



## Delaware House of Representatives House Majority Caucus

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### **BILL WOULD ALLOW CIVIL SUITS AGAINST HEALTH CARE PROVIDERS FOR SEXUAL ABUSE**

*Hands-free cell phone legislation, fire equipment donations among other bills filed*

DOVER – Legislation that would allow victims who are sexually abused by a health care provider to file suit any time after the abuse took place was among several bills filed Thursday in the House of Representatives.

Sponsored by House Majority Leader Rep. Peter C. Schwartzkopf, Rep. John C. Atkins and Rep. Helene M. Keeley, House Bill 326 is modeled after Delaware’s Child Victim’s Act, which was passed in 2007. That legislation eliminated the civil statute of limitations for sexual abuse of children. Like the 2007 legislation, House Bill 326 would create a two-year “look-back” provision for sexual abuse victims to file a civil suit.

The legislation comes at a time when Lewes pediatrician Earl Bradley has been charged with numerous counts of sexually abusing his young patients. The case has left many Sussex County families worried and concerned about the safety of their children.

“The allegations of sexual abuse by Dr. Bradley have horrified many of us throughout the state,” said Rep. Schwartzkopf, D-Rehoboth Beach. “These are unspeakable crimes that in my 25-year career with the Delaware State Police, I have never seen before, and hope I never see again. While we can’t undo what has happened, we can make sure that these and any other victims who are sexually abused by a health care provider can seek legal action.”

House Bill 326 has been assigned to the House Economic Development, Banking, Insurance and Commerce Committee.

Other bills filed Thursday include:

\* House Bill 323, which would allow a military service member's executed Record of Emergency Data Form to be recognized as a valid declaration of their wishes for the handling of their remains in the event of death.

Military members are required to fill out the form, a DD Form 93, annually and prior to any deployment. The form designates a person authorized to handle their remains if they lose their life.

Sponsored by Rep. Gerald L. Brady, D-Wilmington West, HB 323 has been assigned to the House Veterans Affairs Committee.

\* House Substitute 1 for House Bill 229, which would require drivers to use hands-free technology when operating a cell phone while the vehicle is in motion.

Sponsored by Rep. Darryl M. Scott, D-Dover, the bill also would prohibit text messaging, sending or reading e-mails or browsing Websites while the vehicle is in motion. The bill allows a driver to use a headset, speakerphone or other hands-free device to talk on a cell phone while driving.

Under the bill, a first violation of this primary offense would carry a civil penalty of \$50. A driver who violates the proposed law again would be fined \$100-\$200. The bill allows exemptions for police, firefighters and other emergency personnel, permitting them to use a hand-held cell phone while performing their duties. It also allows drivers to use a hand-held cell phone to report an accident, fire, reckless driver or another emergency.

According to the National Conference of State Legislatures, six other states, including New Jersey and New York, and Washington, D.C., require drivers to use hands-free devices. Nineteen states and the nation's capital outright prohibit texting while driving.

HS 1 for HB 229 has been assigned to the House Public Safety & Homeland Security Committee.

\* House Bill 330, which would prevent governmental or private groups from facing civil liability claims if the fire control or rescue equipment they donate cause injuries or property damage after the donation, unless the donation is deemed grossly negligent or involves "intentional misconduct."

The bill's sponsor, Rep. Schwartzkopf, said that every year, quality fire equipment with an estimated worth in the millions of dollars range is destroyed, discarded or donated outside of the country by larger fire departments instead of being donated to smaller companies because of the fear of litigation. According to the National Conference of State Legislatures, at least 17 states have statutes that provide for civil immunity for the donation of firefighting equipment.

HB 330 has been assigned to the House Public Safety & Homeland Security Committee.

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