



SPONSOR: Rep. Chukwuocha & Sen. Townsend
Reps. Baumbach, Bolden, Cooke, Dorsey Walker,
Griffith, Heffernan, K. Johnson, Lambert, Longhurst,
Lynn, Morrison, Wilson-Anton; Sens. Brown,
S. McBride, Paradee, Sokola

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 112

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUVENILES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §1002, Title 10 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1002. Delinquent child not criminal; prosecution limited.

4 (b) (1) Notwithstanding any other provision of law to the contrary, no child shall be arrested, placed in a detention
5 facility as defined in § 1258 of Title 11, or prosecuted for a crime or act of delinquency arising from conduct that occurred
6 when the child was under the age of 12, except for a child under the age of 12 accused of murder in the first degree, murder
7 in the second degree, rape in the first degree, rape in the second degree, or accused of using, displaying, or discharging a
8 firearm during the commission of a Title 11 or a Title 31 violent felony as set forth in § 4201 (c) of Title 11.

9 Section 2. Amend § 1007, Title 10 of the Delaware Code by making deletions as shown by strike through and
10 insertions as shown by underline as follows:

11 § 1007. Disposition of child pending adjudication; payment for care.

12 (l) Except as allowed by § 1002 of this title, no child under the age of 12 may be placed in a detention facility as
13 defined in § 1258 of Title 11.

SYNOPSIS

In 2022, the General Assembly passed HB 115, which prohibits the criminal prosecution of children under the age of 12, and limits delinquency proceedings for children under 12 to a small set of very serious crimes. This Act clarifies that children under 12 may not be arrested or placed in a detention facility pending adjudication, except where the alleged crime is one of the enumerated exceptions.