



SPONSOR: Rep. Heffernan & Rep. J. Johnson & Sen. McDowell
Reps. Baumbach, Bentz, Bolden, Brady, Keeley,
Kowalko, Longhurst, Lynn, Osienski, Paradee, Potter,
Sen. Townsend

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 8

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE JUVENILE OFFENDER CIVIL CITATION PROGRAM.

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

1 Section 1. Amend § 1004A, Title 10 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 1004A. Juvenile Offender Civil Citation Program [For application of this section, see 80 Del. Laws, c. 38, § 6]
4 [Expires Sept. 6, 2018, pursuant to 80 Del. Laws, c. 412, § 3]

5 (b)(1) Referral to the Juvenile Offender Civil Citation Program shall be initiated by a peace officer through the
6 issuance of a civil citation. Any peace officer having reasonable grounds to believe that a juvenile has committed or
7 attempted to commit an act of delinquency specified in paragraph (b)(2) of this section may issue the juvenile a civil
8 citation. The issuance of a civil citation shall be at the discretion of the peace officer and limited to ~~first-time~~qualified
9 juvenile offenders. Participation in the Juvenile Offender Civil Citation Program is voluntary on the part of the juvenile
10 offender and requires parental consent. Referral to the Juvenile Offender Civil Citation Program shall be made with the
11 consent of the victim if one exists.

12 (2) The offenses eligible for disposition pursuant to a civil citation shall be:

13 f. Possession of marijuana in violation of § 4764 of Title 16;-

14 g. Possession of drug paraphernalia in violation of §4771(a) of Title 16.

15 (3) For purposes of this section, a "~~first-time~~qualified juvenile offender" is defined as any juvenile who has:

16 a. ~~no~~No prior adjudication of delinquency;-~~or~~ and

17 b. No prior referral to the Juvenile Offender Civil Citation or any other diversion program unless more
18 than 18 months have elapsed since the first referral and the prior referral was for a different offense.

SYNOPSIS

This bill seeks to expand the eligibility criteria for the Juvenile Offender Civil Citation Program by including the offense of possession of drug paraphernalia and permitting a second referral to the Juvenile Offender Civil Citation Program where the first referral occurred more than 18 months ago and was not a referral for the same offense.