

MELANIE L. GEORGE
STATE REPRESENTATIVE
Fifth District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

COMMITTEES
Judiciary, Chair
Appropriations
Joint Finance
Public Safety & Homeland
Security
Veterans Affairs

Judiciary Committee
Meeting Minutes
June 16, 2010

Chairwoman George called the meeting to order at 1:05pm. Members present included Representatives J. Johnson, Lee, Wilson, Carson, Kovach and Bennett. For a list of guests, please see attached.

After calling the meeting to order, Chairwoman George brought up **HB 475 AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO THE DELAWARE UNIFORM COMMON INTEREST OWNERSHIP ACT AND THE UNIT PROPERTY ACT**, and recognized Andrew Taylor of the Delaware Association of Realtors. Mr. Taylor stated that the bill provides an update to the condominium and maintenance corporation code.

Chairwoman George asked if this legislation was a joint effort within the realtor community, to which Mr. Taylor replied yes.

Rep. J. Johnson motioned to release the bill from committee; Rep. Bennett seconded the motion. The bill was released from committee on a vote of 5-0-0.

Next, Chairwoman George brought up **HB 471 AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO ESCHEATS**, and recognized Michael Migliore, a Delaware House of Representatives Attorney. Mr. Migliore stated that this bill clarifies language with regard to escheats and essentially codifies a recent Delaware Supreme Court opinion.

Rep. J. Johnson asked if the bill had any effect on state revenue from escheat taxation, to which Mr. Migliore replied no. Chairwoman George also stated that the administration supported this legislation.

Rep. Bennett motioned to release the bill from committee; Rep. Lee seconded the motion. The bill was released from committee on a vote of 5-0-0.

Next, Chairwoman George brought up **SB 260 AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE DELAWARE UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT**, and recognized Michael Migliore. Mr. Migliore stated that this bill adopts uniform interstate discovery procedures and addresses issues with regard to out of state legislation.

Chairwoman George explained that this bill comes from Mike Houghton, Delaware's representative to the National Uniform Law Commission.

Rep. Wilson motioned to release the bill from committee; Rep. Bennett seconded the motion. The bill was released from committee on a vote of 5-0-0.

Next, Chairwoman George brought up **SB 262 AN ACT TO AMEND TITLE 10 AND TITLE 11 OF THE DELAWARE CODE RELATING TO UNSWORN FOREIGN DECLARATIONS**, and recognized Mr. Migliore. Mr. Migliore explained that this bill provides clarity and organization in dealing with unsworn foreign declarations. Mr. Migliore also explained that this bill comes from the National Uniform Law Commission through Mike Houghton and that it harmonizes state and federal law.

Rep. Bennett motioned to release the bill from committee; Rep. Lee seconded the motion. The bill was released from committee on a vote of 5-0-0.

Next, Chairwoman George brought up **HB 451 AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO FAMILY COURT**, and recognized Rep. Hudson. Rep. Hudson explained that this bill says that Family Court can extend an ex parte order for up to 30 days.

Chairwoman George offered her support on the legislation and explained that it is an important tool for the courts.

Rep. Lee motioned to release the bill from committee; Rep. Bennett seconded the motion. The bill was released from committee on a vote of 5-0-0.

Next, Chairwoman George brought up **HB 467 AN ACT TO AMEND THE LAWS OF DELAWARE RELATING TO NAMING THE KENT COUNTY FAMILY COURT BUILDING IN HONOR OF RETIRED JUDGE DAVID P. BUCKSON**, and recognized Rep. Wilson, who explained that Judge Buckson was a man of great honor.

Chairwoman George asked if the courts had a comment on the legislation, and no comments were offered at the time. Rep. J. Johnson explained that Judge Buckson has served the state of Delaware for decades and has even served as governor.

Chairwoman George motioned to table the bill to give the sponsor of the legislation time to come to address the committee; Rep. J. Johnson seconded the motion. The bill was respectfully tabled by the committee.

Next, Chairwoman George brought up **SB 264 AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO DISPOSITION OF CHILDREN PENDING ADJUDICATION AND PAYMENT FOR CARE**, and recognized Judge James Tull. Judge Tull explained that this bill deals with practices for dealing with the disposition of children. Judge Tull also explained that this bill broadens the offenses for which a juvenile can be detained, but still makes sure that less restrictive options are considered.

Rep. J. Johnson motioned to release the bill from committee; Rep. Wilson seconded the motion. The bill was released from committee on a vote of 5-0-0.

Next, Chairwoman George brought up **SS1 for SB 171 AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO PARENTAGE**, and recognized Sen. Ennis. Sen. Ennis explained that this bill has been a work in progress over the last 18 months and that this bill is meant to help children. Sen.

Ennis also explained that this bill identifies certain cases for which paternity can be established outside of the current statutes.

Chairwoman George then opened the floor to comments and questions from representatives. Rep. J. Johnson offered his thanks to Sen. Ennis for clearing up issues with the bill. Rep. Kovach stated that he likes the intent of the bill, but believes that a couple amendments could make the bill stronger in certain sections. Mr. Migliore explained that a forthcoming amendment clarifies the legislation and states that proceedings may only occur based on the best interests of the child. In response, Rep. Kovach stated that this amendment clears up some of his concerns, but that he still felt that this bill could have unintended consequences due to the language of the legislation.

Sen. Ennis explained that the legislation has been written with the help of experts in the field and explained that this legislation is extremely important. Rep. Kovach stated that the amendment didn't address all of his concerns with the legislation.

Rep. J. Johnson motioned to release the bill from committee; Rep. Bennett seconded the motion. The bill was released from committee on a vote of 4-1-1.

Next, Chairwoman George brought up **HB 467 AN ACT TO AMEND THE LAWS OF DELAWARE RELATING TO NAMING THE KENT COUNTY FAMILY COURT BUILDING IN HONOR OF RETIRED JUDGE DAVID P. BUCKSON**, and recognized Rep. Cathcart. Rep. Cathcart explained that this legislation is relatively straightforward and expressed his support for the legislation, stating that it has a great deal of support within Kent County.

Chairwoman George explained that she was hesitant to passing this legislation out of committee without an opinion from the courts. Rep. Cathcart stated that decision to name buildings is the job of the legislature and that he would prefer if the courts were consulted after the bill had been passed out of committee. Chairwoman George and Rep. Cathcart further debated the merits of passing the legislation out of committee with or without a say from the courts. Rep. Cathcart mentioned that if the legislation was passed out of committee he would wait for an opinion from the courts before hearing the legislation.

Rep. Lee motioned to release the bill from committee; Rep. Kovach seconded the motion. The bill was released from committee on a vote of 5-1-0.

Next, Chairwoman George brought up **HB 445 AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES**, and recognized Patricia Quinn, the Director of the Office of Child Care Licensing. Ms. Quinn explained that this legislation addresses the issue of sex offenders with regard to living in day care centers operated out of households.

Chairwoman George inquired into whether the legislation affects housing and apartments that are currently within 500 feet of the day care centers. Ms. Quinn stated that urban areas do pose somewhat of an issue when taking this legislation into account while also stating that she would be open to an amendment to find a solution to this issue. Chairwoman George stated that she felt a need for legislation to prevent sex offenders from coming near day care centers, but also stated that it is important to not force individuals to move away if they are already living within the range. Chairwoman George also stated that the legislation could have unintended consequences and that it would be beneficial to have more legal review. Ms. Quinn stated that currently a House

amendment is being drafted and that she would be happy to have an additional amendment put in place to address this issue.

Rep. J. Johnson stated that individuals convicted of a felony cannot live in homes near day care centers and inquired about the need for this legislation. Ms. Quinn stated that this legislation adds a class G felony for sex offenders living near day care centers. Rep. Kovach shared his concerns for the legislation and in response Ms. Quinn stated that more precise language can be added to strengthen the legislation.

Chairwoman George motioned to table the bill; Rep. Kovach seconded the motion. The bill was respectfully tabled by the committee.

Chairwoman George adjourned the meeting at 1:52pm.

Respectfully submitted,

Christopher Lang