

RES23-024

Wilmington, Delaware
May 18, 2023

#0305

Sponsor:

Council
Member
Spadola

Co-Sponsors:

Council
Members
Darby
Johnson
Bracy
McCoy
Harlee

WHEREAS, Senate Bill No. 67 (SB No. 67), An Act to Amend Title 11 of the Delaware Code Relating to Misconduct by Public Officials, also known as the “Abuse of Power Prevention Act,” strengthens the mechanisms of accountability for public servants who abuse their positions of power and public trust; and

WHEREAS, SB No. 67 expands on the current language of Title 11 of the Delaware Code to include breaches of duty in the previously enumerated offenses of knowingly exercising official functions without authorization, refraining from performing one’s duties as required by law, and performing official function in an extraordinary manner intended to meet one’s property or financial interests; and

WHEREAS, the updated regulations on official misconduct intended to practice discrimination would better encompass the protected classes recognized in most current federal, state, and local statutes regarding discriminatory behavior; and

WHEREAS, SB No. 67 also introduces clear guidance for determining the criminal classification and appropriate punishment for official misconduct, ranging from Class A misdemeanor to Class A felony; and

WHEREAS, Gallup reports that public trust in all levels of government is at record lows. While some factors influencing public dissatisfaction are beyond the purview of elected officials, the way abuses of power are addressed when they occur is a factor at our disposal for rebuilding citizens’ confidence. SB No. 67 represents an important tool that is at our disposal to reinforce the core values of our State, including fairness and impartiality.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Council is in favor of Senate Bill No. 67 (SB No. 67), An Act to Amend Title 11 of the Delaware Code Relating to Misconduct by Public Officials, also known as the “Abuse of Power Prevention Act,” and the protections against official misconduct it would provide for all Delawareans.

BE IT FURTHER RESOLVED that the Wilmington City Council encourages the members of the Delaware General Assembly to support SB No. 67 to strengthen existing laws regarding acts of misconduct perpetrated by public servants.

Passed by City Council,
May 18, 2023

ATTEST: Maribel Seijo
City Clerk

SYNOPSIS: This Resolution expresses favor and encourages the members of the Delaware General Assembly to support Senate Bill No. 67 (SB No. 67), An Act to Amend Title 11 of the Delaware Code Relating to Misconduct by Public Officials, also known as the “Abuse of Power Prevention Act,” which adds breaches of duty to acts constituting misconduct, updates the classes protected from misconduct intended to discriminate, and articulates the classification and punishment for various types of official misconduct.