

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 16, 2010

Chairman Mitchell called the meeting to order at 2:33 p.m. Members present included Vice Chair Atkins, Reps. Carson, George, J. Johnson, D. P. Williams, Lee, Outten and Wilson. For a list of guests present, please see attached.

Chairman Mitchell chose to first address **HB 450 AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE OR REGISTRATION PLATES**, and referred to Rep. Schwartzkopf, the sponsor of the bill. Rep. Schwartzkopf explained that the bill creates a Law Enforcement Memorial license plate. There were no questions or comments from the committee members or the public.

Rep. George moved to release the bill; Rep. Wilson seconded the motion. The bill was released from committee on a 0-8-0 vote.

Next, Rep. Schwartzkopf explained **HB 457 AN ACT TO AMEND TITLES 11, 24 AND 29 OF THE DELAWARE CODE RELATING TO TRAINING ON CHILD SEXUAL AND PHYSICAL ABUSE, EXPLOITATION AND DOMESTIC VIOLENCE AND THE MANDATORY REPORTING THEREOF**, saying he believes it to be an integral component in the revamping of the Delaware Code in order to prevent child abuse. Chairman Mitchell then questioned whether the training addressed in the bill would be over and above what is already done. Rep. Schwartzkopf said that the bill does make improvements in key areas such as intercommunication. Rep. J. Johnson thanked Rep. Schwartzkopf for spearheading the legislation and expressed his pride as a sponsor. Rep. George questioned whether the training would be administered to all police officers or just new officers. Rep. Schwartzkopf believes the updates would be made to the mandatory in-service training administered each year.

Rep. Carson moved to release the bill; Rep. George seconded the motion. The bill was released from committee on a 0-8-0 vote.

Next, Rep. Oberle explained **HB 217 AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LITTERING ON OR ALONGSIDE A HIGHWAY** by saying that the bill is cleaning up existing language. Rep. George questioned how witnesses to littering can prove the act occurred. Chairman Mitchell responded that some form of investigation would still be conducted by the police.

Furthermore, a corporal from the Delaware State Police explained that there is the presumption of guilt on the part of the owner of the vehicle until the police make contact with the owner and determine who was driving the vehicle. This rebuttment assumption is already in place in the law. Rep. George reiterated her concern of walking the line between protecting the individual and the public.

Rep. Carson moved to release the bill; Rep. Lee seconded the motion. The bill was released from committee on a 0-9-0 vote.

Rep. Oberle continued by explaining **HB 462 AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATIONS OF REQUIRED MOTOR VEHICLE INSURANCE, INCLUDING FICTITIOUS PROOFS OF INSURANCE**. With this legislation, the fine associated with driving while uninsured becomes mandatory.

Rep. Outten moved to release the bill; Rep. Wilson seconded the motion. The bill was released from committee on a 0-8-0 vote.

Next Chairman Mitchell chose to address **HB 452 AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATED TO PROBATION AND PAROLE OFFICERS**, which would grant constable powers to certain juvenile probation and parole officers. Mary Kate McLaughlin from DSCYF explained that such power would only be given to those units that deal with serious juvenile defendants. Rep. George questioned whether the guidelines for searches and seizures afforded to said probation and parole officers would abridge the juveniles' constitutional rights. A representative from DYFS said the guidelines mirror those of the Department of Correction and do not violate the juveniles' constitutional rights. House attorney Jamie Nutter further clarified that almost the same language is utilized in legislation for adult offenders on parole.

Rep. George moved to release the bill; Rep. Johnson seconded the motion. The bill was released from committee on a 0-9-0 vote.

Chairman Mitchell then addressed **HB 478 AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATE TROOPER FUND, FUNDED BY AN ADDITIONAL PENALTY IMPOSED BY COURTS FOR VARIOUS CRIMES AND OFFENSES**, which would finance the addition of 30 state troopers through a new \$12 assessment fee levied on top of all criminal and traffic fines. A fee impact statement was then distributed by Evelyn Nestlerode from the Office of the Controller General. Rep. D. P. Williams wondered if the new \$12 fee would affect other fines already included in certain criminal and traffic violations. Rep. Mitchell explained that nothing will be affected; rather, the \$12 assessment fee is being added. Rep. George questioned the decision to use the funds generated from the new assessment fee for more state troopers, suggesting using the money for two new superior court judges. Rep. Mitchell said he would be open to the suggestion. Rep. D. P. Williams then questioned how the new fee would impact municipal and county authorities. Rep. Carson questioned whether the 30 new troopers would constitute the need for new supervisors. A lieutenant

from the Delaware State Police said that the new troopers will increase highway protection and that existing supervisory positions would be able to accommodate additional troopers. Gordon Smith, executive director of FLARE, then expressed support for Rep. George's suggestion to use extra funds to help expedite the judicial process.

Rep. Carson then questioned whether or not camera offenses would be included in the new fee. Mr. Nutter said the fee would not apply to non-moving violations. Bill Brysm from the Camden Police Department commented that municipal law enforcement is in the same situation as the State Troopers—both in need of more resources.

Rep. George moved to release the bill; Rep. D. P. Williams seconded the motion. The bill was released from committee on a 0-9-0 vote.

HB 479 AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE CHIEF DUE PROCESS was then addressed. The bill seeks to include police chiefs in the Police Bill of Rights. There were no questions or comments from the committee members or the public

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

Finally, **SB 205 AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO AUTHORIZED EMERGENCY VEHICLES** was addressed. The bill makes it a Class F felony to strike an emergency responder while violating the “move over” law. There were no questions or comments from the committee members or the public

Rep. D. P. Williams moved to release the bill; Rep Wilson seconded the motion. The bill was released from committee on a 0-6-0 vote.

Chairman Mitchell adjourned the meeting at 3:28 p.m.

Respectfully submitted by,

Kaylynn Palaio