



SPONSOR: Rep. J. Johnson & Rep. Smyk & Sen. Ennis
Reps. Mitchell, Paradee, D. Short, Spiegelman, Wilson;
Sens. Bushweller, Lavelle, Lawson

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 57

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CIVIL TRAFFIC OFFENSES.

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

1 Section 1. Amend § 805, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 805. Payment of penalties and costs.

4 (h) When a court imposes a civil penalty, costs or both, the court may direct that the defendant pay the entire
5 amount at the time of imposition or may direct that the defendant pay a specified portion of the civil penalty, or costs, or
6 both at designated periodic intervals. The Court may order the defendant to participate in work referral until the civil
7 penalties and costs are paid. Failure to participate in court-ordered work referral shall not result in contempt of court.
8 Failure to participate in court-ordered work referral may result in the transfer of the judgment to the Office of State Court
9 Collections Enforcement to be collected according to § 4104 of Title 11.

SYNOPSIS

This Act serves to clarify that work referral is an available option for fines and penalties owed as a result of a civil offense. Because the violation is civil, however, contempt of court shall not be a remedy for failure to comply with court-ordered work referral. Instead, failure to comply may result in the transfer of the judgment to the Office of State Court Collections Enforcement for collection.