

**JOHN L. MITCHELL, JR**  
STATE REPRESENTATIVE  
Thirteenth District



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

COMMITTEES  
Public Safety & Homeland  
Security, Chair  
Appropriations  
Gaming & Pari-mutuels  
Joint Finance  
Judiciary  
Telecommunication Internet  
& Technology

**Public Safety & Homeland Security Committee**  
Meeting Minutes  
June 9, 2010

Chairman Mitchell called the meeting to order at 2:33 p.m. Members present included Representatives Atkins, Carson, George, J. Johnson, D.P. Williams, Lee, Outten and Wilson. Rep. Q. Johnson, Rep. Kovach and Senator Sokola were also present. For a list of guests present, please see attached.

After calling the meeting to order, Chairman Mitchell chose to address **HB 448, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO IMPLEMENTATION OF A STATEWIDE “BLUE ALERT “ SYSTEM FOR THE SPEEDY APPREHENSION OF PERSONS ACCUSED OF KILLING OR SERIOUSLY INJURING LAW ENFORCEMENT OFFICERS**, and recognized Rep. Schooley, the bill’s sponsor. Rep. Schooley explained that this legislation is similar to that of other states, including Georgia, Texas, and California. It enacts a statewide “Blue Alert” system that would help apprehend those suspected of killing or seriously injuring law enforcement officers. Chairman Mitchell stated that Rep. Schooley came to him with the idea for this program, and he asked various agencies and groups for feedback. He stated that the Attorney General’s office, the Police Chief Council and other groups made recommendations which were addressed, and he was appreciative of Rep. Schooley for bringing forth this legislation.

Rep. D.P. Williams asked if this is extended to other citizens who commit the same crimes but not against a law enforcement officer. Chairman Mitchell explained that there are issues with expanding the number of cases it could be used for as well as issues associated with open investigations. Rep. J. Johnson asked if any feedback has been obtained from states where the program has been implemented. Rep. Schooley stated that the programs have been implemented very recently and no feedback has been obtained.

Rep. George motioned to release the bill from committee; Rep. Carson seconded the motion. The bill was released from committee on a 3-6-0.

Chairman Mitchell then addressed **HB 434, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD**, and recognized Rep. Carson, the bill’s sponsor. Rep. Carson explained that this bill designates the left lane of multi-lane highway as a passing lane only. He explained that the bill is based on what is taught in the Delaware Driver’s Manual, as well as in defensive driving courses. Rep. Carson also showed a picture of a sign posted on Route 1 that indicated that slower moving traffic should stay to the

right; however he noted that there is no legal backing for the signs. Chairman Mitchell asked if points were assessed, Rep. Carson stated that two points are given for a violation.

Rep. Lee stated that he thought this concept used to be law in Delaware, but that it was removed, and he wondered if anyone knew when or why this law was removed. Sergeant Dennis of the Delaware State Police stated that the original law had many factors that made it difficult to enforce, including minimum speeds and number of vehicles in line in the right lane that would need to be met to justify passing on the left as well as ticketing a motorist.

Rep. George asked if the person ticketed would be a slow driver in the left lane or a driver who rides the left lane and makes no effort to return to the right lane. Rep. Carson stated that under this law, a motorist does not belong in the left lane except to pass. Sgt. Dennis stated that so long as the motorist in the left lane is following the speed limit, he/she would be able to ride the left lane and continue passing the right lane motorists. Rep. Lee and D.P. Williams stated that he felt the law was unenforceable. Rep. Carson stated that this bill is what all drivers are taught about driving in the left lane. Mark Johnson, with the Delaware Police Chief Council stated that currently it is required only when official signs are posted stating that the left lane is for passing only. Chairman Mitchell questioned whether or not two vehicles next to each other traveling the speed limit are doing anything wrong, even if it does create a bottleneck.

Rep. Atkins motioned to release the bill from committee; Rep. George seconded the motion. The bill did not receive enough votes to be released from committee.

Chairman Mitchell then addressed **HB 427, AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO COMBATIVE SPORTS AND COMBATIVE SPORTS ENTERTAINMENT**, and recognized Rep. Q. Johnson, the bill's sponsor. Rep. Q. Johnson reminded the committee of his previous bill on the same topic, and stated that changes were made with the Department of State. He stated that the bill ensures that people who host combative sporting events for profit pay for any necessary emergency services required.

Rep. George motioned to release the bill from committee; Rep. D.P. Williams seconded the motion. The bill was released from committee on a 1-8-0 vote.

Chairman Mitchell addressed **HB 430, AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PAWNBROKERS, SECONDHAND DEALERS, AND SCRAP METAL PROCESSORS**, and recognized Rep. Wilson, the bill's sponsor. Rep. Wilson stated this bill was written to deal with the recent issues relating to copper thefts around the state, including theft of copper irrigation pipes. He noted that fixing the resulting damage can take a long time to fix which causes problems for farmers. He stated that this bill fixes the \$250 loophole that is used to avoid reporting laws.

Rep. J. Johnson stated that he thought there was a similar proposal in past years, but if faced significant backlash from dealers. Rep. Wilson explained that those in compliance already collect photos, but that if someone submits a stolen identification card, the photo given would be unhelpful in an investigation. Rep. George asked for clarification that under this bill a photo of the seller would be taken instead of submitting a photo, as with a license. Rep. Wilson stated

that he would like it to be a new photo on the spot, due to issues associated with identity theft. Rep. Kovach stated that he knew scrap metal dealers in his district and they are required to submit a valid Delaware identification for sales over \$250. He stated that he felt that additional efforts would adversely affect small business owners with extra responsibilities, and they were comfortable with the current regulations. Rep. Wilson stated that the recent thefts from farmers as well as the home explosion in Laurel attributed to copper theft demonstrate that the system in place is not effective.

Rep. Kovach stated that he was uncomfortable with the territory this legislation enters, because we are not setting the same requirements for pawnshops and dealers of other materials. He felt that the bill penalizes the businesses and not those who are stealing the materials. He also questioned what a dealer would do with the photos collected. Finally, he noted that for dealers that are not following the current law this change is not going to make them more likely to comply. Rep. George disagreed that this would be a burden, and stated that the issue of follow-up and compiling of images would require more guidance. Peggy Anderson of the Delaware State Police stated the current statute requires the information of each sale shall be stored for one year, that the information must be made available to police, and any dealers cannot sell more than \$250 within a seven day period. Rep. Kovach stated he would be more open to lowering the reportable dollar amount and keep the reporting provisions as they are now. Rep. Wilson restated that he felt a new photo needed to be taken as part of the record of sale.

Bonnie Mits of Verizon stated that copper theft was the number one security issue that Verizon faces, and there has been an increase in the number of people who take out lines in recent years. She also stated that Verizon supports the legislation. Chief Horvath of the Delaware Police Chief Council stated that he supports using a photo identification as well as an on the spot photo.

Rep. D.P. Williams motioned to release the bill from committee; Rep. Outten seconded the motion. The bill was released from committee on a 0-8-0 vote.

Chairman Mitchell finally chose to address **SB 168, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO BICYCLE AND MOTOR VEHICLE SAFETY**. Chairman Mitchell stated that this was an old bill that would be discussed but not voted on. Rep. Atkins motioned to table the bill; Rep. Lee seconded the motion. The bill was respectfully tabled.

Senator Sokola stated that this bill came from the Bike Council, and that currently 14 other states have similar legislation with no issues developing. Chairman Mitchell stated that he felt the intent of the bill was good, but that there were issues associated with enforcement. He stated that he would like for the Bike Council to reach out to law enforcement on the issue. Sergeant Dennis of the Delaware State Police stated that he has discussed the legislation with the sponsors, but the Division's position has not changed. He explained that because the three foot requirement is unenforceable, this causes complications when investigating incidents.

Amy Wilburn, chair of the Bike Council, stated that law would be an educational enforcement. She stated that having legislation such as this is designed to make you think. Chairman Mitchell stated that he will ask that the Division to discuss the matter further with the sponsor.

Chairman Mitchell adjourned the meeting at 3:24 p.m.

Respectfully submitted by,

Katie Anderson