

LAWS OF DELAWARE
VOLUME 84
CHAPTER 204
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 91

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE.

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

Section 1. Amend § 2405, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2405. Authorities permitted to apply for order authorizing interception.

The Attorney General, Chief Deputy Attorney General, Director of the Division of Civil Rights and Public Trust, Director of the Family Division, Director of the Fraud and Consumer Protection Division, State Prosecutor or Chief Prosecutor of any county may apply to a judge authorized to receive intercept applications and the judge, in accordance with § 2407 of this title, may grant an order authorizing the interception by investigative or law-enforcement officers of wire, ~~oral~~ oral, or electronic communications when the interception may provide ~~evidence~~: evidence of any of the following:

(1) Of the commission of the offense of racketeering, murder, kidnapping, human trafficking, gambling, robbery, bribery, extortion, dealing in narcotic drugs or dangerous drugs, dealing in central nervous system depressant or stimulant drugs, dealing in controlled substances or counterfeit controlled substances, prison escape, jury tampering, fraud, official misconduct, deprivation of civil rights, hate crimes, or stalking; ~~stalking~~.

(2) Of the commission of any felony creating a risk of physical injury to a ~~person~~; person.

(3) Of any conspiracy or solicitation to commit any of the offenses set forth in paragraph (1) or (2) of this ~~section~~; ~~or section~~.

(4) Aiding in the apprehension of the perpetrator of any of the offenses set forth in this section.

Approved September 11, 2023