

LEGISLATIVE UPDATE

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

Second session of the 2-year , 151st General Assembly, ends 6/30/2022. Only 3 "Legislative Days" remain.

Legislative Awareness Working (LAW) Group – June 2022

Voting, Budget & Admin

- **Voting Changes**

- **HB 30** Primary to April (passed House, May 2021, 37-4, in Senate Comm.) No Action Expected
- **SB320** "Vote-by-mail" Option passed the Senate, after an amazing floor fight by Sen. Bonini (25 amendments, with full procedure).
 - HB75 "No Excuse Absentee Ballots" was effectively stopped.
 - Expecting legal challenges to SB320.
- **HS1 for HB25** - Same-Day Voter Registration was passed (party lines) by the Senate and **awaits Governor's signature.**

- **Taxes**

- **HB360** "\$300 Relief Rebate" to all resident taxpayers" was signed by Gov. on 4/14. Republicans joined to provide "some" relief, even if imperfect. **Payments made.**
- **HB358** was submitted by Rep. Bush (superseding **HB71**, previously submitted by Rep. Ramone). Reduces real estate transfer tax from 4% back down to 3% . Stalled in House Appropriations Committee.

- **HB445** "Reduce Gross Receipts Tax by 50%" was submitted by Rep. Ramone. Although it has bi-partisan support, it is not expected to be allowed out of committee.
- All other measures (proposed by Republicans) have not progressed since introduced in 2021.

- **Family Leave**

- **SS2 for SB1** "Paid Family Leave Bill" signed by Gov. Carney.
 - Provides up to 12 weeks leave for health, family and other reasons. Funded by 0.5% tax on employees/employers.

- **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 and extended last week!**
- Note "massive" influx of federal funds related to COVID-19 response is largely being managed outside the budget process.

2nd Am'dm't & Justice

- Recent incidents in Uvalde, TX and elsewhere spurred furious action in the DE Legislature. Bills were accelerated and new bills introduced in the final month of the session under the Governor's banner of a comprehensive "Gun Safety Package."
- **HB423** has bi-partisan support to restore the Firearm Background Check process to State control.
- **HB388** has bi-partisan support to authorize and fund hiring and retention of school constables (aka "school resource officers").
- **SS1** for **SB3** "Permit to Purchase Handguns" – appears stopped

HOW CLOSE ARE YOU TO LOSING YOUR RIGHT TO BEAR ARMS?

	House Committee Vote	House of Representatives Floor Vote	Senate Committee Vote	Senate Floor Vote	Signed into Law by Governor
HB450 w/ HA1 Rifle, Handgun, & Shotgun Ban	Passed	Passed	Passed	Passed	6/24 (Expected)
HB451 w/ HA 3, 6, 8 Under 21 Ban	Passed	Passed	Passed	6/28 @ 2PM (expected)	
SS1/SB6 Magazine Ban	Public Hearing Skipped	Passed	Passed	(expected)	6/24 (Expected)
SB302 Gunshop/Manufacturer Liability	Passed	6/28 @ 2PM (expected)	Passed	Passed	
SB8 Machine Gun & Trigger Parts Ban	Passed	6/28 @ 2PM (expected)	Passed	Passed	



2nd Am'dm't & Justice

- **HB450 w/ HA1 "Semi-Auto Firearms Ban"** – **awaits Gov. signature**
 - Outlaws purchase & possession of listed firearms (built from 1993 Federal & Maryland lists). Late House amendment expanded scope. Legal challenge pending.
 - Current owners are "grandfathered", but must prove prior ownership.
- **SS1/SB6 "Magazine Capacity Limitation "** – **awaits Gov. signature**
 - Original limitations restored (17 rounds) and legal challenge pending.
- **HB451 "Under 21 Firearms Ban"** – **pending Senate floor vote**
 - Removes constitutional right for Delaware citizens under 21. A legal challenge is pending.
- **SB302 "Gun Shop/Manufacturer Liability"** – **pending House floor vote**
 - Seeks to hold stores/manufacturers for subsequent use of firearms in a bid to drive them out of business.
- **SB8 "Machine Gun/Trigger Parts Ban"** – **pending House floor vote**
 - Most items are already illegal, but definitions are broad and subject to expansive application (e.g. "competition" triggers could be affected).
- **HB423 w/ HA1 "Firearm Transaction Approval Program"** – **awaits Gov. signature**
 - Restores prior practice of State-based approvals (better, more current info)

Pro-Life

- Significant publicity from the US Supreme Court overturning Roe v. Wade, but **no direct impact on Delaware**. Statutes in place to preserve current access in Delaware.
 - **Current law allows abortion to the point of “fetal viability, as determined by the physician” – essentially, no limit.**
 - The decisions all move to the State level, going forward.
 - **HB320** “Increased Access to Abortion Drugs”
 - Passed along party lines and signed by the Governor.
 - **HB140** “Assisted Suicide”
 - Awaiting House floor vote, but **unlikely to reach Senate**.
 - 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.
 - **SB235** “Pain-Capable” Unborn Child Protection Act
 - Would prevent most abortions after 20 weeks.
 - “Dignified Disposal of Fetal Remains” – Legislative discussions in response to Seaford passing an ordinance requiring cremation or burial of fetal remains from abortion/miscarriage. No bills submitted. Seaford Mayor and supporting Council members were re-elected!
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Equal Rights

- **HB155** “Re-definition of Sexual Orientation, Gender Identity and Disability across Delaware Code” – no action in the 2022 session.
 - Passed House (36-4, Collins, Morris, Postles & Vanderwende opposed), released from committee, pending a Senate vote.
- **HB199** “Amendment Relating to Equal Rights” – no action
 - 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.
- **SB227** “Fairness in Women’s Sports” – stopped in committee by Sen. McBride & Dems
 - 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.
- **SB256** “Abuse of Power Prevention Act”, addressing misconduct by public officials
 - Apparent retaliatory legislation by Sen. McBride, directed at Sen. Richardson and his proposal to address “Trans-female” participation in women’s sports. Seeks to assign “hate crime” status to certain positions and speech by public officials.

Other Issues

- **HB371** Decriminalizing possession of 1 oz. or less of marijuana
 - HB305 was defeated with a vote of 23-14-4 (required 2/3's to pass). It was replaced with HB371 (simple majority required) to de-criminalize and HB372 (requiring 2/3's to pass) to provide regulation and taxes.
 - HB371 was passed by both chambers, but **VETOED by the Governor!**
- **HB400** – “Protection of Sensitive Health Care Services” – **stricken in the House**
 - Would have allowed health services to be provided to minors, including abortions and “gender-affirming” drugs, without parental consent or awareness.
- **HB317** – “Medical Coverage for All Delaware Children”, tax-funded, DHSS-operated coverage program for all children not otherwise covered – **stalled** in House Appropriations Comm.
 - Includes estimated 5000 illegal immigrant children
 - Released from House Health & Human Development committee with “bipartisan” support apparent.

In Closing

- Legislative Sessions run 2 years (representative term), so all bills not acted on in 2022 will have to be resubmitted in the next Session.
 - 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.**
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