



SPONSOR: Rep. Romer & Sen. Sokola
Rep. Gorman; Sens. Hansen, Hoffner

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 33
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATED TO CONTROLLED SUBSTANCES IN THE CITY OF NEWARK.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 4795, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4795. Jurisdiction [For application of this section, see 80 Del. Laws, c. 38, § 6].

(a) The Superior Court shall have original and exclusive jurisdiction over any violation of this chapter by persons 18 years of age or older.

(b) The provisions of subsection (a) of this section or any other law to the contrary notwithstanding, the Court of Common Pleas shall have original jurisdiction over any violation of the following by persons 18 years of age or older:

(1) Section 4761(a) of this title.

(2) Section 4763 of this title.

(3) Section 4764(b) and (d) of this ~~title~~-title, except as specified in subsection (e) of this section.

(4) Section 4771 of this title, except where jurisdiction over the civil penalty resides in the Justice of the Peace Court pursuant to subsection (c) of this section.

(c) The Justice of the Peace Court shall have original jurisdiction over any violation of the following by persons 18 years of age or older:

(1) Section 4764(c) of this ~~title~~-title, except as specified in subsection (e) of this section.

(2) Section 4774(b) of this title.

(d) The Family Court shall have original and exclusive jurisdiction over violations of this chapter by persons under age 18.

(e) Conduct that constitutes a violation of § 4764 of this title that is alleged to have occurred within the City of Newark by persons 18 years old or older may be brought initially before the Alderman's Court of the City of Newark

pursuant to an ordinance of the City of Newark that criminalizes conduct that constitutes a violation of § 4764(b) or (d) or that imposes a civil penalty for conduct that constitutes a violation of § 4764(c).

(1) The Alderman's Court of the City of Newark and the Court of Common Pleas have concurrent jurisdiction over violations of an ordinance of the City of Newark that criminalizes conduct that constitutes a violation of § 4764(b) and (d) of this title that are committed within the City of Newark by persons 18 years of age and older.

(2) The Alderman's Court of the City of Newark and the Justice of the Peace Court have concurrent jurisdiction over violations of an ordinance of the City of Newark that imposes a civil penalty for conduct that constitutes a violation of § 4764(c) of this title that are committed within the City of Newark by persons 18 years of age and older.