

# *LEGISLATIVE UPDATE*

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

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

*Legislative Awareness Working (LAW) Group – February 2023*

# *Voting, Budget & Admin*

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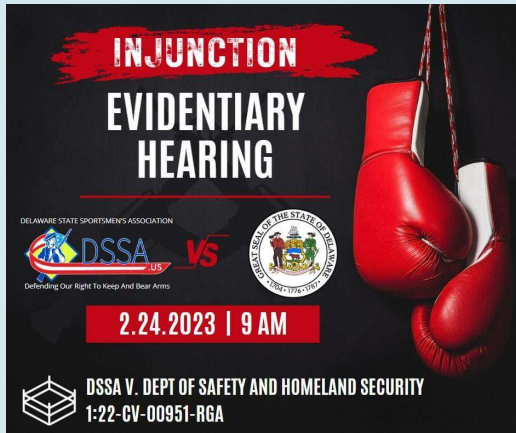
- **Voting Changes**

- **HB42** “Eliminate 10% Increase Option for Property Taxes after Reassessment” – Introduced by Mike Smith. Tabled in committee.
- **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. Failed Motion to Release.
- **SB26** “Constitutional Amendment (2<sup>nd</sup> 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. No progress in committee.
- **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.

# 2<sup>nd</sup> 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") and SS1 for SB6 - Preventing sale or possession of ammunition magazines that have a capacity exceeding 17 rounds (so called "High Capacity" magazines) are being challenged by the DSSA in US District Court.
  - An Evidentiary Hearing was held 2/24, as the court weighs imposing an injunction against implementing these bans, pending fuller consideration of the matters.
  - 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. Voted out of committee & on Ready List for House.

# *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.
- **HB70 “Elimination of the Death Penalty”**
  - Establishes the penalty for first-degree murder that was committed after the person’s 18<sup>th</sup> birthday as life imprisonment without benefit of probation, parole or any other reduction.

# *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.
  - **SB44 “Creation of the Office of New Americans”**
    - Foreign-born individuals comprise 9% of the State’s population.
    - Creates a bureaucratic “office” to promote “attraction, retention and inclusion of immigrants and refugees.”
    - Increase immigrant access to English language instruction, connect them to legal services to assist with naturalization and reduce exploitation and fraud against immigrants.
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# *Environmental Issues*

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- **SB51** “Eliminating Single-Service Plastic Implements, Straws & Polystyrene Foam Containers”
  - Prohibits polystyrene foam containers, single-service plastic coffee stirrers, cocktail picks or sandwich picks. Plastic straws only on request
  - Exemptions for fire companies, health-care providers, non-profit and religious organizations.
- **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.

# *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.
    - Reported out of committee (7 Favorable, 2 On Merits)
  - **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 and also does not apply to off-road, farm, construction, marine, yard/garden or other outdoor power equipment.
    - Submitted by Ruth Briggs-King.
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# *In Closing*

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- 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.**