

2025 LEGISLATIVE UPDATE

*Early Action and Insights into Bills, as the Legislature
Moves Into Budget/Joint Finance Session.*

*First Year of the 2-year , 153rd General Assembly,
convening 1/14/2025 and ending 6/30/2025.*

Legislative Awareness Working (LAW) Group – March 2025 v2

Highlight Issues

SB2/SB3 Constitutional Amendments to Provide “Early Voting” and “No-Excuse, Absentee Voting/Permanent Absentee Voting”

- Democrat legislators are seeking to add COVID voting practices to the Delaware Constitution. **No action, yet.**

SB55 “SAFE Act” – Preventing Gender Transition Surgery on Minors.

- Prohibits gender transition surgery for children due to the potential for an irrevocable procedure occurring when there is a significant probability that children will come to identify with their biological gender.
- **Hearing held in Senate, but bill not released from committee.**

HB140, HA1 “Physician-Assisted Suicide/Euthanasia”

- **The bill passed the House with 21 votes (min. req’d) and was sent to the Senate.**

HB14 “Constitutional Right to Privacy” / SB5 “Constitutional Right to Abortion”

- Seeking to enshrine the right to abortion in the DE Constitution.
- **SB5 passed Senate. HB14 on House Ready List.**

HB50/SCR18/SB64/SB65 – Competing Bills to Address Increasing Energy Bills

- Democrats funding from government funds, Republicans seeking removal from RGGI and evaluating long term solutions (e.g. Small Nuclear Reactors (SMR’s)).

SB21 “Addressing Corporate Code Protections”

- Bipartisan effort that seeks to address recent court rulings that have muddied Delaware Corporate Law/precedent. Concern that many corporations appear to be considering moving out of Delaware. **Passed Senate (20-0) and sent to House.**

Budget & Tax

- **HB13** “Amend Personal Income Tax Brackets”
 - Current top tax bracket is “Above \$60K” and taxed at 6.6%. Establishes new brackets for \$60K-\$125K taxed at 6.6%, \$125K-\$250K taxed at 6.75% and for income above \$250K to be taxed at 6.95%.
 - No action, yet – “Too Hot to Handle?”
- **HB72** “Returns Senior Property Tax Credit Residency to 3 years (as before 2017)”
 - Introduced by Rep. Bill Bush (R).
 - No action in committee.
- **HB73** “Increase Senior Property Tax Credit From \$500 to \$1000”
 - Introduced by Rep. Bill Bush (R).
 - No action in committee.

Voting

- **SB2** “Constitutional Amendment to Provide 10 Days of Early, In-Person Voting” in General, Primary & Special Elections
 - 1st leg, introduced by Sen Darius Brown. 2/3’s majority to pass.
 - No action, yet.
 - **SB3** “Constitutional Amendment to Provide for No-Excuse Absentee Voting” in General, Primary & Special Elections
 - 1st leg, introduced by Sen Darius Brown. 2/3’s majority to pass.
 - Also, authorizes “Permanent Absentee” status under certain conditions.
 - No action, yet.
 - **SB14** “Constitutional Amendment to Provide for an Independent Redistricting Commission Following Each Federal Decennial Census”
 - 1st leg, introduced by Sen Kyra Hoffner.
 - Appears to have bipartisan support, but no action, yet.
 - Note: The Delaware Constitution calls for 7 Senate Districts in each county, yet this has not been the case for several redistricting cycles. Thom Loring called out the discrepancy and I am further investigating.
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2nd Am'dm't & Justice

- **HB35** "Constitutional Amendment to Eliminate the Death Penalty"
 - "First Leg", would require passage in 2025-26 and 2027-28 sessions. 2/3's majority to pass.
 - Released from Administration Committee and placed on House Ready List.
- **HB45** "Establishing Firearm Merchant Code"
 - Establish a "Merchant Category Code" for credit card purchases from a licensed firearm dealer – whether purchase is a firearm, ammunition or unrelated items.
 - Released from committee and on House Ready List.
- **SB11** "Constitutional Amendment to Modernize Bail Provisions"
 - Allows "No Bail" for offenses such as manslaughter, rape, robbery, burglary, etc.. previously excluded but opens potential for "no bail" in other offenses as part of a "pretrial release-detention continuum."
 - "Second Leg", would revise the Delaware Constitution and provide for legislative authority to define the "continuum."
 - Passed the Senate (19-0) and sent to House Administration Committee.
- **HB4** "Delaware Definition of Firearms"
 - Revise the Delaware Code for consistency to eliminate archery equipment and air guns from current definition of "projectile weapons", although certain activities and actions remain prohibited.
 - Passed House (36-0) and sent to Senate Judiciary Committee.
- **Previous Legislation Passed in 2022 & 2024 has Ongoing Court Challenges**
 - DSSA has joined the California Rifle and Pistol Association, the Hawaii Rifle Association, Gun Owners of California and several others in filing an Amicus ("Friend of the Court") Brief in the US Supreme Court challenging Appeals Court rulings that appear to contradict the Supreme Court's landmark *Bruen* decision. (Feb21,2025)
 - HB450 (Semi-auto/"Assault Weapons" ban), HB451 (Minimum age 21) and SS1 for SB6 (limiting capacity to 17 rounds/so called "High Capacity" magazines).
 - SB2 (Permit to Purchase Handguns) is being challenged, as well.

Parental Rights & Family

- **HB8 "Recognizing Valid Marriage of First Cousins"**
 - Recognized in 18 states and various countries, but prohibited in 26 states, marriages obtained elsewhere would be recognized in Delaware.
 - Substitute bill (technical changes only) was released from committee and placed on the House Ready List.
- **HB46 "Requiring Parental Consent for Minors Seeking Abortions"**
 - Disallow abortions on minors under 16 without parental consent, excepting medical emergency or Family Court decision.
 - Not worked in House Committee.
- **SB55 "SAFE Act", prohibiting gender transition surgery for children.**
 - Prohibits public funds and insurance coverage. Provides for enforcement in the form of compensatory damages, injunctive relief, etc...
 - Makes providing or referral of a child is designated as "unprofessional conduct" and subject to discipline by the appropriate licensing entity.
 - A prior bill (HB346) proposed to shield medical professionals from consequences of experimentation on children who want "gender transition" using protections established for abortion providers in 2022 (HB455).
 - Hearing held 3/19 with strong opposition during public comment. Bill was NOT released from committee.

Life & Health

- **HB140** "End of Life Options" (Physician-Assisted Suicide)
 - Prescribing/mauling suicide drugs to residence for self-administration.
 - Narrowly passed in 2024, with a Senate vote of 11-10. Vetoed by Gov. Carney. Gov. Meyer has pledged to sign.
 - Bill passed House (21-17) and assigned to Senate Executive Committee.
- **SS1 for SB5** "Constitutional Amendment Guaranteeing the Right to Abortion"
 - This would be a first-leg vote and require 2/3's majority for passage.
 - It would enshrine abortion rights within the Delaware Constitution.
 - Amendments by Sen. Richardson to require that "the good-faith medical judgment of a treating attending healthcare professional" be required to establish physical or mental health requirements to allow abortion. They were defeated on party-line votes.
 - Released from Senate committee and Senate passed (15-6). Sent to House.
- **HB14** "Constitutional Amendment to Codify 'The Right to Privacy' "
 - This would be a first-leg vote and require 2/3's majority for passage.
 - While there are multiple protections for privacy in Delaware law, this would provide broad protections for abortion.
 - Released from House Administration Committee and place on House Ready List.
- **HB33** "Relaxing Marijuana Laws in Newark"
 - Allows civil violations for cannabis use by persons 18-20 and hearings initially at the Alderman's Court or in the Court of Common Pleas.
- **HB56** "Require Insurance Plans to Cover Removal of Excess Skin & Tissue, When Medically Necessary"
 - Bill released from committee and placed on the House Ready List.

Equal Rights

- **SB27 "Creation of the Office of New Americans"**
 - Creates a bureaucratic "office" to promote "attraction, retention and inclusion of immigrants and refugees." Increase immigrant access to English language instruction, connect them to legal services to assist with naturalization and reduce exploitation and fraud against immigrants.
 - Stalled in Senate Finance in 2024, reintroduced in 2025. Bill was released from Elections & Government Affairs committee and, again, assigned to Senate Finance.
 - **Various Legislation was anticipated in the following areas, but has not yet appeared:**
 - Further re-definition of Sexual Orientation, Gender Identity and Disability across Delaware Code.
 - Extending existing language in the DE Constitution protecting immutable rights (sex, race, color and national origin) to include "sexual orientation, gender identity and disability" (fluid characteristics).
 - Addressing student athletes competing on teams/sports not associated with their biological sex.
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Environmental & Energy Issues

- **Delmarva Energy Cost Hearings**
 - Hearings continued to investigate concerns about increasing Delmarva power bills to consumers.
- **HB50 “Create Delaware Energy Fund by Redirecting Funds to Supplement the Existing Low Income Home Energy Assistance Program”**
 - Democrat-sponsored bill to address increasing energy costs by redirecting funds to supplement existing Low Income Home Energy Assistance Program.
 - Released from House Natural Resources & Energy Committee and placed on House Ready List.
- **HB80 “Roll Back ‘Renewable Portfolio Standard (RPS)’ to 10% from 25%”**
 - Current requirement is 25%, growing annually to 40%, yet actual purchases are 2-3%. Original CO₂ reduction goal was 10%, yet DE has achieved over 45%.
- **SB64 “Rebate Green Energy Compliance Fees to Consumers”**
 - Republican bill protects consumers from rapidly increasing costs to support the Regional Greenhouse Gas Initiative (RGGI) by rebating customers with part/all of the accrued fines imposed on Delmarva.
 - Republican bill was withdrawn/not submitted in the face of HB50.
- **SB65 “Remove Delaware from the Regional Greenhouse Gas Initiative (RGGI)”**
 - Failing SB64, bill was submitted to remove Delaware from the RGGI.
- **“Zero-Emission Vehicle” Regulations**
 - Delaware signed on to an interstate compact tying us to California’s regulatory model and phasing out of combustion engine cars and light trucks by 2035. Subsequent revisions require dealers to increase EV inventories from 43% to 82% over 2027-2032 model years, then expire. The elimination of ICE vehicle registrations by 2035 was removed.
 - Federal regulations have been frozen by the Trump Administration.
- **SJR1 “Continuation of Net Metering to Solar Customer Study”**
 - Extends deadline from 12/31/24 to 4/30/25.
 - Passed unanimously by both chambers and signed by Governor on 2/14/25.
- **SCR18 “Delaware Nuclear Energy Feasibility Task Force”**
 - Evaluate potential benefits/challenges of incorporating nuclear energy into Delaware’s energy portfolio, specifically Small Modular Reactors (SMR’s).

Education

- **HB29** "School Performance Card"
 - Accessible performance reports on the Dept of Ed website for all schools, including proficiency rates.
 - Passed House 37-0 (2nd unanimous House vote in 2 years). Assigned to the Senate Education committee. Died in Senate committee, last year.
 - Amendments added to call out the availability of sports for boys, girls or co-ed.
- **HB32** "Funding for School Resource Officers"
 - Providing for at least 1 school resource officer in every school, with fractional additions for schools above 1000 students.
 - Died in Appropriations Committee of House in 2024. Reintroduced, but failed motion to release from Education committee in 2025.
- **HB82** "Requiring School Board Members to be an Inhabitant of Their District"
 - Must legally reside in the district for 75% of the days in any yearlong period during their term.
- **HCR2** "Re-Establish the Public Education Funding Commission"
 - Continue comprehensive review of public education funding, develop roadmap of recommendations and review annual funding.
 - Passed both chambers unanimously.
- **SB48** "Intentional Interference with the Operation of a School Bus to the Offense of Disorderly Conduct"
 - Doesn't apply to students or passengers otherwise authorized to be on the bus.
 - 2/3's vote required to expand scope of an existing crime.
- Anticipating bills to address "Single Digit Proficiency" and/or "Financial Literacy in High School"
 - High priority topic of education, yet these bills died last year.

Admin

- **SS1 for SB21** "Revise Corporate Code to Provide Safe Harbor Procedures"
 - Address issues with Corporate Code that appear to be encouraging the exit of significant corporations from Delaware.
 - Being addressed by bipartisan efforts, as corporate revenue comprises over 1/3 of the State Budget.
 - Passed Senate (20-0). Released from House committee and placed on the House Ready List.
- **HB9-HA1** "Dual Employment of Paid Officials"
 - Disclosure required to Public Integrity Commission. Follows audit findings in 2024 of dual public compensation for coincident hours of work.
 - Passed House (36-0) and sent to Senate committee.
- **HB38-HA1** "Dual Employment of Elected Officials by Institutions of Higher Education"
 - Requires reporting of employment of elected or appointed officials.
 - Passed House (36-0), sent to Senate.
- **SB20** "Re-Establish Employer Match for State Employee Contributions to Deferred Compensation Program"
 - Suspended in 2008, during the Great Recession. Bill has bipartisan support.
 - Released from House Elections & Gov't Affairs and assigned to Finance Committee.
- **HB1-HA1** "Create Department of Veterans Affairs"
 - Headed by cabinet-level Secretary and derived from the existing Commission on Veterans ' Affairs under the Department of State. Bill has bipartisan support.
 - Resides in the Veterans Affairs committee, where it died in 2024.
- **HB10** "Gender Neutralize DE Constitution"
 - Removes unnecessary gender-specific language. Bipartisan support exists for this bill.
 - Passed House (34-0) and released from Senate committee. Currently on Senate Ready List.

In Closing

- Note that this is the 1st half of the 153rd General Assembly and any bills that were not acted upon in 2024 will have to be reintroduced for continued consideration in this session.
- **Stay Informed and Stay Involved! Public involvement has an impact.**