

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.

Legislative Awareness Working (LAW) Group – March 2022

Voting, Budget & Admin

- **Voting Changes**

- **HB 30** Primary to April (passed House, last May, 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– “Final Leg” Amendments to allow “No Excuse” Absentee Voting (failed 2/3’s vote by 25-14-2, 6/10, but vote was rescinded and bill “laid on table”, 6/17/21)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 (no hearing scheduled).
- **HB187** Voter ID Requirement, introduced 5/18/21 by Rep. Collins. (No Action)

- **Taxes**

- **HB191(HA-1)** – 10% Income Tax Cut + reductions to Corp & Gross Receipts Taxes. **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. All not progressing.
- A bipartisan effort has recently emerged to provide a \$300 rebate to all “tax filers”. A bill has not yet been filed.

- **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.
- All the above bills have not progressed in a Democrat-controlled Legislature.
- 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. No Action.
- **SS1 for 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.
 - Substitute language introduced 3/21/2022.

Pro-Life

- **HB320** “Increased Access to Abortion Drugs”
 - Bill introduced to allow prescription by physician assistants and advanced practice nurses (incl. “nurse practitioners”).
 - Passed the House, 25-15 along party lines and sent to Senate Health & Social Services Committee.
- **HB140** “Assisted Suicide”
 - Voted out of committee in the House.
 - 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.
- “Dignified Disposal of Fetal Remains” – Legislative discussions in response to Seaford passing an ordinance requiring cremation or burial of fetal remains from abortion/miscarriage.
- **SB218** “Living Donor Protection Act”
 - Protects living organ donors from discrimination for life, health, disability or long-term care insurance.
 - Passed unanimously in both chambers and awaits signature.

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. No progress in 2022 session.
- **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.
 - Passed the Senate, 15-6, in 2021 and was sent to the House Judiciary Committee.
- **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.”
 - Passed the House, 39-0-2, in January and released from the Senate Judiciary Committee to the floor.
- **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.
 - Contentious hearing in the Senate Health & Social Services Committee, chaired by nation’s first openly “trans” state Sen. Sarah McBride. Not expected to be released.

Other Issues

- **HB293** – “Public Comment at Open Meetings”
 - Requires public bodies to have public meetings and allow for public comment (Good), but allow public bodies to limit public comment that THEY consider “irrelevant, immaterial, unsubstantial, cumulative or privileged.” (THEY decide who they can “censor”!)
 - Substitute bill filed (analysis pending).
- **SB219, 220, 221 & 223** – “Criminal Penalties for Riotous Behavior”
 - Address rioting, looting, burning, etc... as seen in other locales.
 - Proposed by Sen. Dave Lawson. No action seen or pending.
- **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
 - Released from House committee with “bipartisan” support apparent.
- **HB305** - Allowing “Recreational Use” of marijuana
 - Was defeated with a vote of 23-14-4 (required 2/3’s to pass).
 - Potential to reintroduce as separate bills, isolating the financial aspect.

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.**