



NEWS:

Looking Back on the 149th General Assembly - Part II

JULY 28, 2018 -- With approximately 750 combined House and Senate bills (excluding resolutions) introduced during the two-year 149th General Assembly, here is the latest installment in our continuing series on the fate of some of the more interesting measures.

Senate Bill 65 (Sponsors: **Sen. McDowell and Rep. Heffernan, et al.**): This new law prohibits the use of so-called "conversion therapy" on minors by licensed mental health professionals. The legislation defines the term as any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including any effort to alter behaviors and gender expressions or reduce same-sex attractions. Proponents of the bill say conversion or reparative therapy has been rejected by all mainstream medical and mental health organizations, is not proven to be effective, and could pose health risks for certain youths. However, opponents of the bill say its scope is overly broad, noting that the measure inappropriately prohibits patients and from engaging in frank and open discussions about sexual preference and gender identity with their health care professionals.

FATE: The bill passed the General Assembly on contested votes and was signed into law this week.

House Bill 90 (as amended) (Sponsors: Rep. Bentz, et al.): This bill would have allowed early voting at least 10 days prior to an election at certain designated locations. Local elections, except for the City of Wilmington, would have been excluded from the requirement. During the House debate, some concern was expressed that the legislation would violate the Delaware State Constitution (Article V, Section 4A), which restricts early voting to absentee ballots that have been issued for specific reasons designated under the law.

FATE: The bill passed the House on a contested vote (25 to 15) and ended the session in the Senate Elections & Government Affairs Committee.

House Bill 125 (Sponsors: Rep. Smyk, et al.): The Extreme Crimes Protection Act sought to reinstate capital punishment in Delaware. The bill addressed concerns cited in a Delaware Supreme Court decision that suspended the existing capital punishment law after finding aspects of it unconstitutional.

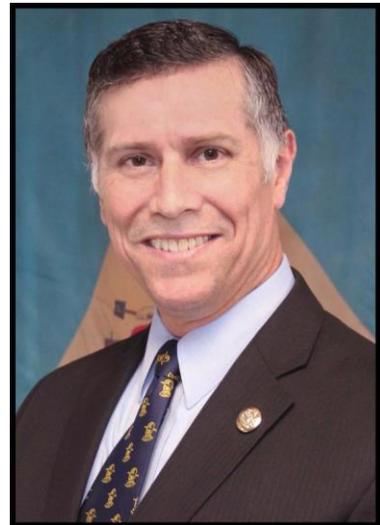
FATE: Passed the House. The bill spent more than a year in the Senate Judicial & Community Affairs Committee without being acted on.

House Bill 160 (Sponsors: Rep. Baumbach, et al.): The Delaware End of Life Options Act sought to make Delaware the sixth state to establish a process allowing terminally ill adult patients to receive lethal doses of medication to end their own lives. The Medical Society of Delaware, the Delaware Health Care Association, and the Catholic Diocese of Wilmington opposed the bill.

FATE: The bill ended the session on the House Ready List.

House Bill 315 (Sponsors: State Reps. Hudson & Dukes, et al.): This bipartisan legislation sought to require more transparency in the political process by mandating that candidates appearing on the general election ballot disclose whether they had filed their state and federal personal income tax returns and if they had failed to pay any income taxes or property taxes that were due.

FATE: The bill was assigned to the House Administration Committee on 3/1/18 and ended the session pending action there.



State Rep. Steve Smyk

House Bill 317 (Sponsors: Rep. Spiegelman, et al.): This bipartisan measure would have shielded from civil or criminal liability those people who made good-faith donations of wild fish and game to nonprofit agencies feeding needy Delawareans. It would also have extended similar protections to the organizations using the donated items. The liability exemptions would not have applied in cases where injury or death had been caused by gross negligence, recklessness, or intentional misconduct. The bill was opposed by trial lawyers.

FATE: The bill was released from the House Agriculture Committee on 3/28/18 and spent the rest of the session on the House Ready List.



State Rep. Jeff Spiegelman

House Bill 400 (Sponsors: Rep. Viola, et al.): This bill would have allowed same-day voter registration at all polling places for all primary, special, and general elections. Currently, citizens must register to vote no later than the fourth Saturday prior to the election. The National Conference of State Legislatures reports that only 15 states have laws allowing same-day voter registration on Election Day. Opponents noted that under the bill -- as is presently the case with standard registration -- citizens could use utility bills, bank statements, or paychecks to establish identity. They said such documents could easily be manufactured and that while this type of fraud could be perpetrated under the current system, same-day registration would provide a far broader opportunity for such crime, potentially allowing fraudulent votes to be cast at any of the state's hundreds of polling locations.

FATE: Passed the House 22 to 18. Ended the session pending action in the Senate Elections & Government Affairs Committee.

House Bill 341 (Sponsors: Rep. Briggs King et al.): This proposed constitutional amendment would have required the General Assembly to wait 48 hours from the introduction of the operating budget, capital budget (Bond Bill), and Grants-in-Aid bill before voting on such legislation. The intent of the bill was to give the public, media, and elected officials time to analyze the appropriations bills before they were acted on. In extreme circumstances where the brief delay was impractical, the requirement could have been waived with a three-fourths super-majority vote.

FATE: The bill was assigned to the House Administration Committee on 3/15/18 and ended the session pending action there.

House Bill 419 (as amended) (Sponsors: Rep. Smyk, et al.): Remote control drones are capable of smuggling contraband into the state's prisons. This bill would have created a new crime (a class F felony) for anyone caught engaging in such an action.

FATE: Passed the House (40 to 0). Ended the session pending action in the Senate Judicial & Community Affairs Committee.