



SPONSOR: Rep. Gorman & Sen. Pinkney
Reps. Burns, Morrison, Lynn, Lambert; Sen. Lawson

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 142

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO ARRESTS.

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

1 Section 1. Amend § 2509, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2509. ~~Authority of arresting officer to command assistance.~~ [Repealed.]

4 ~~Every peace officer or other person empowered to make the arrest under this subchapter shall have the same~~
5 ~~authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any~~
6 ~~criminal process directed to them, with like penalties against those who refuse their assistance.~~

7 Section 2. Amend § 2514, Title 11 of the Delaware Code by making deletions as shown by strike through and
8 insertions as shown by underline as follows:

9 § 2514. Arrest without warrant.

10 The arrest of a person may be lawfully made by any peace ~~officer or a private person,~~ officer, without a warrant,
11 upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or
12 imprisonment for a term exceeding 1 year, but when so arrested the accused shall be taken before a judge or justice of the
13 peace with all practicable speed and complaint shall be made against the accused under oath setting forth the ground for the
14 arrest as in § 2513 of this title, and thereafter the accused's answer shall be heard as if the accused had been arrested on a
15 warrant.

SYNOPSIS

This Act eliminates authorization for a warrantless arrest by a private person in the case of an individual accused in the courts of another state of a felony.

It also strikes a provision relating to the authority of an officer to command assistance in making arrests based on charges in another state.

This bill is a successor to House Bill No. 76.