

LEGISLATIVE UPDATE

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

First session of the 2-year , 152nd General Assembly, convening 1/10/2023 and ending 6/30/2023.

Legislative Awareness Working (LAW) Group – January 2023

Voting, Budget & Admin

- **Voting Changes**

- **HB42** “Eliminate 10% Increase Option for Property Taxes after Reassessment” – Eliminates this authority from the reassessment process. Introduced by Mike Smith.
- **HB43** “Allow Independent Voters to Vote in Primary” – 170K Independent voters. Would not allow crossover voting. Introduced by Mike Smith.
- **HB 44** “Redistricting Process” – Revised process to reduce gerrymandering. Introduced by Mike Smith.
- **SB26** “Constitutional Amendment (2nd Leg) to Update Minimum Voting Age to 18”, this is a technical correction to align with the US Constitution and federal law. Introduced by Bryant Richardson.

- **Taxes**

- **HB29** “\$750 Elderly Property Tax Credit”, submitted by Rep. Hensley.
- **HB36** was submitted by Rep. Bush (superceding **HB71**, previously submitted by Rep. Ramone). Reduces real estate transfer tax from 4% back down to 3% .
- All other measures (proposed by Republicans) have not progressed since introduced in 2021.

2nd Am'dm't & Justice

- **TBD “Permit to Purchase Handguns”**
 - This legislation is expected to be reintroduced in the current session.
 - Recurrent training (within 5 years), fingerprinting & Homeland Security background check required to exercise “right” to purchase a handgun. Many of these requirements are redundant with checks already in place for background checks at time of purchase. Valid for only 180 days, requiring renewal.
- **Previous Legislation Passed in 2022 has Court Challenges**
 - HB450 – Preventing sale or possession of certain semi-automatic rifles and pistols (so-called “Assault Weapons”) is being challenged by the DSSA in US District Court.
 - SS1 for SB6 - Preventing sale or possession of ammunition magazines that have a capacity exceeding 17 rounds (so called “High Capacity” magazines) is being challenged by the DSSA in US District Court.
 - HB451 – Eliminating sale of firearms to individuals 18-20 yo, in probable constitutional violation (legal adults having constitutional rights restricted) is being challenged in the Delaware Chancery Court.
- **HB50 “Mail Theft”**
 - Class A misdemeanor under \$1500, Class G felony \$1500 or more. Bi-partisan support.

Pro-Life

- **TBD** (Previous Session HB140) “Assisted Suicide”
 - Legislation was voted out of committee in the House, but did not make it to a floor vote. It is expected to be reintroduced.
 - 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.
- **TBD** (Previous Session SB347) “Pain-Capable”
Unborn Child Protection Act
 - Expect a bill to be submitted that provides protection for the unborn children beyond 20 weeks gestation.

Equal Rights

- **Various Legislation is anticipated in the following areas:**
 - Re-definition of Sexual Orientation, Gender Identity and Disability across Delaware Code.
 - Extending existing language in the DE Constitution protecting immutable rights (sex, race, color and national origin) to include “sexual orientation, gender identity and disability” (fluid characteristics).
 - Requiring student athletes 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

- **HB1** “Recreational Use of Marijuana”
 - Removes all penalties for use or possession of one ounce or less of marijuana for those 21 or over.
- **HB2** “The Delaware Marijuana Control Act”
 - Regulates and taxes marijuana for recreational use in much the same manner as alcohol.

*Note: Similar bills to decriminalize and regulate recreational marijuana passed both chambers in the 2022 legislative session, but were vetoed by Gov. Carney and NOT overridden.

- **HB41 – HA 1** “Digital Right to Repair Act”
 - Requires availability of parts, documentation, tools and updates to a consumer or local repair shop for phones, electronic games, etc... Act excludes motor vehicles manufacturers and dealers.
 - Submitted by Ruth Briggs-King.
- **TBD** – “Zero-Emission Vehicle” Regulations
 - Require a complete phase-out of combustion engine cars and light trucks, 2026-2035, as called for by an interstate compact tying Delaware to California’s regulatory model.
 - Regulations pending, public hearings in 2023.

In Closing

- Legislative Sessions run 2 years (representative term), so all bills that were not acted on in 2022 will have to be resubmitted in this Session.
- **Stay Informed and Stay Involved! Public involvement has an impact.**