

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 – March 2023

Voting, Budget & Admin

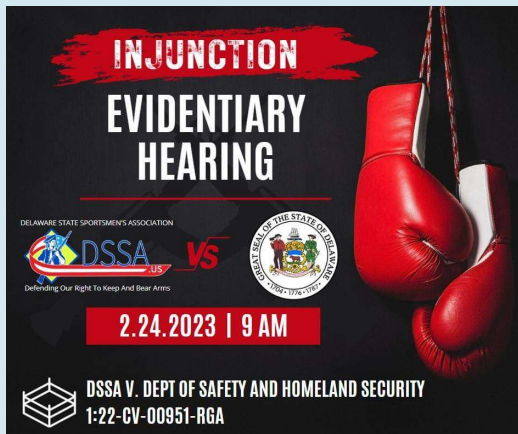
- Voting Changes

- **SB3** “Constitutional Amendment to Eliminate Limitations on Absentee Ballots”, allows for no-excuse absentee voting.
- **HB43** “Allow Independent Voters to Vote in Primary” – 170K Independent voters. Would not allow crossover voting. **No Action.**
- **HB 44** “Redistricting Process” – Revised process to reduce gerrymandering. **Failed Motion to Release.**
- **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. **Passed Senate, sent to House.**

- Taxes

- **HB62** “Reassessments Every 5 yrs”, assures taxation at “present fair market value.”
- **HB67** “Realty Tax Exemption for 2nd Home Transaction in 12 Months”.
- **HB89** “Increase Standard Deduction for DE Taxes”, includes increase in “refundable” earned income tax credit to 7.5%.
- **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% . **Moving through Committee.**
- **HB42** “Eliminate 10% Increase Option for Property Taxes after Reassessment” – Tabled in committee.
- All other measures (proposed by Republicans) have not progressed since introduced in 2021.

2nd Am'dm't & Justice



- **SCR12 "Declaring Gun Violence a Public Health Crisis"**
 - Non-binding resolution that sets the foundation for future "gun control" legislation.
 - Passed in Senate & House by voice votes.
- **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 & Family

- **HB74** “Abrogates the Seal of Catholic Confession for Child Abuse/Neglect”
 - Mandatory Reporting by priests – even if learned in sacramental confession.
 - Review in Judiciary
- **SB59/SB58** “Government Control of Childcare Reimbursement Rates”
 - Establishes statewide wage for childcare rate for providers in Kent & Sussex that mirrors New Castle County rates. Eliminates childcare co-pay for 200% of the poverty level (as was done during COVID-19 emergency).
 - **Both released from committee**
- **HB43** “Signs to Raise Awareness of Human Trafficking”
 - Introduced by Sen. Richardson, with bipartisan support.
 - **No progress in committee**
- **HB70** “Elimination of the Death Penalty”
 - Establishes the penalty for first-degree murder that was committed after the person’s 18th birthday as life imprisonment without benefit of probation, parole or any other reduction.
 - **No progress in committee**
- **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.

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.
 - Voted out of Elections & Government Affairs and sent to Senate Finance.

Environmental Issues

- **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.
 - Hearings being held in all counties (Millsboro 3/21, Bellefonte 3/23, Glasgow 3/28, Kent County 3/29, Newark 3/30). High turnout at first meeting (300+) – largely opposed.
- **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.
 - No progress in committee

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.
 - Passed House 28-13 and released from Senate Health & Social Services committee. Moves to Senate Finance.
- **HB2** “The Delaware Marijuana Control Act”
 - Regulates and taxes marijuana for recreational use in much the same manner as alcohol.
 - Passed House 27-13 and released from Senate H & SS and Finance committees. Sent to Senate Ready List.
- **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.
 - Reported out of committee in the House.
- **State Retiree Health Benefits Activity**
 - Benefits Advisory Subcommittee met 3/22. Expected to communicate recommendations by the end of April.

*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.

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 and will start from the beginning.
- **Stay Informed and Stay Involved! Public involvement has an impact.**