



SPONSOR: Sen. Pinkney & Rep. Dorsey Walker
Reps. Baumbach, Kowalko

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 148

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF CIVIL RIGHTS AND PUBLIC TRUST.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 2553, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2553. Division of Civil Rights and Public Trust; powers and duties.

4 (a) The Division of Civil Rights and Public Trust shall do all of the following:

5 (1) Investigate and prosecute hate crimes under § 1304 of Title 11.

6 (2) Investigate and prosecute civil or criminal misconduct committed under color of Delaware law or in the
7 course of a public official's or state employee's duties.

8 (3)a. Investigate all use of deadly force incidents by law enforcement and use of force incidents by law
9 enforcement that result in serious physical injury, as defined in § 222 of Title 11, for the purpose of determining
10 whether such use of force was justified as a matter of law.

11 b. For informational purposes and to facilitate data-tracking, if a public report is issued by the Division on
12 law enforcement's use of deadly force or use of force which results in serious physical injury, as defined in § 222
13 of Title 11, the public report must include all of the following:

14 1. The race of the law enforcement officer who used force.

15 2. The race of the individual on whom force was used.

16 3. Whether race was found to be a relevant or motivating factor in the use of force.

17 (4) Enforce pattern and practice violations under Chapters 45 and 46 of Title 6.

SYNOPSIS

This Act expands the Division of Civil Rights and Public Trust's responsibility to review deadly use of force incidents by law enforcement by adding review of cases involving serious physical injury. It also requires that if the Division issues a public report on the use of force, the report must include the race of the law enforcement officer who used force, the race of the individual on whom force was used, and whether race was a relevant or motivating factor.

Author: Senator Pinkney