

Wilmington, Delaware
May 21, 2015

#4050

Sponsor:

Council
Member
Williams

WHEREAS, Nursing is an admirable field within the health care sector that focuses on the care of individuals, families and communities in order to attain, maintain, or regain optimal health and quality of life; and

WHEREAS, according to the American Journal of Nursing, healthcare workers often encounter patients who are delirious, agitated and sometimes aggressive in Emergency Departments, and in nursing homes; and

WHEREAS, recent studies suggest that when agitation spirals into full-blown assault, nurses are often the victims and as such, nurses from around the world are protesting what they say are inadequate protections in the workplace; and

WHEREAS, all nursing personnel should have the right to work in a healthy work environment free of abusive behavior such as bullying and workplace violence; and

WHEREAS, Council deems it appropriate and fair to request the Delaware General Assembly to institute workplace violence protections by adding Nurses to Title 11 612^{*} Assault 2nd Degree; and

WHEREAS, a person who commits assault in the second degree, classified as a Class D felony, in any of the 11 ways discussed below:

- By recklessly or intentionally causing serious physical injury to another person
- By recklessly or intentionally causing physical injury to another person by means of a deadly weapon or a dangerous instrument
- By intentionally causing physical injury to a law-enforcement officer, a volunteer firefighter, a full-time firefighter, emergency medical technician, paramedic, fire police officer, fire marshal, correctional officer, sheriff, a deputy sheriff, public transit operator, code enforcement constable or a code enforcement officer who is acting in the lawful performance of duty
- By intentionally causing physical injury to operator of an ambulance, rescue squad member, licensed practical nurse, registered nurse, paramedic, licensed medical doctor or any other person while such person is rendering emergency care

- By recklessly or intentionally causing physical injury to another person who is 62 years of age or older
- By intentionally assaulting a law enforcement officer while the officer is in the performance of the officer's duties, with any disabling chemical spray, or with any aerosol or hand sprayed liquid or gas, with the intent to incapacitate such officer and prevent the officer from performing such duties
- By intentionally, while engaged in commission of assault-related crimes, assaulting any other person with any disabling chemical spray, or with any aerosol or hand sprayed liquid or gas with the intent to incapacitate the victim
- By intentionally causing physical injury to any state employee or officer while that employee or officer discharges or attempts to discharge a duty of employment or office
- By recklessly or intentionally causing physical injury to a pregnant female
- If 18 years of age or older, by recklessly or intentionally causing physical injury to another person who has not yet reached the age of 6 years; provided that a justification defense, as discussed below, does not apply, or
- By recklessly or intentionally causing physical injury to a law enforcement officer, security officer, fire policeman, firefighter, paramedic, or emergency medical technician in the lawful performance of their duties by means of an electronic control device, which constitutes a class C felony.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Council recognizes the need to protect our healthcare workers and thereby urges the Delaware General Assembly to do the same by adding Nurses to Title 11 ^{*}612 ^{*}Assault 2nd Degree Felony.

Passed by City Council,
May 21, 2015

Attest: Maribel Seijo
City Clerk

Approved as to form this 20th
day of May, 2015.

Danny Detryn
Assistant City Solicitor

***Note Amendment: Section 612 A-3**