



SPONSOR: Rep. Romer & Sen. Sokola
Rep. Gorman; Sen. Hansen

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 33

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) Violations of § 4764 of this title that are alleged to have occurred within the City of Newark by persons 18 years of age or older may be brought initially before the Alderman's Court of the City of Newark.

21 (1) The Alderman's Court of the City of Newark and the Court of Common Pleas have concurrent jurisdiction
22 over violations of § 4764(b) and (d) of this title that are committed within the City of Newark by persons 18 years of
23 age and older.

24 (2) The Alderman's Court of the City of Newark and the Justice of the Peace Court have concurrent
25 jurisdiction over violations of § 4764(c) of this title that are committed within the City of Newark by persons 18 years
26 of age and older.

SYNOPSIS

This Act allows criminal charges of using, consuming, or possessing other than a personal use quantity of a marijuana or other substance containing tetrahydrocannabinols and charges of public consumption of the same, where the offense is committed in the City of Newark by a person over 18 years of age, to be heard initially at either the Alderman's Court or in the Court of Common Pleas. This Act likewise allows a civil violation for a person under the age of 21 using, consuming, or possessing a personal use quantity of a marijuana or other substance containing tetrahydrocannabinols to be heard initially at the Alderman's Court where the violation is committed in the City of Newark by a person over 18 years of age.