

CHAPTER 350
FORMERLY
HOUSE BILL NO. 276
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 11, 16, 17 AND 21 OF THE DELAWARE CODE
RELATING TO CRIMINAL MISCHIEF, GRAFFITI, AND OTHER INJURY TO A
SCENIC AND HISTORICAL HIGHWAY OR A SCENIC BYWAY.

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

Section 1. Amend § 811(b), Title 11 of the Delaware Code by adding to subsection (b) a new paragraph to read:

“(4) If an actor commits an act of criminal mischief of any degree on or along a Delaware byway, as defined in 17 Del.C. § 101(a)(9), the court shall impose a minimum mandatory fine of at least \$500.”.

Section 2. Amend § 812(a)(2), Title 11 of the Delaware Code by adding the following immediately after the final sentence of paragraph (2):

“The minimum fine shall also be doubled, and may not be suspended, for a first, second, or subsequent conviction of an act of graffiti which is performed on or along a Delaware byway, as defined in 17 Del.C. § 101(a)(9).”.

Section 3. Amend § 1605(a), Title 16 of the Delaware Code by adding the following immediately after the first sentence:

“If the offense occurred on or along a Delaware c byway, as defined in 17 Del.C. § 101(a)(9), an additional mandatory penalty of \$500 must be imposed for every first, second, and subsequent offense, in addition to the fine.”.

Section 4. Amend § 511(a), Title 17 of the Delaware Code by adding the following immediately after the final sentence of subsection (a):

“If a public road, bridge, drain, gate, light, or other appurtenance is on or along a Delaware byway, as defined in 17 Del.C. § 101(a)(9), an additional civil mandatory penalty of \$500 must be added to the amount of double damages.”.

Section 5. Amend § 512, Title 17 of the Delaware Code by striking “Such fine,” where it appears at the beginning of the final sentence of § 512 and by substituting in lieu thereof the following:

“However, if the damage or injury was on or along a Delaware byway, as defined in 17 Del.C. § 101(a)(9), an additional civil mandatory penalty of \$500 must be added to the fine. The fine and civil penalty.”.

Section 6. Amend § 4189(g) and (h), Title 21 of the Delaware Code by adding the following to the end of subsections (g) and (h):

“A violation of this section, whether a first, second, or subsequent offense, that takes place on or along a Delaware byway, as defined in 17 Del.C. § 101(a)(9), is subject to a mandatory penalty of \$500, which must be imposed in addition to the fine.”.

Approved July 12, 2010