20]

Senator Pettyjohn asked the chair when the amendment can be expected [10:15:29]

Chair Hoffner responded that the amendment could be expected later today (January 29<sup>th</sup>, 2025) Seeing no further questions from the committee Senator Hoffner invited public comment [10:15:40]

Senator Sokola asked a question about the fiscal damages portion of the bill

Senator Hoffner responded that the fiscal damages number came from the judges' bill in 2021.

Senator Sokola asked how we determine actual damages- how do we put a value on harassment?

Senator Hoffner responded that she would look into it, and how the number \$10,000.00 came to be.

Senator Sokola asked about the recurring charge fee

Senator Hoffner explained that the recurring charge is the monitoring fee. Senator Hoffner reviewed the fiscal note and commented that the fiscal note does not include damages.

Senator Pettyjohn asked about private keepers of information and government agencies, and who the regulations will apply to

Senator Hoffner replied that the fiscal note covers the service of constant monitoring. Officers that opt in will not be able to perform certain transactions online. Senator Hoffner invited Zachary Taylor back up to the podium to address Senator Pettyjohn's question [10:20:38]

Zachary Taylor explained that the proposed amendment allows information that can be accessed by the general public to be removed. Databases that store information that allows people to register their cars online etc, will not be removed. The issue with the current legislation is that the definition of publicly post is so broad that it disrupts these databases.

Senator Pettyjohn states that he thinks Zachary Taylor is missing the point. Senator Pettyjohn asked what authority the State has over peoplesearch.com and other sites that are not governed in Delaware.

Zachary Taylor responded that he cannot speak on behalf of the service because they are not member companies of DCIA.

Senator Sokola asked Senator Hoffner about lines 37, 48, and 50 and the differences between government agencies and “one person”. He states he is not sure how we can enforce this. He hopes the amendment takes out lines 47-49.

Senator Pettyjohn referenced the definition of “person” and how the entities are under the jurisdiction of the state. He is supportive of the bill but is worried that there are holes in the bill.

Senator Hoffner responded that the fiscal note is there to monitor the data full time.

Senator Pettyjohn read the fiscal note out loud.

Senator Hoffner called up expert witness Paul Shavack to address the committees questions [10:26:28]

Paul Shavack, Chief of Staff for Department of Corrections- Shared the two buckets are the agency opt-in, officers can choose to have their information removed from the agencies. Second bucket is 3<sup>rd</sup> party internet scrub, also opt-in. This was developed for every sworn officer. This bill was modeled after the judiciary bill from 2021. Judges signaled some unintended consequences that they are hoping to combat in this bill. \$50,000 comes from the research on the cost per person of the year third party scrubbing service. Paul reiterated that this is an opt-in for the officers.

Senator Pettyjohn asked Paul how successful these third parties are at removing information.

Paul Shavack responded that he has no specific cases due to low participation from the judiciary because of the previously stated unintended consequences.

Senator Hoffner reminded the committee that this bill did pass the Senate last year and that the bill did not pass the House because we got to the end of session. Once the hearing was scheduled, it came to light that the 5 judges who signed up for this service, one of them could not sell his home because his information was so scrubbed from the internet. Correctional officers are in a different financial situation and are more likely to be renters and need access to their credit scores more quickly. Senator Hoffner states there is a lot of support for the bill, and the only opposition comes from those that do not believe that correctional officers deserve privacy.

Senator Lawson states that the statement made by the chair that correctional officers are more likely to rent is wrong and a generalization. He also states that he bleeds blue and expects correctional officers to be protected. He would like to see the amendment with it to digest the bills as a whole. He suggested to table the bill, but states he is not making a motion.

Senator Sokola reminds everyone that he and Senator Lawson are co-sponsors. He points to lines 50-52 of the bill and states that he cannot believe that that is not already illegal. He wants to see the committee do the right thing for correctional officers. He suggests narrowing the bill down to just government agencies to actually get the bill done.

Senator Hoffner asks the committee if they are comfortable moving forward to public comment, and they agree [10:35:05]

Members of the public who provided public comments included: Robert Overmiller, Amos Callaway (Correctional Officer Association of Delaware), Chris DiPietro (CDIA), Honorable Eugenia Thornton (Kent County Recorder of Deeds), John Reynolds (ACLU-DE) and Paul Shavack (Delaware Department of Corrections)

**SB 32 was reported out of committee. 4 Favorable, 0 On Its Merits; 0 Unfavorable.**

Senator Hoffner adjourned the meeting at 10:47:28.

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Minutes Prepared by Madeline Campbell, Legislative Assistant, 3/17/2025

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Staff: Madeline Campbell, Senate Majority  
Hannah Del Grande, Senate Majority

**Appendix A:** *Members of the public pre-registered for webinar and in-person sign-in sheet attendees.*

Robert Overmiller
Amos Callaway, Correctional Officer Association of Delaware
Chris DiPietro, Consumer Data Industry Association
Zachary Taylor, Consumer Data Industry Association
Honorable Eugenia Thornton, Kent County Recorder of Deeds
Paul Shavack, Delaware Department of Corrections
John Reynolds, ACLU-DE

**Appendix B:** *Written Testimony*



January 28, 2025

**VIA EMAIL**

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Dear Members of the Senate Corrections & Public Safety Committee,

My name is John Reynolds. I'm here on behalf of the ACLU of Delaware. **The ACLU of Delaware opposes SB 32 since it significantly and unnecessarily curtails and criminalizes free speech. At a minimum, the scope of the bill should be narrowed.**

The pursuit of improved privacy protections for Delawareans is a worthy goal. Unfortunately, SB 32 contains several provisions that would restrict or criminalize speech—specifically, the communication of personal information of current, former, and retired Delaware corrections officers or their families.

At a minimum, amendments are necessary to narrow the scope of the prohibition on releasing personal information of corrections officers. First, the definition of personal information beginning on Line 21 should be tailored to only include information that could physically locate the corrections officer or their family member.

Second, a requirement should be added that a person “knowingly and willfully” engaged in what SB 32 defines as prohibited conduct before that individual is subject to the civil penalties articulated on Lines 63 through 71. Additionally, a mandatory civil penalty of \$10,000 is excessive and not proportionate to the conduct it seeks to deter. If this language is maintained in the legislation, the penalty should be significantly reduced.

Third, Americans and Delawareans understand the power and value of free speech. Unfortunately, Lines 72 – 75 of SB 32 criminalize speech regarding public officials without requiring any evidence or justification for why speech must be curtailed. This provision should be eliminated. If these lines remain in the legislation, they will have a chilling effect on how individuals exercise this core American value and will open the State to potential First Amendment litigation.



Finally, changes should be made to ensure that the bill does not prohibit the communication of personal information by the press in news reporting or other communications of public interest to which personal information would be relevant.

Although making these alterations would improve this bill, this list of recommendations is not exhaustive. Even if these changes are made, the legislation will remain vulnerable to legal challenges for constraining individuals' First Amendment rights. For these reasons, we ask Senate Corrections & Public Safety Committee members to vote "no" on SB 32.

Sincerely,

A handwritten signature in black ink that reads "John Reynolds". The signature is written in a cursive, flowing style.

John Reynolds Deputy Policy & Advocacy Director ACLU of Delaware

January 27, 2023

Dear Senator,

I am speaking only for myself, not for Kent County.

I have no problems keeping corrections and parole officers safe. However, how SB 32 plans to do this is of concern to me.

### **Property Databases in Kent County**

There are two databases maintained in each county that deal with property. One, I will call "Assessments," to distinguish it from the other, mine, which I will call "Deeds."

The "Assessments" database is free to search, download, and print. You can look up who owns a property, or if you have a name, you can find out properties owned by that person. This database shows maps, tax data, permitting data (such as if there is a chain link fence in the backyard, a deck, or a dog kennel.) If someone owns multiple properties, this data base will show where the owner actually lives (or a mailing address for the bills). The agency responsible for this database is the Board of Assessment, under the direction of Finance. Its presence on the web is maintained by the county IT department.

If you get a postcard in the mail asking if you want warranties on your appliances or your new ReFi, or if you see your property information on Google, this data is coming from the "Assessments" database, not from "Deeds"

### **Current Policy re: Redaction of Law Enforcement property records**

Kent County has a policy whereby law enforcement records are redacted from the "Assessments" and other databases with names and addresses. Typically, the head of the police department signs this letter, and the County PIO sends it out to all offices for appropriate action.

When this letter comes to Deeds, we ignore it unless it is coming from a Judge. By law, our database is public so unless a law tells us to redact or redact and strike language, we don't.

Recommendation: That SB 32 follow current Kent County policy regarding redactions. Corrections and parole officers' records will be redacted from the "Assessments" public facing database. Again, I am not responsible for this database, this is my personal recommendation.

## **Deeds Databases**

All recorders in Delaware (and everywhere) maintain two databases sharing the same information. Our recording software is called Perfect Vision 2020. This creates a master database updated by the recording process on a minute to minute basis. This database is for Official Use Only. This database then feeds a second database, US Land Records, open to the public 24/7 from any computer hooked to the internet.

### **Perfect Vision 2020**

SB 32 would not, repeat, would not apply to the Perfect Vision 2020 records, which are legal records detailing the history of property in Kent County going back to the 1700's. There are many Federal and State Laws that protect this database. Only the Deeds clerks can enter or redact data from it. Title Searchers, lawyers, surveyors can search this database from computers in the Deeds office set aside for their use.

This database contain gaps in property history whenever property is conveyed by Will or by Judgement. Those searching the chain of title know to look in File and Serve (for Wills) and JIC (for judgments) to fill in these gaps. The computers in the rear of the Deeds office are loaded with all three programs.

The real estate industry in Kent County depends on these databases being easily assessable to Title Searcher, who must go back 60 years or more each time a property is sold or a mortgage is requested, so much so, that my office issues passes to certain individuals so they might access these computers loaded with these databases on a 24/7 basis. If a record is redacted, it will show as being redacted from these computers, then title searchers know to come to the Deeds Clerks to view the redacted data.

### **US Land Records**

The Kent County public database, US Land Records, has the same information as Perfect Vision 2020, minus legal redactions (only 5 Judges have been redacted per Delaware State Law). This database is searchable by anyone, 24/7 from any computer hooked to the internet. Some title searchers and many lawyers and, surveyors and real estate professionals use this database from the comfort of their own offices or even their homes even though the search function is not as easy to use as that on Perfect Vision. Were it not the case for the public to have access to property record information, real estate commerce would be slowed. If a record is

redacted, it disappears from this database entirely. There is no indication it ever existed.

Recommendation: That SB 32 specify that only addresses, not the whole record, be redacted from Deeds Databases. If this recommendation is not accepted, then sunset clause be added to the law, because a redaction will not only impact the ability of those being protected by this law to get loans and sell property, but it will impact everyone who owns that property for the next 60 years.

### **Do Deeds Databases contain Street Addresses?**

Deeds records are legal documents so addresses are not important, only the physical location of the property is, as determined by surveyors. This is called the "legal description" and it is required by 25 Del. C. §121. Addresses are not as good for historic legal purposes as the legal description because they change from time to time--Court Street in Dover is now Martin Luther King Drive, etc.

State law requires legal description, not addresses, so there are very few addresses found in the Deeds database. If the intent of the law is to only redact street addresses, I would have no problem with SB 32 because street addresses are superfluous to the recording process and law.

Recommendation: SB 32 should state that with regards to deeds public databases, street addresses should be redacted *but the record remain visible on public Deeds records.*

### **Judicial Officer Redactions and Law Enforcement Policies in effect**

Currently, Delaware law that took effect Jan 2023 directs Recorders to redact the entire record for Judicial Officers--as if it never existed. This law applies to Judges only, not police officers. With only five judges redacted, this is not an insurmountable problem; however, there could be hundreds of redactions, not just five, when SB 32 is signed into law. Even with a 2 year after termination in good standing sunset clause built into the law, these redactions can grow over time.

**This will cause problems** when the redacted Judge or family member wants to secure a loan or do any other legal action that requires proof of ownership of a home, or checking to see what encumbrances that home has or had in the past. Not only will it cause problems for the current owner, but **it will cause problems for whoever owns this property for the next 60 years**, since that is how far back title searches must go.

We have already encountered a significant problem when a family member of a redacted judge applied for a loan on a secondary property, not the primary home. It took the Title Searcher a whole day to do this work which normally would have taken a matter of hours.

Not only that, but with Kent County's current software, the Title Searcher had to sit at one of my clerk's workstations to perform the search, which meant my clerk could not record other deeds during that time. If this is multiplied by more than a hundred potential redactions, it would cause disruption.

The other counties have more modern software than Kent does. We are in the process of modernizing, but we are under an existing contract that does not end until April 2026. If SB 32 intends to redact the entire record for corrections and parole officers, not just the address, we can support SB 32 more quickly once we modernize. It will still take Title Searchers longer, but they will not have to displace my clerks at their workstations.

Recommendation: SB 32 specify that for Deeds records, only the street address be redacted. If this is not adopted, then a sunset clause be added because redaction will negatively impact the ability to title search in an efficient and rapid manner. Without a sunset clause, there might be thousands and thousands of documents redacted, which will cause major problems as time goes on.

### **Policy Problems**

In NCC and Sussex, there are two policies for "un-redacting" the data once hidden. In Sussex, they "flip a switch," and the data can appear on the title searcher's computer. In NCC, the Recorder personally contacts the Judge, not the family member, to ask if it is okay to allow them to "flip the switch" to allow the Title Searcher access. (You can see how labor-intensive this will be if the number of redactions grows from its current five in Kent to hundreds, even thousands, over time.) The new software Kent is exploring, can allow "redacted" data to always show on the Title Searcher computers or to "flip the switch," and have it show.

Recommendation. SB 32 either delegate the policies associated with this law to the Recorders, or specify how the data will be provided to title searchers if it is redacted. This recommendation is moot if only the street address is redacted as the record will still be visible.

### **Other protections and redactions in Deeds Records.**

25 Del C. 133 requires that a [New Property Owner Information Form](#) accompany each conveyance. This form requires the new owner to list their address—not the property address necessarily but the address of where the owner lives. This is for the purpose of sending out tax bills. This form is not recorded by my office, it is collected and provided to the Board of Assessment.

Recommendation: Since this form is not recorded, there is no reason to change the law or policies concerning it.

30 Del C. 54 authorizes [First Time Home Buyer Credits and Transfer Tax Forms](#). These forms normally contain addresses, they might be street address of the property or the mailing address of the owner. Kent County Ordinance also gives credit to first time home buyers. The form does not require an address, only the property ID. Though we collect these forms in the recording process, they are not part of our recorded documents.

Recommendation: Coordinate SB 32 with the Division of Revenue.

Besides not generally having street addresses for property, another safety feature that my public database has over the "Assessments" database is that people may view the database for free, but it has a watermark. In order to see the document without the watermark or to download or print the document, one must present an email address and a credit card. In other words, printing and downloading cannot be done without leaving a digital footprint.

Title 9 of Delaware Code already provides a way to redact certain words or phrases while leaving the record visible for title searching. Section 9605(b) directs the redaction and striking of offensive and illegal discriminatory language in older deeds. Section 9627 directs the redaction of personal information such as Social Security numbers, Alien Registration numbers, bank account numbers, passport numbers, and driver's license numbers. Both of these laws are backed up by Federal laws, and neither of them redacts the entire record, only the illegal language.

Recommendation: Please review Section 9627 (redaction of personal information) and use some of that language in a paragraph in SB 32. This wording protects the sanctity of the chain of title, and the recorder should there be discovered private data from long ago that was not caught in the normal course of work. Property records go back to the 1700s. If recorders are allowed to develop our own forms, we can ask the requesting agency to give us the book and page number of records to be redacted (or, preferably) where addresses occur, and we will redact them. That failing, we should not be held liable since we are tasked to record documents, we are not title searchers or attorneys.

While you are looking at that law, please note that you are calling addresses "private information" in SB 32, but in section 9627 addresses are not considered private. They are essential to the recording process. As already described, whenever addresses are required (see discussion of forms, above, they are for purposes other than adding them to the Deed. We are required to collect them, but we do not record them.

## **Summary**

In sum, the Kent County Recorder of Deeds supports the concept of SB 32. To make the intent of the law more clear regarding the actual processes to be undertaken regarding it, we recommend

- We request language that will only redact street addresses in public facing Deeds records, while leaving the document in place. This will cause no harm or disruption of Real Estate Commerce. Redaction of the entire document will slow down commerce, as it will take a title searcher a full day vs a few hours to do a search if the entire record is missing. While this is not a problem for five judges, there are far more corrections officers and over time, this can be burdensome.
- If redaction of the entire document is mandated, we request a sunset clause when the records may again be public. (I now understand there is already a 2 year program termination and I agree with this)
- We request you review Title 9 Section 9627 and use language found in that law to protect the Deeds database and the Recorder.

Thank you for your kind attention in this matter.