

Signed on: 6/16/2009



SPONSOR: Rep. J. Johnson & Sen. Henry  
Reps. Bennett, Brady, Carson, Hudson, Jaques, Keeley,  
Miro, Mitchell, Outten, Walls, D.P. Williams, D.E.  
Williams, Wilson

HOUSE OF REPRESENTATIVES  
145th GENERAL ASSEMBLY

HOUSE BILL NO. 7

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO RECOVERY OF DAMAGES FROM PARENTS OR GUARDIANS.

1 WHEREAS, it is becoming increasingly expensive to repair or replace property damaged by minors who commit  
2 property offenses that include, but are not limited to, graffiti, vandalism, and the physical destruction of private or public  
3 amenities; and

4 WHEREAS, currently any intentional or reckless act of a minor under the age of 18 years that results in the  
5 damage of property may be imputed to the parent or guardian having custody and control of the minor for all purposes of  
6 civil damages up to \$5,000; and

7 WHEREAS, it is desirable to increase this cap on damages to assist public and private owners in repairing or  
8 replacing property damaged or destroyed by a minor, as well as to safeguard the fiscal integrity of governmental entities  
9 that expend public funds to repair or replace such damaged property, enabling them to recoup a greater amount of the cost  
10 of such repair or replacement.

11 NOW, THEREFORE:

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

13 Section 1. Amend § 3922, Title 10 of the Delaware Code by deleting the term "\$5,000" appearing therein and  
14 substituting "\$10,000" in place thereof.

15 Section 2. The provisions of this Act shall become effective upon enactment into law.

16 Section 3. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect the  
17 provisions of this Act that can be given effect without such invalid provisions or application, and to this end the provisions  
18 of this Act are declared to be severable.

SYNOPSIS

This Act increases the dollar amount of damages that can be recovered against a parent or guardian of a minor under the age of 18 years who causes property damage.