

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 – February 2025

Highlight Issues

Legislative Calendar Note:

- Legislature met for 9 “Legislative Days” in January. They have recessed for Joint Finance Committee Hearings and Budget Preparation until 3/11.

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.

SB55 “SAFE Act”

- 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.

HB140, HA1 “Physician-Assisted Suicide/Euthanasia”

- The bill has been re-introduced (with the same number) by Eric Morrison.

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

- Seeking to enshrine the right to abortion in the DE Constitution.

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

- Democrats funding from government funds, Republicans re-directing Delmarva-paid fines.

SB21 “Addressing Corporate Code Protections”

- Bipartisan effort to address the reasons that many corporations appear to be moving out of Delaware.
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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%.

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.
- **SB3** “Constitutional Amendment to Provide for No-Excuse Absentee Voting” in General, Primary & Special Elections
 - 1st leg, introduced by Sen Darius Brown.
 - Also, authorizes “Permanent Absentee” status under certain conditions.
 - 2/3’s majority to pass.
- **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.

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.
- **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."
 - Appears to have bipartisan sponsorship.
 - "Second Leg", would revise the Delaware Constitution and provide for legislative authority to define the "continuum."
- **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. (Feb 21, 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).

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.
- **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).

Life & Health

- **HB140 "End of Life Options" (Physician-Assisted Suicide)**
 - Re-introduced by Rep. Eric Morrison.
 - Prescribing/mailing 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.
- **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.
- **HCR5 "Designates 1/23/25 as 'Maternal Health Awareness Day' in Delaware"**
 - Passed on 1/23, but undermined by contradiction. Many of the same legislators supported public-funded abortions and voted for a bill last session to relabel "maternal depression," an issue unique to women, as "perinatal mood and anxiety disorder."
- **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.
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 - Passed House unanimously, sent to Senate committee.
- **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, with latitude to regulate abortion after fetal viability, provided that in no circumstance shall this State prohibit an abortion that, in the professional judgment of an attending health care professional, is medically indicated to protect the life or physical or mental health of the pregnant individual.

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.
- **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.

Environmental & Energy Issues

- **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.
- **SB64** "Rebate Green Energy Compliance Fines to Consumers"
 - Republican bill protects consumers from rapidly increasing costs to support Regional Greenhouse Gas Initiative (RGGI) by rebating customers with part/all of the accrued fines imposed on Delmarva.
- **SB65** "Remove Delaware from the Regional Greenhouse Gas Initiative (RGGI)"
 - Failing SB64, remove Delaware from RGGI.
- **Delmarva Energy Cost Hearings**
 - 2nd hearing held, Feb 24, to investigate concerns about increasing Delmarva power bills to consumers.
- **"Zero-Emission Vehicle" Regulations**
 - Require a complete phase-out of combustion engine cars and light trucks, 2026-2035, as called for by an interstate compact tying Delaware to California's regulatory model.
 - See identical regulations appearing in NJ.
 - 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.

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.
- **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.
- **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

- **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.
 - Released by the Veterans Affairs committee. Died in House Appropriations Committee in 2024, reintroduced in 2025 and resides in the Appropriations Committee, again. Bill has bipartisan support.
- **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.
- **HB10 "Gender Neutralize DE Constitution"**
 - Removes unnecessary gender-specific language.
 - Released from committee and on the House Ready List. Bipartisan support exists for this bill.
- **HB38 "Dual Employment of Elected Officials by Institutions of Higher Education"**
 - Requires reporting of employment of elected or appointed officials.
- **SB20 "Re-Establish Employer Match for State Employee Contributions to Deferred Compensation Program"**
 - Suspended in 2008, during the Great Recession.
 - Bill has bipartisan support.
- **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.

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.**