

LEGISLATIVE UPDATE

Overview and Insights into Active Bills in the Current Term of the Legislature.

Second session of the 2-year , 151st General Assembly, ending 6/30/2022. Legislature on recess for JFC Hearings until 3/8/2022.

Legislative Awareness Working (LAW) Group – February 2022 (ver 2)

Voting, Budget & Admin

- **Voting Changes**

- **HB 30** Primary to April (passed House 37-4, in Senate Comm.)
- **HB15/HB75** – “Final Leg” Amendments to allow “No Excuse” Absentee Voting (failed 2/3’s vote by 25-14-2, 6/10, but vote was rescinded and bill “laid on table”, 6/17/21)
- **HS1 for HB25** - Same-Day Voter Registration (substituted in House Admin. Committee, but no hearing scheduled).
- **HB187** Voter ID Requirement, introduced 5/18/21 by Rep. Collins.

- **Taxes**

- **HB191(HA-1)** – 10% Income Tax Cut + reductions to Corp & Gross Receipts Taxes, introduced 5/18/21 by Rep. Collins
- **SB196** – Up to \$500 Income Tax Rebate, introduced 6/23/21 by Sen. Bonini.
- **HB71** – Reduce real estate transfer tax from 4% back down to 3% by Rep. Ramone.
- **HB287** – Increase Senior Real Property Tax credit from \$400 to \$750, by Rep. Hensley.

- **COVID-19**

- **HB49** Requires Legislative approval for continued “State of Emergency” after 30 days. Tabled in committee, 6/15/2021. State of Emergency reinstated on 1/3/2022.
- **SB58** Remove State’s Ability to Forcibly Isolate, Quarantine, Vaccinate or Treat Individuals Against Their Will, by Sen. Lawson, et al. Introduced 2/12/21.
- **HB203** Governor May Not Deny FOIA Requests During State of Emergency, introduced 5/19/21 by Rep. Shupe.
- **HB209** Prevents Denial of Access or Services to those who choose not to be vaccinated, introduced 6/3/21 by Rep. Collins.
- **Note** “massive” influx of federal funds related to COVID-19 response is largely being managed outside the budget process.

2nd *Am'dm't* *& Justice*

- **SS1 for SB3 "Permit to Purchase Handguns"**
 - Recurrent training (within 5 years), fingerprinting & Homeland Security background check required to exercise "right" to purchase a handgun. Valid for only 180 days, requiring renewal.
 - Contentious and very limited hearing in the Senate, ultimately passed 13-8.
 - House added amendments, including a "State firearms transaction record".
- **SB6 "Magazine Capacity Limitation"**
 - Contentious hearing in the Senate, ultimately passed 13-8.
 - Major rewrite of bill in the House: Limit increased from 17 rounds to 20 handgun/30 rifle, grandfathered current owners, commission of a crime with a magazine larger than what was issued by the manufacturer is a felony.
 - Passed House (24-16), as amended, and returned to Senate. Senators NOT happy.
- **SB53 "Preventing Urban Firearm Violence"**
 - Establishes a risk assessment tool and pursues actions spurred by CDC Report that was specific to "Wilmington, DE.
- **SB149 "Amend Law Enforcement Officers' Bill of Rights"**
 - Prosecutors, defense counsel and PUBLIC access (via FOIA) to Police misconduct and disciplinary records.
 - Allows creation of "community review boards."

Pro-Life

- **HB40/SB108 “Ultrasound Offer”**
 - HB stalled in committee. SB17 re-introduced as **SB108** by Richardson, with “fireworks”. Hearing scheduled when Richardson had a conflict – only Planned Parenthood testified. 1800 e-mails sent in support. Bill was killed in committee, regardless.
 - **HB140 “Assisted Suicide”**
 - Voted out of committee.
 - Assumes correct medical diagnosis and does not require the signing physician to even know the patient! There is no reference or consideration of “state of mind” of the patient.
 - **SB161 “Safe Haven for Abandoned Newborns”**
 - Expands safe havens from “Hospitals, only”, adding Police Stations. Passed and signed in 2021.
 - “Dignified Disposal of Fetal Remains” – Legislative discussions in response to Seaford passing an ordinance requiring cremation or burial of fetal remains from abortion/miscarriage.
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Equal Rights

- **HB155** “Re-definition of Sexual Orientation, Gender Identity and Disability across Delaware Code”
 - Passed House (36-4, Collins, Morris, Postles & Vanderwende opposed), released from committee, pending in the Senate.
- **HB199** “Amendment Relating to Equal Rights”
 - Extends existing language protecting immutable rights (sex, race, color and national origin) to include “sexual orientation, gender identity and disability” (fluid characteristics).
 - This is a “First Leg” amendment. If passed in 2022, would require passage in 2023-24 session to take effect.
- **SB144** “Hate Crime Classification”
 - Crimes motivated by “belief or perception” of the victim’s characteristics could be extended to cover biblical and traditional views on sexuality as a hate crime, if HB199 were to pass.
- **HB255** “Deprivation of Civil Rights”
 - Another situation where passage of HB199 would cause this bill to include things like religious leaders who refuse to perform same-sex weddings or school administrators who prevent biological males from entering female restrooms could be accused of “depriving individuals of rights, privileges or immunities.”
- **SB227** “Fairness in Women’s Sports”
 - Requires a student athlete to compete on teams/sports associated with their biological sex. Females may compete in male sports, where a corresponding female sport is not available.

Other Issues

- **HB293** – “Public Comment at Open Meetings”
 - Requires public bodies to have public meetings and allow for public comment (Good)
 - Allow public bodies to limit public comment that THEY consider “irrelevant, immaterial, unsubstantial, cumulative or privileged.” (THEY decide who they can “censor”!)
- **SB219, 220, 221 & 223** – “Criminal Penalties for Riotous Behavior”
 - Address rioting, looting, burning, etc... as seen in other locales.
 - Proposed by Sen. Dave Lawson.
- **HB317** – “Medical Coverage for All Delaware Children”, tax-funded, DHSS-operated coverage program for all children not otherwise covered
 - Includes estimated 5000 illegal immigrant children
- **HB305** - Allowing “Recreational Use” of marijuana
 - Replaced HB150, which had become mired in amendments.
 - Reported out of Health & Human Development Comm. and assigned to House Appropriations Committee.

In Closing

- Legislative Sessions run 2 years (representative term), so all bills not acted on in 2021 will carry into 2022.
- Note that ALL Senators will be up for election in 2022, due to redistricting (some 2-year/some 4-year terms)
- **Stay Informed and Stay Involved! Public involvement has an impact.**