



SPONSOR: Rep. Schroeder & Sen. Sokola

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 458

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMMUNITY NOTIFICATION OF SEX OFFENDER AND TO EXTEND THE LIFE OF THE COMMUNITY NOTIFICATION TASK FORCE.

1           WHEREAS, the Community Notification Task Force was established to develop recommendations to implement  
2 community notification of sex offenders and report such recommendations to the General Assembly and Governor; and

3           WHEREAS, the Community Notification Task Force recommends that all children should be as safe as possible  
4 in our schools and communities; and

5           WHEREAS, the Community Notification Task Force recommends that community notification should primarily  
6 remain the responsibility of the law enforcement community, that notifications should be as uniform as possible across  
7 different police jurisdictions and as accessible as possible and include as much information as is necessary for the  
8 community to make informed decisions about personal safety; and

9           WHEREAS, the Community Notification Task Force recommends that schools must be informed when a  
10 juvenile sex offender enrolls in the school, both for the safety of the school community and for the safety of the juvenile  
11 sex offender, and that schools and licensed child care providers have a responsibility to ensure that all staff and parents  
12 are aware of all registered sex offenders in their community; and

13           WHEREAS, the examination of many of the issues raised in the Task Force's report requires much greater study  
14 and analysis by the criminal justice community; and

15           WHEREAS, the Community Notification Task Force recommends that the Task Force should be continued until  
16 January 2003, to advise and oversee implementation of the Task Force recommendations, including the development of a  
17 public awareness campaign.

18           NOW THEREFORE:

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

20 Section 1. Amend §4120(b), Title 11 of the Delaware Code by inserting a new subsection at the end thereof to  
21 read as follows:

22 "(3) If an offender is attending school, the offender shall inform the principal of the school upon  
23 enrollment of his or her registration."

24 Section 2. Amend §4120(d)(2), Title 11 of the Delaware Code by striking the word "and" between the words  
25 "residence" and "employment" and by substituting in lieu thereof the following:

26 ", study and/or".

27 Section 3. Amend §4120(f)(1), Title 11 of the Delaware Code by deleting the first sentence thereof and inserting  
28 in lieu thereof the following:

29 "Any sex offender who is required to register pursuant to this section, who thereafter changes his or her  
30 residence address or place of employment and/or study, shall reregister with the Delaware State Police within 7 business  
31 days of the change."

32 Section 4. Amend §4121(a)(1), Title 11 of the Delaware Code by deleting the second and third sentences and  
33 inserting in lieu thereof the following:

34 "Methods of notification may include, but not be limited to door-to-door appearances, mail, electronic  
35 mail, telephone, fax, newspapers or notices, or any combination thereof, to schools, licensed day care facilities, public  
36 libraries and other accessible public facilities within the community. Community notification shall include where possible  
37 all information required to be included in the searchable records pursuant to subsection (3) of this section."

38 Section 5. Amend §4121(a)(1), Title 11 of the Delaware Code by deleting the fourth, fifth, and sixth sentences  
39 thereof.

40 Section 6. Amend §4121(a)(3), Title 11 of the Delaware Code by deleting from the end of the second sentence  
41 the phrase "and the date(s) of the conviction(s)" and by inserting in lieu thereof the following:

42 ", the date(s) of the convictions and all information required for registration pursuant to §4120(d)(2) of  
43 this Chapter as is practicable given the method of community notification, except that relationship to the victim shall not

44 be a searchable record and age of victim shall be searchable only by age ranges birth to eleven years, twelve to fifteen  
45 years, sixteen to seventeen years and eighteen and above."

46 Section 7. Amend §4121(a)(3), Title 11 of the Delaware Code by deleting the fourth sentence thereof and  
47 inserting in lieu thereof the following:

48 "These records shall be searchable by the name of the sex offender, suitable geographic criteria and by  
49 as many other required data elements as is technically feasible. These records shall be made available upon request  
50 through police agencies, public libraries, public schools and through the Internet."

51 Section 8. Amend §4121, Title 11 of the Delaware Code by adding a new subsection (v) to read as follows:

52 "(v)(1). If a school, school district or licensed child care provider receives community notification, the  
53 community notification must be placed in a binder and kept in the administrative office available to view upon request by  
54 adults and juveniles with adult supervision. No community notification may be removed from the binder unless the  
55 school or child care provider is notified of an address change informing them that the offender has moved from the  
56 community. The school, school district or licensed child care provider shall notify parents and staff frequently through  
57 their regular communications of the availability and location of the community notification binder.

58 (2). The physical posting of community notifications in public school buildings and license child  
59 care facilities is prohibited.

60 (3). Schools shall ensure that students are taught personal safety and awareness skills in an age  
61 appropriate manner, consistent with the Delaware Health Education Curriculum Framework."

62 Section 9. The Departments of Education and Services for Children, Youth and Their Families shall develop  
63 guidelines for schools and licensed child care providers to implement Section 8 of this Act. Guidelines shall be provided  
64 to schools and licensed child care providers within thirty days of the enactment of this bill.

65 Section 10. Schools and licensed day care providers shall implement the requirements of Section 8 of this Act as  
66 soon as possible but no later than sixty days after its enactment.

67 Section 11. The Community Notification Task Force, established pursuant to House Bill No. 381 of the 141<sup>st</sup>  
68 General Assembly, shall be continued until January 31, 2003 to advise and oversee the implementation of this Act.  
69 Representatives of the Department of Public Safety, Department of Technology and Information, Government

70 Information Center and the Delaware Justice Information Center shall be added to the Task Force. The Task Force shall  
71 oversee the development of a public awareness campaign using existing state, federal and private sector resources and the  
72 development of a pilot subscriber system as a component of the state's Sex Offender website. The Task Force shall report  
73 to the General Assembly on the implementation of this Act no later than January 31, 2003.

74 Section 12. This bill shall become effective upon its enactment into law.

### SYNOPSIS

This bill implements the recommendations of the Community Notification Task Force.

Section 1 requires a sex offender who is also a student attending school to notify the principal that the student is on the sex offender registry.

Section 2 requires that sex offenders include their future place of study as well as employment on sex offender registration forms. Current law requires employment to be listed, but not place of study.

Section 3 adds the requirement that an offender notify law enforcement authorities when the offender's place of study changes.

Section 4 adds new methods of community notification such as electronic mail and fax and requires that notification include more clearly defined information from the searchable record.

Section 5 deletes the current mailing requirements that schools notify student families of local sex offenders.

Section 6 more clearly defines the information to be included in the searchable record.

Section 7 requires that searchable records be searchable by as many data elements as possible and be made available through public schools as well as police agencies, public libraries and the Internet.

Section 8 Requires that schools, districts and licensed day care providers keep a binder of community notifications and ensure that parents and staff are aware of its availability. The section also prohibits the physical posting of notifications in schools and day care providers and requires that schools educate students on personal safety and awareness.

Section 9 requires the Departments of Education and Services for Children, Youth and Their Families develop guidelines for schools and day care providers to implement their responsibilities under this bill.

Section 10 requires schools and licensed day care providers to implement the Act within 60 days of its enactment.

Section 11 continues the existence of the Community Notification Task Force until January 31, 2003 to oversee implementation of this Act. This section also expands membership on the Task Force and charges the Task Force with overseeing the development of a public awareness campaign of the State's Sex Offender website.