



SEAN M. LYNN
STATE REPRESENTATIVE
31st District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
Judiciary, Chair
Education
Gaming & Parimutuals

House Judiciary Committee Meeting Minutes

6.7.23

This committee meeting has been recorded and may be accessed via legis.delaware.gov

Chair Lynn called the meeting to order at 11:12 a.m. Members present included Vice Chair Griffith, and Reps. Cooke, Dorsey Walker, Phillips, Romer, Dukes, and Spiegelman. Rep. Morrison was also present. For a list of guests present, please see the attendance list below.

Chair Lynn introduced **HB 151, AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PROTECTION FROM ABUSE PROCEEDINGS.**

Rep. Morrison, sponsor of the bill, said he has worked on this legislation with the Delaware Coalition Against Domestic Violence (DCADV) and the Delaware Bar Association. Economic abuse occurs in ninety-nine percent of domestic abuse cases. This legislation adds economic abuse to the list of reasons why a person may request a protection from abuse (PFA) order against another individual. Specifically, this includes maintaining overwhelming control over a victim's financial resources. This legislation also outlines stealing legal documents as that can contribute to an abuser's control of a victim. This legislation can help senior citizens who are being financially abused by family members.

Rep. Dukes asked for clarification if the legislation only addresses domestic violence issues.

At the request of Rep. Morrison, Dr. Nick Beard from DCADV, replied this would be heard in Family Court and would apply to family members in Family Court.

Rep. Dukes asked if there is already a domestic charge that has been issued in Family Court.

Vice Chair Griffith replied that a PFA is a civil proceeding and would allow a person to request a PFA based on the items in the legislation which would result in a hearing at some point.

Rep. Dukes asked if it was in Family Court.

Vice Chair Griffith replied that it is in Family Court.

Rep. Spiegelman said it appears that many of the offenses listed in the legislation would occur during the course of a separation with a significant other.

Chair Lynn said the purpose of a PFA is to curb domestic violence and provided insight about the listed family members in the Delaware Code. He said anyone outlined in the Code can petition Family Court for a PFA.

Rep. Spiegelman asked how financial dependence is defined by the court because sometimes it may not be intentional.

Chair Lynn said in domestic violence cases they see a combination of power and control. He said in marriages and relationships delegation of responsibilities occur and those are not typically grounds for abuse. There is a difference between limiting access to resources in a larger power or control issue and normal delegation of tasks in relationships.

At the request of Rep. Morrison, Dr. Beard replied it is part of a larger issue of limiting resources and not allowing the victim to financially provide for themselves.

Chair Lynn added that independent of any other definitions of abuse, these new definitions can warrant abuse and result in a PFA. He said in his experience, he sees a combination of many events that are outlined in the legislation but that is not always the case.

At the request of Rep. Morrison, Dr. Beard added that it really depends on the context of the situation. The Family Court Commissioners do a great job of making determinations.

Rep. Morrison said he worked with the family law section for the last year and a half.

Chair Lynn expressed concern that there is abuse of the PFA statute, his concern is balancing that abuse with protecting the victims of domestic violence, which is a delicate balance. The burden of proof in these cases is very low and the Family Court commissioners do not want to incorrectly deny a PFA request. From a policy standpoint, he expressed concern that financial abuse is already covered in other definitions of abuse. He added that PFA is usually the first step in custody and divorce cases and has concerns about what will happen to children in financial abuse cases. He asked if child custody is warranted if a person is found guilty of financial abuse and a PFA is issued. He said he wants to protect victims of domestic violence but does not appreciate how over issued PFA's can be.

Dr. Beard replied that child custody was not amended under this legislation. She said it is important to consider the context, including the children at risk. She said it is important to outline items that many people may see as abuse to raise awareness. She said as they gather information from the courts and continue to expand knowledge, they can work out the nuances.

Chair Lynn said he wants to protect real victims of domestic violence but has seen people inappropriately use PFA's to get child custody or possession of a home. He asked Dr. Beard if all of the relief outlined in 10 Del. C §1045 would be available to a victim of only financial abuse.

Dr. Beard replied if a person is being financially abused they would not be isolated.

Rep. Morrison added that his consistent concern was the perpetrators control over access to money which is needed to take care of their children.

Rep. Spiegelman asked how often all of the relief outlined in 10 Del. C §1045 is used in less violent cases.

Chair Lynn replied it is decided on a case by case dependent.

Rep. Spiegelman asked about firearm possession during the duration of the PFA.

Chair Lynn said he has never seen a case where firearm possession is allowed.

Rep. Spiegelman expressed concern about removing a firearm from someone who has not been physically abusive towards the other party.

Chair Lynn asked Dr. Beard if they have ever seen a PFA where firearm removal was not outlined.

Dr. Beard replied they have always seen it.

Vice Chair Griffith disagreed with Rep. Spiegelman as she said financial abuse can prevent people from freedom and life. She said she does not understand the argument as to why an abuser should be allowed to possess a firearm.

Rep. Spiegelman replied he feels as though some situations have a gray area.

Rep. Morrison said the commissioners take everything into consideration when making decisions. He said many concerns expressed today are about PFA statutes and are not specific to this legislation.

Vice Chair Griffith thanked Rep. Morrison for bringing this legislation forward as it brings attention to a major issue.

Rep. Dorsey-Walker thanked Rep. Morrison for this legislation as many of her constituents have expressed similar concerns.

Rep. Phillips thanked Rep. Morrison for this legislation.

Chair Lynn opened the floor to public comment.

Sarah Stowens from Christiana Care expressed support for this legislation as economic abuse is impactful in healthcare as well. She said this is extremely important for elderly people and addressing this kind of abuse will have a positive impact on a victim's health and wellbeing.

Melanie Ross Levin from Women's Advancement and Advocacy shared support for this legislation as this is a problem which needs to be addressed head on.

Tashynn Ismaadel spoke in favor of this legislation as she believes it is long overdue. She shared a personal story about a client who was financially abused.

A motion was made by Vice Chair Griffith and seconded by Rep. Dorsey Walker to release HB 151 from committee; motion carried. Yes = 8 (Lynn, Griffith, Cooke, Dukes, Dorsey Walker, Phillips, Romer, and Spiegelman); No = 0; Absent = 0. The bill was released from committee with a F= 2, M=5, U=3 vote.

Chair Lynn introduced **HB186, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO INDIVIDUALS REQUIRED TO REGISTER AS SEX OFFENDERS FOR ACTS COMMITTED WHEN THEY WERE CHILDREN.**

Rep. Romer, sponsor of the bill, said this legislation will be life changing for the people who have been impacted. She stated she learned that the reasons children commit sexual offenses is completely different from why adults do. More than nine times out of ten an arrest of a child for a sex offense is a one time occurrence. The public registry makes it difficult for children to recover and rehabilitate properly. Family Court currently does not have discretion on children who are placed on the registry. This legislation allows case workers and psychologists to have input if a child should be placed on the registry. Even with the passage of this bill, mandatory registration is still required for all degrees of rape. This legislation does not prohibit children from being placed on the registry, it just gives the court discretion.

At the request of the chair Rep. Romer called her first witness forward.

Anthony Gibbs said he is a victim of many different kinds of abuse. He said he was on the registry for thirty years from something that happened when he was ten years old, for an action which he did not understand at the time. He said it impacted his life for a very long time, impacting his jobs and living situations. He said people abused him but were not forced to register like he was, which is a flaw of the system that causes a lot of damage.

Vice Chair Griffith thanked him for his courageousness to share his testimony.

At the request of Rep. Romer, Dr. Laura Cooney-Koss from Forensic Associates of Delaware, said people who perpetrate these crimes are often victims themselves. She said adolescents need someone to understand them better. She works to understand why they engage in that behavior, which is oftentimes various types of abuse and untreated psychological problems. She said less than three percent of children are repeat offenders. Children being placed on the registry precludes them from being able to participate in community activities and living normal lives.

Rep. Briggs King asked if there is an assessment for the youth offenders.

Dr. Cooney-Koss replied there is typically an evaluation done and an individualized treatment plan created.

Rep. Briggs King asked if there is a standard assessment tool to be used.

Dr. Cooney-Koss replied there are a couple different tools and her team works to provide the most objective assessment possible in conjunction with a clinical opinion.

Rep. Briggs King asked if they are being too hard and too fast on youth, if things that were normal child-like behavior twenty years ago are now making children a part of the criminal justice system.

Dr. Cooney-Koss replied there is typically a lot of trauma that may not always be identified but early intervention can help prevent them from facing legal consequences.

Rep. Briggs King said children often need help before they know they need it in regard to trauma. She said she is very torn on this issue.

Dr. Cooney-Koss said they want to allocate resources in the community to those that need it most. They want to correctly identify people who need resources and provide them with assistance.

Rep. Shupe asked where the point of dismissal is for the offenses outlined in the bill, the time they go to court or the point after counseling.

Chair Lynn recognized Lisa Minutola from the Office of Defense Services (ODS). She replied that for children who are currently being charged and adjudicated the decision will be made at the time of sentencing after the court receives risk assessment and the treatment recommendations.

Rep. Shupe asked what makes it mandatory for people to complete the treatment process and what happens if they fail to complete their treatment.

Ms. Minutola said once a child is adjudicated, they will receive sentencing from Family Court and they will be monitored. She said the registry does not do anything in regard to supervision, that is the probation officer's job.

Rep. Shupe expressed concern about some of the offenses and what everything means in the process of the law. He does not want children who really do need help to be dropped off the list and then not receive the programs they need.

Dr. Cooney-Koss said they want to help heal children but research shows the registry does not help with deterrence. She said there are detrimental effects and stated you will not get counseling based on a designation, it is based on clinical need.

Ms. Minutola added that being on the registry does not determine if a child gets rehabilitation or treatment.

Rep. Romer said children can still be placed on the registry even with this legislation in place.

Rep. Shupe asked why there was a decision made to have the offenses omitted up front rather than having a short petition period under a certain age once they have gone through the programs.

Ms. Minutola said the list of offenses was designed with the Department of Justice (DOJ) to determine what offenses would be mandatory and which would be discretionary. She said the DOJ will have a position on the cases as well.

Rep. Shupe asked if it was ever considered to have a shorter petition period.

Rep. Romer said the damage is done whether they are on the registry for one month or years.

Ms. Minutola added that once the child is on the registry it is public knowledge forever because of private websites and the power of the internet.

Rep. Shupe asked about children who are fourteen to eighteen years old repeating offenses. He said he has young children and if those people lived in his neighborhood he would like to know. He added they have a duty to protect future victims as well.

Rep. Spiegelman expressed concern about how ambitious the bill is. He asked if Rep. Romer would be willing to scale the omitted offenses back slightly for the program to be successful.

Rep. Romer said she would be open to a discussion but not a negotiation about why the offenses are on there. She said there are many groups coming together for kids and all are supportive, she said she is trying to lead with data rather than emotion.

Ms. Minutola added Family Court has been using discretion for years and therefore it will not be a new task for them.

Rep. Spiegelman said that on this list there are only a few crimes listed that context would matter.

Rep. Dorsey Walker thanked Rep. Romer for this bill and shared a story about her constituent who has been impacted by this.

Rep. Cooke thanked Rep. Romer for this bill and said he looks forward to hearing from the DOJ about the legislation. He said during his time as a police officer he investigated situations like this. He said he has worked on both sides and takes this topic very seriously. There were only a few one-time offenders during his tenure. He said he would like to hear from a victim and their family.

Per the request of the chair, Abby Rodgers from the DOJ replied that she is passionate about keeping kids safe and at first glance she was uncomfortable with this legislation. She said there are kids who deserve to be on the list for life but there are other kids who deserve the chance to rehabilitate. She said this does not take away the DOJ's mechanism to sentence appropriately and can still ask a child to be placed on the registry.

Rep. Romer said she takes everything seriously and would like to discuss concerns with Rep. Spiegelman about the list of offenses that are discretionary.

Chair Lynn opened the floor to public comment.

Dr. Nick Beard from Delaware Coalition Against Domestic Violence said that she is a childhood survivor of sexual abuse by another child. She said the discussions are important to end the cycle of trauma and invest in services.

Former Representative J.J. Johnson spoke in favor of the legislation as he was a primary sponsor of other related legislation during his tenure. He said we should allow people to be productive citizens.

A motion was made by Vice Chair Griffith and seconded by Chair Lynn to release HB 186 from committee; motion failed. Yes = 3 (Lynn, Griffith, Romer); No = 0; Absent = 3 (Dorsey Walker, Spiegelman, Phillips); Not Voting = 4 (Briggs King, Shupe, Dukes, Cooke). The bill was released from committee with a F=1, M=6, U=0 vote.

Chair Lynn introduced **HB155, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES INVOLVING DEADLY WEAPONS AND DANGEROUS INSTRUMENTS.**

Vice Chair Griffith, sponsor of the bill, said this is a common sense approach to safety. This legislation would require individuals who leave firearms unattended in a vehicle to face criminal sanctions and is designed to reduce the number of firearms that are being stolen from motor vehicles. It requires firearms, if unattended in a vehicle to be locked in a storage container, firearm rack, or a trunk. Since 2019, six hundred firearms have been stolen from motor vehicles in Delaware. The language to describe a locked container is a container that is fully enclosed and locked by a padlock, key lock, combination lock or similar device that would only allow the owner or a verified party to access it.

Chair Lynn opened the floor to public comment.

Mark Cohen spoke against this legislation because he believes it infringes upon the rights of legal, responsible gun owners.

Traci Murphy from the Delaware Coalition Against Gun Violence spoke in favor of the legislation as this issue is on the rise.

George Higgins of Newark spoke in support of this legislation. As a gun owner himself he is disgusted by irresponsible gun owners.

Mara Gorman from Moms Demand Action spoke in support of the legislation. Secure gun storage is important to address the issue of gun violence.

Tanya Schardt from Brady Campaign to Prevent Gun Violence spoke in favor of the legislation.

Rep. Briggs King asked about language in the legislation that talks about places other than a vehicle.

Vice Chair Griffith replied the new language was added to differentiate a vehicle from a home. She said she is willing to change the language if it is confusing.

Rep. Briggs King asked about when people are out hunting and need to make a pit stop. She asked about conceal carry permits and conflicting interests regarding creating a double standard.

Vice Chair Griffith said she is willing to discuss this with an attorney.

Rep. Dukes asked how many other states have this legislation.

Per the request of the Vice Chair, Ms. Schardt replied around seven other states.

Rep. Dukes asked about a hidden compartment in his vehicle and if that would be allowed to be used.

Vice Chair Griffith replied that if there is not a lock then it would not be considered safe storage.

A motion was made by Rep. Romer and seconded by Chair Lynn to release HB 155 from committee; motion failed. Yes = 4 (Lynn, Griffith, Cooke, Romer); No = 2 (Dukes, Shupe); Absent = 3 (Spiegelman, Dorsey Walker, Phillips); Not Voting = 1 (Briggs King). The bill was released from committee with a F=1, M=5, U=0 vote.

Chair Lynn introduced **HB182, AN ACT TO AMEND TITLE 11, TITLE 13, TITLE 16, AND TITLE 31 OF THE DELAWARE CODE RELATING TO CHILD ABUSE.**

Vice Chair Griffith, sponsor of the bill, said Delaware's current laws are not providing adequate justice for vulnerable children and victims. This makes changes to classification of child abuse crimes and more accurately frames issues. This act ensures child abusers are being properly punished and victims are receiving proper justice and care.

Rep. Briggs King thanked Vice Chair Griffith for her hard work and said that everyone should read the reports the child advocacy groups release. She said it is incomprehensible what people do to children and extended thanks to everyone who works with children in these situations.

Chair Lynn opened the floor to public comment.

Jeff Horvath from the Delaware Association of the Chiefs of Police spoke in favor of the legislation.

Kevin McDerby, former police officer, shared a personal story about his grandson being abused and the lack of justice his grandson received.

Lisa Minutola from ODS expressed concerns regarding the increase in minimum mandatory sentences to keep discretion for the judges. One size fits all is never a good remedy and sentences should be individualized.

Tania Culley from the Office of the Child Advocate said this has been a long time coming and for years they have done what ODS asked. She said she wants justice for the children.

Abby Rodgers from DOJ expressed support of the legislation.

A motion was made by Rep. Romer and seconded by Rep. Briggs King to release HB 182 from committee; motion passes. Yes = 6 (Griffith, Cooke, Dukes, Romer, Briggs-King, Spiegelman); No = 0; Absent = 3 (Dorsey Walker, Phillips, Shupe); Not Voting = 1 (Lynn) The bill was released from committee with a F=0, M=7, U=1 vote.

Chair Lynn introduced **HB183, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO ENDANGERING THE WELFARE OF A CHILD.**

Vice Chair Griffith, sponsor of the bill, said this addresses drug ingestion of children and updated the statute of endangering the welfare of a child to more fully encompass child crimes related to exposing children to drugs. In 2022 there were over sixty cases that involved children ingesting drugs. She said one child has died due to the drug just being in the same car with them. The youngest victim was twenty-five days old and the oldest was eleven years old.

Rep. Briggs King thanked Vice Chair Griffith for this legislation as there has been an increase in exposure and this is a very timely problem.

Chair Lynn opened the floor to public comment.

Will McVey from Non-Partisan Delaware expressed opposition to this legislation.

Tom Donovan from ODS expressed concern about language in the bill and appreciates the opportunity to work with Vice Chair Griffith to work through this issue.

Abby Rodgers from DOJ expressed support for the legislation.

A motion was made by Rep. Dorsey Walker and seconded by Rep. Briggs King to release HB 183 from committee; motion carried. Yes = 8 (Lynn, Griffith, Cooke, Dukes, Dorsey Walker, Briggs King, Romer, Spiegelman); No = 0; Absent = 2 (Shupe, Phillips). The bill was released from committee with a F=0, M=7, U=1 vote.

Chair Lynn adjourned the meeting at 1:45 p.m.

Respectfully Submitted by:

Maggie Karpinski

Guest List:

- Sarah Stowens
- Melanie Ross Levin
- Dr. Laura Cooney-Koss
- Anthony Gibbs
- Lisa Minutola
- J.J. Johnson
- Dr. Nick Beard
- Abby Rodgers
- Traci Murphy
- George Higgins
- Mara Gorman
- Tanya Schardt
- Jeff Horvath
- Kevin McDerby
- Tania Culley
- Mark Cohen
- Will McVey
- Tom Donovan

From: Delaware NOW National Organization for Women <nowdelawarechapter@gmail.com>
Sent: Sunday, June 4, 2023 8:00 AM
To: Morrison, Eric (LegHall) <Eric.Morrison@delaware.gov>; HouseCommitteeComment (Mailbox Resources) <HouseCommitteeComment@delaware.gov>
Subject: Please pass HB 151

Dear House Judiciary Committee,

I am emailing on behalf of Delaware NOW to ask you to vote [HB 151](#) out of committee. Increasingly, we understand that economic abuse is a powerful method of power and control by abusers. The inequality that [women face in the workforce](#) in Delaware can often be a barrier in leaving an abusive relationship.

Often, survivors of economic abuse are left to wondering if they are experiencing abuse or if this control is normal. By expressly mentioning that financial control can be abuse, survivors are able to understand that this is a misuse of a partner's power and control and advocate either to Commissioners or to an attorney about their experiences.

I hope you will pass this bill out of committee.

--

Melissa B. Froemming
President, Delaware NOW
[Delaware Chapter of the National Organization for Women](#)



June 7, 2023

RE: Support for HB 186

Dear Chair Lynn, Vice-Chair Griffith, and members of the House Judiciary Committee:

I am writing on behalf of Children & Families First to offer our enthusiastic support for HB 186 which expands Family Court's discretion to determine whether children who commit crimes of a sexual nature should be placed or remain on the sex offender registry by transferring certain offenses from the mandatory registration category to the discretionary registration category.

Children & Families First's mission is to champion children and families using evidence-based, equity-centered, and innovative approaches. We envision diverse, healthy, and resilient communities where all children and families thrive.

Science tells us that early experiences affect the development of brain architecture, which provides the foundation for all future learning, behavior, and health. Just as a weak foundation compromises the quality and strength of a house, adverse experiences early in childhood can impact brain architecture, with negative effects lasting into adulthood. Further, we recognize that systemic inequities, poverty, and childhood adversity are often intertwined. Studies have shown that registration is harmful to children, counterproductive to their rehabilitation, and can lead to collateral consequences, such as social isolation, limits on their ability to engage in appropriate pro-social activities with their peers, and barriers to housing, education, and employment which can have lifelong negative consequences.

House Bill 186 will help create the healthy and resilient communities that CFF envisions. Thank you for putting Delaware children first.

-

Sincerely,

Kirsten Olson
CEO

From: Lizzie Golob <lizziegolob@gmail.com>
Sent: Wednesday, June 7, 2023 7:44 AM
To: HouseCommitteeComment (Mailbox Resources) <HouseCommitteeComment@delaware.gov>
Subject: No on HB 183

Testimony in Against HB 183
AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO ENDANGERING THE WELFARE OF A CHILD

Submitted by: Lizzie Golob
To the House Judiciary Committee
Wednesday, June 7, 2023

Good morning Chairwomen Griffith and members of the committee. My name is Lizzie Golob and I reside in Millsboro. I am a retired teacher and a small business owner. I have been a medical cannabis patient in Delaware for four years. I have fibromyalgia and PTSD and cannabis provides great relief to that.

This bill has huge effects for me as a medical patient. The law says that I have to consume my medication in my home. I have three children that are aware of my choice to use cannabis, instead of prescription opioids. I am a responsible parent and cannabis consumer by storing my things in a locked place. As a patient I consume cannabis multiple times a day for relief. There are times where my children are home and I consume away from them.

It should not be a crime to have an odor of cannabis in your home. My medication comes in sealed packages but can cause an odor being stored. The odor of cannabis would be there while I am legally consuming my medication.

Cannabis should be treated the same as alcohol. As a parent I am allowed to have alcohol in my home and consume alcohol in front of my children. Parents should not have to hide their cannabis consumption from their kids. It should be done in a safe and responsible way.

I ask that you please vote no on HB 183 and do not release it from committee. Thank you for taking the time to listen to me today.

Lizzie Golob
20476 Asheville Dr
Millsboro, DE 19966

Lincy Baffone 302-373-9552

Good Day Chairman Lynn and members of the House Judiciary Committee,

My name is Lincy Baffone and I reside in Newark Delaware with my family of 5. While I do appreciate some elements of this bill, such as the protections it may offer our youth against the real drugs like prescription drugs, heroin, fentanyl, crack/cocaine, I do worry that it is another attempt at re-criminalizing cannabis consuming parents. So today I am here as a medical marijuana patient to ask you all to amend HB 183 to exclude marijuana. I am also here as a cannabis consuming parent, I have huge concern that this bill will be used to criminalize otherwise law abiding citizens, like me who choose a SAFER and now LEGAL alternative, I am asking you to please amend HB 183 to exclude cannabis.

I will leave you with some food for thought,

According to the National Institute on Alcohol Abuse and Alcoholism, around 140,000 people in the United States die from alcohol-related causes annually.

More locally...according to the National Center for Drug Abuse Statistics

An average of 466 annual deaths in Delaware are due to excessive alcohol use.

The 5-year average annual rate of excessive alcohol deaths per capita in Delaware increased by as much as 65.3% from 2015 to 2019.

It is time to take a serious look at the real drugs and substances killing our communities. Please amend HB 183 to offer protections for cannabis consuming parents. Thank you for your time.