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HOUSE OF REPRESENTATIVES  
146th GENERAL ASSEMBLY

HOUSE BILL NO. 277

AN ACT TO AMEND TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO HOME INVASION AND BURGLARY.

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

1           Section 1. Amend Chapter 5, Title 11 of the Delaware Code by making insertions as shown by underlining as  
2 follows:

3           § 826A. Home invasion; class B felony.

4           (a) A person is guilty of home invasion when the person knowingly enters or remains unlawfully in a  
5 dwelling with intent to commit a violent felony therein, and:

6           (1) The person knows:

7                     a. that another person who is not another participant in the crime is present in the dwelling at the  
8 time; or

9                     b. of circumstances which render the presence of another person who is not another participant  
10 in the crime therein a reasonable possibility; and

11           (2) When, in effecting entry or when in the dwelling or in immediate flight therefrom, the person or another  
12 participant in the crime engages in the commission of, or attempts to commit, any of the following felonies:

13                     a. Robbery in any degree;

14                     b. Assault in the first or second degree;

15                     c. Murder in any degree;

16                     d. Manslaughter;

17                     e. Rape in any degree;

18                     f. Kidnapping in any degree; and

19           (3) When, in effecting entry or when in the dwelling or in immediate flight therefrom, the person or  
20 another participant in the crime:

21                   a. is armed with explosives or a deadly weapon; or

22                   b. causes physical injury to any person who is not a participant in the crime.

23       Home invasion is a class B felony.

24       **(b) (1)** Notwithstanding any provision of this section or Code to the contrary, any person convicted of home  
25       invasion shall receive a minimum sentence of:

26                   a. Four years at Level V; or

27                   b. Six years at Level V, if the conviction is for an offense that was committed within 5 years  
28                   of the date of a previous conviction for home invasion or burglary first or second degree  
29                   or if the conviction is for an offense that was committed within 5 years of the date of  
30                   termination of all periods of incarceration or confinement imposed pursuant to a previous  
31                   conviction for home invasion or burglary first or second degree conviction.

32       **(2)** Notwithstanding the provisions of paragraph (1) of this subsection or any provision of this section or  
33       Code to the contrary, any person convicted of home invasion where the other person present in the  
34       dwelling, who is not another participant in the crime, is a person 62 years of age or older shall receive  
35       a minimum sentence of :

36                   a. Six years at Level V; or

37                   b. Eight years at Level V, if the conviction is for an offense that was committed within 5  
38                   years of the date of a previous conviction for home invasion or burglary first or second  
39                   degree or if the conviction is for an offense that was committed within 5 years of the date  
40                   of termination of all periods of incarceration or confinement imposed pursuant to a  
41                   previous conviction for home invasion or burglary first or second degree conviction.

42       Any sentence imposed pursuant to this subsection shall not be subject to the provisions of § 4215 of this title.

43       **(c)** The sentencing provisions of subsection (b) of this section apply to attempted home invasion as well as  
44       home invasion.

45       Section 2. Amend § 921(2)b., Title 10 of the Delaware Code by making insertions as shown by underlining as  
46       follows:

47                   b. Any child charged in this State with delinquency by having committed, after reaching his or her sixteenth  
48       birthday, murder in the second degree, manslaughter, robbery in the second degree, attempted murder (first or second  
49       degree), home invasion, burglary in the first degree or arson in the first degree; provided, however, that such child shall,  
50       after his first appearance in the Court, be given a hearing as soon as practicable to determine his amenability to the

processes of the Court. The Court shall give immediate notice of such hearing in writing to the Department of Justice and to the child's custodian, near relative, attorney or other interested person, if known, and then the Court shall proceed in accordance with the provisions of § 1010 of this title. The Attorney General or one of his or her deputies shall be present at any such hearing.

Section 3. Amend § 1010(a)(3), Title 10 of the Delaware Code by making insertions as shown by underlining as follows:

(3) The child has previously been adjudicated delinquent of 1 or more offenses which would constitute a felony were he or she charged as an adult under the laws of this State, and has reached his or her sixteenth birthday and the acts which form the basis of the current allegations constitute 1 or more of the following offenses: conspiracy first degree, rape in the third degree, arson first degree, burglary first degree, home invasion, §§ 4752 and 4753 of Title 16 or any attempt to commit any of the offenses set forth in this paragraph;

Section 4. Amend § 1018(a)(4), Title 10 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

(4) A child has no more than 1 adjudication of delinquency in a case where the offense or offenses for which the child was adjudicated delinquent are designated as violent felonies or sex offenses excepting rape first degree [§ 773 of Title 11], rape second degree [§ 772 of Title 11], arson first degree [§ 803 of Title 11], robbery first degree [§ 832 of Title 11], ~~and~~ burglary first degree [§ 826 of Title 11], and home invasion [§ 826A of Title 11], provided the petitioner has no other prior adjudication of delinquency, and provided that the petitioner has no subsequent adjudication of delinquency or adult conviction, and provided that the petitioner has no pending criminal charges, and provided that more than 5 years have passed following the date the adjudication of delinquency was entered in Family Court.

Section 5. Amend § 616(a)(2), Title 11 of the Delaware Code by making insertions as shown by underlining as follows:

(2) "Pattern of criminal gang activity" means the commission of attempted commission of, conspiracy to commit, solicitation of, or conviction of 2 or more of the following criminal offenses, provided that at least 1 of these offenses occurred after July 1, 2003, and that the last of those offenses occurred within 3 years after a prior offense, and provided that the offenses were committed on separate occasions, or by 2 or more persons:

a. Assault, as defined in § 612 or § 613 of this title.

b. Any criminal acts causing death as defined in §§ 632--636 of this title.

c. Any criminal acts relating to sexual offenses defined in §§ 768--780 of

81 this title.

82 d. Any criminal offenses relating to unlawful imprisonment or

83 kidnapping which are defined in §§ 782--783A of this title.

84 e. Any criminal acts of arson as defined in §§ 801--803 of this title.

85 f. Any criminal acts relating to burglary which are defined in §§ 824--826A of this Title.

86 g. Any criminal acts relating to robbery which are defined in §§ 831 and 832 of this title.

87 h. Any criminal acts relating to theft or extortion which are defined in § 841, § 849 or § 851

88 of this title, provided that such acts meet the requirements of felony offenses under said

89 sections.

90 i. Any criminal acts relating to riot, unlawful disruption, hate crimes, stalking or bombs

91 which are defined in § 1302, former § 1303 [repealed], § 1304, § 1312A or § 1338 of

92 this title, provided that such acts meet the requirements of felony offenses under said

93 sections.

94 j. Any criminal acts involving deadly weapons or dangerous instruments which are defined

95 in § 1442, § 1444, §§ 1447--1448, § 1449, § 1450, § 1451, § 1454 or § 1455 of this title.

96 k. Any criminal acts involving controlled substances which are defined by §§ 4752, 4753,

97 4754, 4755, 4756, 4757(c) of Title 16.

98 Section 6. Amend § 827, Title 11 of the Delaware Code by making insertions as shown by underlining as follows:

99 A person may be convicted both of burglary or home invasion and of the offense which it was the purpose of the  
100 person's unlawful entry to commit or for an attempt to commit that offense.

101 Section 7. Amend the catchline to § 829, Title 11 of the Delaware Code by making insertions as shown by  
102 underlining and deletions as shown by strikethrough as follows:

103 § 829. Definitions relating to criminal trespass, ~~and~~ burglary and home invasion.

104 Section 8. Amend § 829(i), Title 11 of the Delaware Code by making insertions as shown by underlining as  
105 follows:

106 (i) A person possesses burglar tools or instruments facilitating theft "under circumstances evincing an intent to use  
107 or knowledge that some other person intends to use" such when the person possesses the tools or instruments at a time and  
108 a place proximate to the commission or attempt to commit a trespass, burglary, home invasion, or theft-related offense or  
109 otherwise under circumstances not manifestly appropriate for what lawful uses the tools or instruments may have.

Section 9. Amend § 4201(c), Title 11 of the Delaware Code by making insertions as shown by underlining as follows:

(c) The following felonies shall be designated as violent felonies:

Title 11, Section Crime

513 Conspiracy First Degree

602 Aggravated Menacing

604 Reckless Endangering First Degree

605 Abuse of a Pregnant Female in the Second Degree

606 Abuse of a Pregnant Female in the First Degree

612 Assault in the Second Degree

613 Assault in the First Degree

614 Assault on a Sports Official

615 Assault by Abuse

617 Criminal Youth Gangs

629 Vehicular Assault in the First Degree

630 Vehicular Homicide in the Second Degree

630A Vehicular Homicide in the First Degree

631 Criminally Negligent Homicide

632 Manslaughter

633 Murder by Abuse or Neglect in the Second Degree

634 Murder by Abuse or Neglect in the First Degree

635 Murder in the Second Degree

636 Murder in the First Degree

645 Promoting Suicide

768 Unlawful Sexual Contact in the Second Degree

769 Unlawful Sexual Contact in the First Degree

770 Former Unlawful Sexual Penetration in the Third Degree or Rape in the Fourth Degree

771 Former Unlawful Sexual Penetration in the Second Degree or Rape in the Third Degree

772 Former Unlawful Sexual Penetration in the First Degree or Rape in the Second Degree

773 Former Unlawful Sexual Intercourse in the Third Degree or Rape in the First Degree

140 774 Sexual Extortion  
141 775 Bestiality  
142 776 Continuous Sexual Abuse of Child  
143 777 Dangerous Crime Against a Child  
144 777A Sex Offender Unlawful Sexual Conduct Against a Child  
145 778 Sexual Abuse of a Child by a Person in a Position of Trust,  
146 Authority or Supervision in the First Degree  
147 778A Sexual Abuse of a Child by a Person in a Position of  
148 Trust, Authority or Supervision in the Second Degree  
149 782 Unlawful Imprisonment in the First Degree  
150 783 Kidnapping in the Second Degree  
151 783A Kidnapping in the First Degree  
152 802 Arson in the Second Degree  
153 803 Arson in the First Degree  
154 825 Burglary in the Second Degree  
155 826 Burglary in the First Degree  
156 826A Home Invasion  
157 831 Robbery in the Second Degree  
158 832 Robbery in the First Degree  
159 835 Carjacking in the Second Degree  
160 836 Carjacking in the First Degree  
161 846 Extortion  
162 1108 Sexual Exploitation of a Child  
163 1109 Unlawfully Dealing in Child Pornography  
164 1112A Sexual Solicitation of a Child  
165 1250 Assault in the First Degree Against a Law-Enforcement Animal  
166 1253 Escape After Conviction  
167 1254 Assault in a Detention Facility  
168 1256 Promoting Prison Contraband (Deadly Weapon)  
169 1302 Riot

170 1304 Hate Crimes  
171 1312 Stalking  
172 1338 Bombs, Incendiary Devices, Molotov Cocktails and Explosive Devices  
173 1339 Adulteration (Causing Injury or Death)  
174 1353 Promoting Prostitution in the First Degree  
175 1442 Carrying a Concealed Deadly Weapon (Firearm Offense)  
176 1444 Possessing a Destructive Weapon  
177 1445 Unlawfully Dealing With a Dangerous Weapon  
178 1447 Possessing a Deadly Weapon During the Commission of a Felony  
179 1447A Possessing a Firearm during the Commission of a Felony  
180 1448(e) Possession of a Deadly Weapon by Persons Prohibited  
181 (Firearm or Destructive Weapon Purchased, Owned, Possessed or Controlled by a Violent Felon).  
182 1455 Engaging in a Firearms Transaction on Behalf of Another (Subsequent Offense)  
183 1449 Wearing Body Armor During the Commission of a Felony  
184 1503 Racketeering  
185 3533 Aggravated Act of Intimidation  
186 Title 16, Section Crime  
187 1136 Abuse/Mistreatment/Neglect of a Patient  
188 4751 Former Manufacture/Delivery/Possession With Intent to  
189 Deliver a Controlled or Counterfeit Controlled Substance, Manufacture or  
190 Delivery Causing Death  
191 4752 Former Manufacture/Delivery/Possession With Intent to  
192 Deliver a Controlled or Counterfeit Controlled Substance  
193 4752A Former Unlawful Delivery of a Noncontrolled Substance  
194 4753A Former Trafficking in Marijuana, Cocaine, Illegal Drugs,  
195 Methamphetamine, LSD, Designer Drugs or MDMA  
196 4752 Drug Dealing - Aggravated Possession; Class B Felony  
197 4753 Drug Dealing - Aggravated Possession; Class C Felony  
198 4754 Drug Dealing - Aggravated Possession; Class D Felony  
199 4755 Aggravated Possession; Class E Felony

200 4756 Aggravated Possession; Class F Felony

201 4761 Former Distribution to Minors

202 4761(c) and (d) Illegal Delivery of Prescription Drugs

203 4774 Delivery of Drug Paraphernalia to a Minor

204 Title 31, Section Crime

205 3913 Abuse/Neglect/Exploit/Mistreat an Infirm Adult

206 Any attempt to commit any felony designated in this subsection as a violent felony shall also be designated as a violent  
207 felony.

208 Section 10. Amend § 4209(e)(1)j., Title 11 of the Delaware Code by making insertions as shown by underlining  
209 and deletions as shown by strikethrough as follows:

210 j. The murder was committed while the defendant was engaged in the commission of, or attempt to commit, or  
211 flight after committing or attempting to commit any degree of rape, unlawful sexual intercourse, arson, kidnapping,  
212 robbery, sodomy, ~~or burglary, or home invasion.~~

213 Section 11. Amend § 4214(b), Title 11 of the Delaware Code by making insertions as shown by underlining as  
214 follows:

215 (b) Any person who has been 2 times convicted of a felony or an attempt to commit a felony hereinafter  
216 specifically named, under the laws of this State, and/or any other state, United States or any territory of the United States,  
217 and who shall thereafter be convicted of a subsequent felony hereinafter specifically named, or an attempt to commit such  
218 specific felony, is declared to be an habitual criminal, and the court in which such third or subsequent conviction is had, in  
219 imposing sentence, shall impose a life sentence upon the person so convicted unless the subsequent felony conviction  
220 requires or allows and results in the imposition of capital punishment. Such sentence shall not be subject to the probation or  
221 parole provisions of Chapter 43 of this title.

222 Such felonies shall be:

223 Section Crime

224 803 Arson in the first degree

225 826 Burglary in the first degree

226 825 Burglary in the second degree

227 826A Home Invasion

228 636 Murder in the first degree

229 635 Murder in the second degree



230 632 Manslaughter  
231 783 Kidnapping in the second degree  
232 783A Kidnapping in the first degree  
233 606 Abuse of a pregnant female in the first degree  
234 613 Assault in the first degree  
235 615 Assault by abuse  
236 Former 763 Rape in the second degree  
237 Former 764 Rape in the first degree  
238 Former 766 Sodomy in the first degree  
239 832 Robbery in the first degree  
240 836 Carjacking in the first degree  
241 Former 771 Unlawful sexual penetration in the second degree  
242 Former 772 Unlawful sexual penetration in the first degree  
243 Former 773 Sexual intercourse in the third degree  
244 Former 774 Unlawful sexual intercourse in the second degree  
245 Former 775 Unlawful sexual intercourse in the first degree  
246 771 Rape in the third degree  
247 772 Rape in the second degree  
248 773 Rape in the first degree  
249 778(1), (2) or (3) Sexual Abuse of a Child by a Person in a Position of Trust, Authority or Supervision in the First Degree  
250 Title 16, Section Crime  
251 Former 4751 Manufacture, delivery or possession with intent to manufacture or deliver a narcotic drug  
252 Former 4752 Manufacture, delivery or possession with intent to manufacture or deliver nonnarcotic, controlled substance  
253 Former 4752A Unlawful delivery or attempt to deliver noncontrolled substance  
254 Former 4753A Trafficking in marijuana, cocaine, illegal drugs or methamphetamine.  
255 4752 Drug Dealing - Aggravated Possession; Class B Felony  
256 4753 Drug Dealing - Aggravated Possession; Class C Felony  
257 4754 Drug Dealing - Aggravated Possession; Class D Felony  
258 4755 Aggravated Possession; Class E Felony

Notwithstanding any provision of this title to the contrary, any sentence imposed pursuant to this subsection shall not be subject to suspension by the court, and shall be served in its entirety at a full custodial Level V institutional setting without benefit of probation, parole, earned good time or any other reduction.

Section 12. Amend § 4362(a), Title 11 of the Delaware Code by making insertions as shown by underlining as follows:

(a) When the Board of Pardons considers for recommendation to the Governor, for pardon or commutation of sentence, any person who has been convicted of an act causing death (subpart B of subchapter II of Chapter 5 of this title); sexual offenses (subpart D of subchapter II of Chapter 5 of this title); kidnapping and related offenses (subpart E of subchapter II of Chapter 5 of this title); arson and related offenses (subpart A of subchapter III of Chapter 5 of this title); home invasion; burglary in the first degree; burglary in the second degree; robbery (subpart C of subchapter III of Chapter 5 of this title); offenses relating to children and incompetents (subchapter V of Chapter 5 of this title); cruelty to animals; abusing a corpse; unlawful use of an incendiary device, bomb or other explosive device; abuse of children (Chapter 9 of Title 16); and distribution of a controlled substance to a person under age 18 ([former] § 4761 of Title 16 [repealed]); or for an attempt as provided by statute to commit any of these crimes, there shall be furnished to each member of the Board of Pardons and to the Governor, in case recommendation for a pardon or commutation of sentence be made, a copy of the report of the psychiatrist and/or psychologist who have examined such person, as provided in subsection (b) of this section.

Section 13. Amend § 6703, Title 11 of the Delaware Code by making insertions as shown by underlining as follows:

For purposes of this chapter, the words "violent crime" shall mean: abuse of an infirm adult; abuse of a patient in a nursing facility; abuse of a patient causing injury; abuse of a patient causing death; adulteration causing death; adulteration causing injury; aggravated intimidation; arson in the first degree; arson in the second degree; assault in the first degree; assault in the second degree; assault in the third degree; assault in the first degree on K-9 dog causing, injury or death to the dog; assault on a K-9 dog with risk of injury to the dog; assault in a detention facility which causes injury; assault in a detention facility; assault on a sports official; bestiality; home invasion; burglary in the first degree; carjacking; carrying a concealed deadly weapon (firearm offense); continuous sexual abuse of child; criminally negligent homicide; dealing with child pornography, second offense; possession of a destructive weapon; reckless endangering; escape after conviction; escape in the second degree; extortion; possession of an explosive device; unlawful imprisonment; incest; kidnapping in the first degree; kidnapping in the second degree; manslaughter; manufacture or use or possession of explosives or an incendiary device; murder in the first degree, murder in the second degree; organized crime and racketeering; possession of a deadly weapon during the commission of a felony; possession of a destructive weapon; possession of a firearm during the

commission of a felony; promoting prison contraband (weapon); promoting prostitution in the first degree; racketeering; reckless endangering first degree; reckless endangering in the second degree; riot; robbery in the first degree; robbery in the second degree; continued sexual abuse of child; unlawful sexual contact in the first degree; unlawful sexual contact in the second degree; unlawful sexual contact in the third degree; sexual exploitation of a child; sexual extortion; rape in the first degree; rape in the second degree; rape in the third degree; rape in the fourth degree; unlawful sexual intercourse in the first degree; unlawful sexual intercourse in the second degree; unlawful sexual intercourse in the third degree; unlawful sexual penetration in the first degree; unlawful sexual penetration in the second degree; unlawful sexual penetration in the third degree; stalking; terroristic threatening; unlawful firearm transactions (second or subsequent offense); unlawful imprisonment in the first degree; unlawful transportation of a firearm to commit a felony; vehicular assault in the first degree; vehicular assault in the second degree; vehicular homicide in the first degree; vehicular homicide in the second degree; wearing body armor during felony.

Section 14. Amend § 9401(2), Title 11 of the Delaware Code by making insertions as shown by underlining as follows:

(2) "Crime" means an act or omission committed by a person, whether or not competent or an adult, which, if committed by a competent adult, is punishable by incarceration and which violates 1 or more of the following sections of this title:

601. Offensive touching; unclassified misdemeanor.

602. Menacing; unclassified misdemeanor.

603. Reckless endangering in the second degree; class A misdemeanor.

604. Reckless endangering in the first degree; class E felony.

611. Assault in the third degree; class A misdemeanor.

612. Assault in the second degree; class D felony.

613. Assault in the first degree; class C felony.

621. Terroristic threatening.

628A. Vehicular assault in the second degree; class B misdemeanor.

629. Vehicular assault in the first degree; class A misdemeanor.

630. Vehicular homicide in the second degree; class F felony; minimum sentence; juvenile offenders.

631. Criminally negligent homicide; class E felony.

631A. Vehicular homicide in the first degree; class E felony; minimum sentence; juvenile offenders.

319 632. Manslaughter; class C felony.

320 635. Murder in the second degree; class B felony.

321 636. Murder in the first degree; class A felony.

322 645. Promoting suicide; class F felony.

323 764. Indecent exposure in the second degree; unclassified misdemeanor.

324 765. Indecent exposure in the first degree; class A misdemeanor.

325 766. Incest; class A misdemeanor.

326 767. Unlawful sexual contact in the third degree; class A misdemeanor.

327 768. Unlawful sexual contact in the second degree; class G felony.

328 769. Unlawful sexual contact in the first degree; class F felony.

329 Former 770. Unlawful sexual penetration in the third degree; class E felony.

330 Former 771. Unlawful sexual penetration in the second degree; class D felony.

331 Former 772. Unlawful sexual penetration in the first degree; separate charges; class C felony.

332 Former 773. Unlawful sexual intercourse in the third degree; class C felony.

333 Former 774. Unlawful sexual intercourse in the second degree; class B felony.

334 Former 775. Unlawful sexual intercourse in the first degree; class A felony.

335 770. Rape in the fourth degree; class C felony.

336 771. Rape in the third degree; class B felony.

337 772. Rape in the second degree; class B felony.

338 773. Rape in the first degree; class A felony.

339 781. Unlawful imprisonment in the second degree; class A misdemeanor.

340 782. Unlawful imprisonment in the first degree; class G felony.

341 783. Kidnapping in the second degree; class C felony.

342 783A. Kidnapping in the first degree; class B felony.

343 785. Interference with custody; class G felony; class A misdemeanor.

344 801. Arson in the third degree; affirmative defense; class G felony.

345 802. Arson in the second degree; affirmative defense; class D felony.

346 803. Arson in the first degree; class C felony.

347 811. Criminal mischief; felony.

348 823. Criminal trespass in the first degree; class A misdemeanor.

349 824. Burglary in the third degree; class F felony.  
350 825. Burglary in the second degree; class D felony.  
351 826. Burglary in the first degree; class C felony.  
352 826A. Home invasion; class B felony.  
353 831. Robbery in the second degree; class E felony.  
354 832. Robbery in the first degree.  
355 835. Carjacking in the second degree; class E felony, class D felony.  
356 836. Carjacking in the first degree, class C felony; class B felony.  
357 840. Shoplifting; class G felony; class A misdemeanor.  
358 841. Theft; class G felony; class A misdemeanor.  
359 846. Extortion; class E felony.  
360 848. Misapplication of property; class G felony; class A misdemeanor.  
361 851. Receiving stolen property; class G felony; class A misdemeanor.  
362 854. Identity theft; class E felony; class D felony.  
363 861. Forgery; class F felony; class G felony; class A misdemeanor; restitution required.  
364 900. Issuing a bad check; class A misdemeanor; class G felony.  
365 903. Unlawful use of credit card; class G felony; class A misdemeanor.  
366 1101. Abandonment of child; class A misdemeanor.  
367 1102. Endangering the welfare of a child; class A misdemeanor.  
368 1105. Crime against a vulnerable adult; class A misdemeanor or higher.  
369 1108. Sexual exploitation of a child; class B felony.  
370 1112A. Sexual Solicitation of a Child; class C felony.  
371 1261. Bribing a witness; class E felony.  
372 1263. Tampering with a witness; class E felony.  
373 1263A. Interfering with child witness.  
374 1264. Bribing a juror; class E felony.  
375 1312. Aggravated harassment; class B misdemeanor.  
376 1312A. Stalking; class F felony.  
377 1339. Adulteration; class G felony; class E felony; class A felony.  
378 2113. Penalties for noncompliance with conditions of recognizance; bond or conditions.

379            3532. Act of intimidation; class E felony.  
380            3533. Aggravated act of intimidation; class D felony.  
381            2113. Penalties for noncompliance with conditions of recognizance; bond or conditions.  
382            3532. Act of intimidation; class E felony.  
383            3533. Aggravated act of intimidation; class D felony.

#### SYNOPSIS

This Act creates the criminal offense of home invasion as a new and separate crime in Delaware's criminal code. Home invasion occurs when a person enters or remains unlawfully in someone else's home, engages in or attempts to engage in certain crimes of violence against an occupant of the home, and causes physical injury to an occupant or is armed with a deadly weapon. Home invasion is a class B felony.

This new crime is an offense in part derived from and an aggravated form of Delaware's current burglary offenses. Thus, in order to assure consistency with the provisions of the Code that define the current burglary offenses with which one would be charged, any provision of the Code that uses the term "burglary" without further specification to define a word, phrase, sentencing aggravator or other provision of the Code that is otherwise applicable to the offense of "burglary" without further specification shall also be applicable to the offense of home invasion as defined in this Act, unless the statute defining such word, phrase, sentencing aggravator or provision or a statute directly related thereto expressly provides that the statute is not applicable to the offense of home invasion.