

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1900 Board of Nursing
Statutory Authority: 24 Delaware Code, Section 1906(1) (24 **Del.C.** §1906(1))
24 DE Admin. Code 1900

PROPOSED

Notice of Public Hearing

The Delaware Board of Nursing in accordance with 24 **Del.C.** §1906(1) has proposed changes to its rules and regulations related to Regulation 15.0 "Offenses Substantially Related to the Practice of Nursing." The Board has re-evaluated the list of offenses in Regulation 15.0 as the result of statutory changes to 24 **Del.C.** §§1910 and 1914 which require more than 5 years to have elapsed since the applicant for licensure has discharged all imposed sentences with regard to the offenses in Regulation 15.0. The Board is proposing to delete a number of the offenses and/or to limit the consideration of certain offenses to felony convictions.

A public hearing will be held on February 21, 2007 at 9:00 a.m. The public hearing will be held in the Corporate Training Center (CTC) Room 400, the Delaware Technical Community College, 1832 N. DuPont Hwy, Dover DE 19901 where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Nursing, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover, DE 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

(Break in Continuity of Sections)

1900 Board of Nursing

15.0 Offenses substantially related to the practice of Nursing.

The Board finds that for purposes of licensing, renewal, reinstatement and discipline, the conviction of any of the following crimes, or of the attempt to commit or a conspiracy to commit or conceal the following crimes or substantially similar crimes in another state or jurisdiction, is deemed to be substantially related to the practice of Nursing in the State of Delaware without regard to the place of conviction:

15.1 For the purposes of this section the following definitions shall apply:

"Conviction" means a verdict of guilty by whether entered by a judge or jury, or a plea of guilty or a plea of nolo contendere or other similar plea such as a "Robinson" or "Alford" plea unless the individual has been discharged under §4218 of Title 11 of the **Delaware Code** (probation before judgment) or under §1024 of Title 10 (domestic violence diversion program) or by §4764 of Title 16 (first offenders controlled substances diversion program).

"Jurisdiction" means substantially similar crimes in another state or jurisdiction includes all crimes prohibited by or punishable under Title 18 of the United States Code Annotated (U.S.C.A.) such as, but not limited to, Federal Health Care offenses.

15.2 Any crime which involves the use of physical force or violence toward or upon the person of another and shall include by way of example and not of limitation the following crimes set forth in Title 11 of the **Delaware Code Annotated**:

Inchoate Crimes

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|--------|------|--|
| 15.2.1 | §501 | Criminal solicitation in the third degree |
| 15.2.2 | §502 | Criminal solicitation in the second degree |
| 15.2.3 | §503 | Criminal solicitation in the first degree |
| 15.2.4 | §511 | Conspiracy in the third degree |
| 15.2.5 | §512 | Conspiracy in the second degree |
| 15.2.6 | §513 | Conspiracy in the first degree |

Assaults and Related Offenses

- 15.2.7 §601. Offensive touching; Class A Misdemeanor
15.2.8 §602. Menacing;
15.2.9 §603. Reckless endangering in the second degree;
15.2.10 §604. Reckless endangering in the first degree;
15.2.11 §605. Abuse of a pregnant female in the second degree;
15.2.12 §606. Abuse of a pregnant female in the first degree;
15.2.13 §611. Assault in the third degree;
15.2.14 §612. Assault in the second degree;
15.2.15 §613. Assault in the first degree;
~~15.2.16 §614. Assault on a sports official.~~
15.2.17 16 §615. Assault by abuse or neglect;
15.2.18 17 §621. Terroristic threatening;
15.2.19 18 §625. Unlawfully administering drugs;
15.2.20 19 §626. Unlawfully administering controlled substance or counterfeit substance or

narcotic drugs;

- 15.2.21 20 §627. Prohibited acts as to substances releasing vapors or fumes;
15.2.22 21 §629. Vehicular assault in the first degree;
15.2.23 22 §630. Vehicular homicide in the second degree;
15.2.24 23 §630A. Vehicular homicide in the first degree;
15.2.25 24 §631. Criminally negligent homicide;
15.2.26 25 §632. Manslaughter;
15.2.27 26 §633. Murder by abuse or neglect in the second degree;
15.2.28 27 §634. Murder by abuse or neglect in the first degree;
15.2.29 28 §635. Murder in the second degree;
15.2.30 29 §636. Murder in the first degree;
15.2.31 30 §645. Promoting suicide.

Abortion and Related Offenses

- 15.2.32 31 §651. Abortion;
15.2.33 32 §652. Self-abortion;
15.2.34 33 §653. Issuing abortifacient articles.

Sexual Offenses

- 15.2.35 34 §763. Sexual harassment;
15.2.36 35 §764. Indecent exposure in the second degree;
15.2.37 36 §765. Indecent exposure in the first degree;
15.2.38 37 §766. Incest;
15.2.39 38 §767. Unlawful sexual contact in the third degree;
15.2.40 39 §768. Unlawful sexual contact in the second degree;
15.2.41 40 §769. Unlawful sexual contact in the first degree;
15.2.42 41 §770. Rape in the fourth degree;
15.2.43 42 771 Rape in the third degree;
15.2.43 43 §772. Rape in the second degree;
15.2.44 44 §773. Rape in the first degree;
15.2.45 45 §776. Sexual extortion;
15.2.46 46 §777. Bestiality;
15.2.47 47 §778. Continuous sexual abuse of a child;
15.2.48 48 §780. Female genital mutilation.

Kidnapping and Related Offenses

- 15.2.50 49 §781. Unlawful imprisonment in the second degree;
15.2.51 50 §782. Unlawful imprisonment in the first degree;
15.2.52 51 §783. Kidnapping in the second degree;
15.2.53 52 §783A. Kidnapping in the first degree;
15.2.54 53 §785. Interference with custody;

Coercion

- 15.2.55 ~~54~~ §791. Acts constituting coercion;
- 15.3 Any crime which involves dishonesty or false, fraudulent or aberrant behavior and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code Annotated**:
- Arson and Related Offenses
- 15.3.1 §801. Arson in the third degree;
- 15.3.2 §802. Arson in the second degree;
- 15.3.3 §803. Arson in the first degree;
- 15.3.4 §804. Reckless burning or exploding;
- ~~15.3.5 §805. Cross or religious symbol burning;~~
- 15.3.6 5 §811. Criminal mischief, Class A Misdemeanor, Felony.
- Criminal Trespass and Burglary
- 15.3.7 6 §820. Trespassing with intent to peer or peep into a window or door of another;
- 15.3.8 7 §824. Burglary in the third degree;
- 15.3.9 8 §825. Burglary in the second degree;
- 15.3.10 9 §826. Burglary in the first degree;
- 15.3.11 10 §828. Possession of burglar's tools or instruments facilitating theft;
- Robbery
- 15.3.12 11 §831. Robbery in the second degree;
- 15.3.13 12 §832. Robbery in the first degree.
- 15.3.14 13 §835. Carjacking in the second degree;
- 15.3.15 14 §836. Carjacking in the first degree;
- Theft and Related Offenses
- 15.3.16 15 §840. Shoplifting; Felony
- ~~15.3.17 §840A. Use of illegitimate retail sales receipt or Universal Product Code Label.~~
- 15.3.18 16 §841. Theft;
- 15.3.19 17 §842. Theft; lost or mislaid property; mistaken delivery.
- 15.3.20 18 §843. Theft; false pretense.
- 15.3.21 19 §844. Theft; false promise.
- 15.3.22 20 §845. Theft of services.
- 15.3.23 21 §846. Extortion;
- ~~15.3.24 §848. Misapplication of property;~~
- 15.3.25 22 §849. Theft of rented property;
- 15.3.26 23 §850. Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices.
- 15.3.27 24 §851. Receiving stolen property;
- ~~15.3.28 §853. Unauthorized use of a vehicle;~~
- 15.3.29 25 §854. Identity theft;
- ~~15.3.30 §859. Larceny of livestock;~~
- 15.3.31 26 §860. Possession of shoplifter's tools or instruments facilitating theft;
- Forgery and Related Offenses
- 15.3.32 27 §861. Forgery
- 15.3.33 28 §862. Possession of forgery devices;
- Offenses Involving Falsification of Records
- 15.3.34 29 §871. Falsifying business records;
- 15.3.35 30 §873. Tampering with public records in the second degree;
- 15.3.36 31 §876. Tampering with public records in the first degree;
- 15.3.37 32 §877. Offering a false instrument for filing;
- 15.3.38 33 §878. Issuing a false certificate;
- Bribery Not Involving Public Servants
- 15.3.39 34 §881. Bribery;
- 15.3.40 35 §882. Bribe receiving;
- Frauds on Creditors
- 15.3.41 36 §891. Defrauding secured creditors;
- 15.3.42 37 §892. Fraud in insolvency;

- 15.3.43 ~~38~~ §893. Interference with levied-upon property;
 Other Frauds and Cheats
 15.3.44 ~~39~~ §900. Issuing a bad check; Felony.
 15.3.45 ~~40~~ §903. Unlawful use of credit card; Felony.
 15.3.46 ~~41~~ §903. A Re-encoder and scanning devices;
 15.3.47 ~~42~~ §906. Deceptive business practices;
 15.3.48 ~~43~~ §907. Criminal impersonation;
 15.3.49 ~~44~~ §907A. Criminal impersonation, accident related;
 15.3.50 ~~45~~ §907B. Criminal impersonation of a police officer;
 15.3.51 ~~46~~ §908. Unlawfully concealing a will;
 15.3.52 ~~47~~ §909. Securing execution of documents by deception;
 15.3.53 ~~48~~ §913. Insurance fraud;
 15.3.54 ~~49~~ §913A. Health care fraud;
~~15.3.55~~ §916. Home improvement fraud;
~~15.3.56~~ §917. New home construction fraud;

Computer Related Offenses

- 15.3.57 ~~50~~ §932. Unauthorized access.
 15.3.58 ~~51~~ §933. Theft of computer services.
 15.3.59 ~~52~~ §934. Interruption of computer services.
 15.3.60 ~~53~~ §935. Misuse of computer system information.
 15.3.61 ~~54~~ §936. Destruction of computer equipment.
 15.3.62 ~~55~~ §937. Unrequested or unauthorized electronic mail or use of network or

software to cause same.

15.4 Any crime which involves misuse or abuse of children or animals and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code** Annotated:

Child Welfare; Sexual Offenses, Animal Offenses

- 15.4.1 §1100. Dealing in children;
 15.4.2 §1101. Abandonment of child;
 15.4.3 §1102. Endangering the welfare of a child;
 15.4.4 §1105. Endangering the welfare of an incompetent person;
 15.4.5 §1106. Unlawfully dealing with a child;
 15.4.6 §1107. Endangering children;
 15.4.7 §1108. Sexual exploitation of a child;
 15.4.8 §1109. Unlawfully dealing in child pornography;
 15.4.9 §1111. Possession of child pornography;
 15.4.10 § 1112. Sexual offenders; prohibitions from school zones.
 15.4.11 §1112A. Sexual solicitation of a child;
 15.4.12 §1113. Criminal non-support and aggravated criminal non-support.
~~15.4.13~~ §1114. Body piercing; tattooing or branding;
~~15.4.14~~ §1114A. Tongue splitting;
~~15.4.15~~ §1116. Sale or distribution of tobacco to minors;
~~15.4.16~~ §1117. Notice;
~~15.4.17~~ §1118. Distribution of samples to minors;
~~15.4.18~~ §1124. Purchase or receipt of tobacco products to minors.
 15.4.19 ~~13~~ §1325. Cruelty to animals;
~~15.4.20~~ §1325A. The unlawful trade in dog or cat by products;
 15.4.21 ~~14~~ §1326. Animals; fighting and baiting prohibited;
 15.4.22 ~~15~~ §1327. Maintaining a dangerous animal;

15.5 Any crime which involves offenses against the public order the commission of which may tend to bring discredit upon the profession and which are thus substantially related to one's fitness to practice such profession and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code** Annotated:

Bribery and Improper Influence

- 15.5.1 §1201. Bribery;

- 15.5.2 §1203. Receiving a bribe;
- 15.5.3 §1205. Giving unlawful gratuities;
- 15.5.4 §1206. Receiving unlawful gratuities;
- 15.5.5 §1207. Improper influence;
- 15.5.6 §1211. Official misconduct
- 15.5.7 §1212. Profiteering

Perjury and related offenses

- 15.5.8 §1221. Perjury in the third degree;
- 15.5.9 §1222. Perjury in the second degree;
- 15.5.10 §1223. Perjury in the first degree;
- 15.5.11 §1233. Making a false written statement; class
- 15.5.12 §1239. Wearing a disguise during commission of a felony
- 15.5.13 §1240. Terroristic threatening of public officials or public servants
- 15.5.14 §1243. Obstructing fire-fighting operations;
- 15.5.15 §1244. Hindering prosecution;
- 15.5.16 §1245. Falsely reporting an incident;
- 15.5.17 §1246. Compounding a crime;
- 15.5.18 §1249. Abetting the violation of driver's license restrictions;
- 15.5.19 §1250. Offenses against law-enforcement animals;
- 15.5.20 §1253. Escape after conviction;
- 15.5.21 §1254. Assault in a detention facility;
- 15.5.22 §1256. Promoting prison contraband;
- 15.5.23 §1257. Resisting arrest; Felony
- 15.5.24 §1257A. Use of an animal to avoid capture;
- 15.5.25 §1259. Sexual relations in detention facility;
- ~~15.5.26~~ ~~§1260a. Misuse of prisoner mail;~~

Offenses Relating to Judicial and Similar Proceedings

- 15.5.~~27~~ 26 §1261. Bribing a witness;
- 15.5.~~28~~ 27 §1262. Bribe receiving by a witness;
- 15.5.~~29~~ 28 §1263. Tampering with a witness;
- 15.5.~~30~~ 29 §1263A. Interfering with child witness;
- 15.5.~~34~~ 30 §1264. Bribing a juror;
- 15.5.~~32~~ 31 §1265. Bribe receiving by a juror;
- 15.5.~~33~~ 32 §1266. Tampering with a juror;
- 15.5.~~34~~ 33 §1267. Misconduct by a juror;
- 15.5.~~35~~ 34 §1269. Tampering with physical evidence;
- 15.5.~~36~~ 35 §1271. Criminal contempt;
- 15.5.~~37~~ 36 §1271A. Criminal contempt of a domestic violence protective order;
- 15.5.~~38~~ 37 §1273. Unlawful grand jury disclosure;

15.6 Any crime which involves offenses against a public health order and decency which may tend to bring discredit upon the profession, specifically including the below listed crimes from Title 11 of the **Delaware Code Annotated** which evidence a lack of appropriate concern for the safety and well being of another person or persons in general or sufficiently flawed judgment to call into question the individuals ability to make health care decisions or advise upon health care related matters for other individuals.

Disorderly Conduct and Related Offenses

- 15.6.1 §1302. Riot;
- 15.6.2 §1304. Hate crimes;
- 15.6.3 §1311. Harassment;
- 15.6.4 §1312. Aggravated harassment;
- 15.6.5 §1312A. Stalking;
- 15.6.6 §1313. Malicious interference with emergency communications;
- ~~15.6.7~~ ~~§1315. Public intoxication;~~
- ~~15.6.8~~ ~~§1321. Loitering;~~
- ~~15.6.9~~ 7 §1322. Criminal nuisance;

- ~~15.6.10~~ §1323. ~~Obstructing public passages;~~
- ~~15.6.11~~ §1324. ~~Obstructing ingress to or egress from public buildings;~~
- ~~15.6.12~~ 8 §1331. Desecration;
- ~~15.6.13~~ 9 §1332. Abusing a corpse;
- ~~15.6.14~~ 10 §1333. Trading in human remains and associated funerary objects.
- ~~15.6.15~~ 11 §1335. Violation of privacy;
- ~~15.6.16~~ 12 §1338. Bombs, incendiary devices, Molotov cocktails and explosive devices;
- ~~15.6.17~~ 13 §1339. Adulteration;
- ~~15.6.18~~ 14 §1340. Desecration of burial place.

Offenses Involving Public Indecency

- ~~15.6.19~~ 15 §1341. Lewdness;
- ~~15.6.20~~ 16 §1342. Prostitution;
- ~~15.6.21~~ 17 §1343. Patronizing a prostitute prohibited.
- ~~15.6.22~~ 18 §1351. Promoting prostitution in the third degree;
- ~~15.6.23~~ 19 §1352. Promoting prostitution in the second degree;
- ~~15.6.24~~ 20 §1353. Promoting prostitution in the first degree;
- ~~15.6.25~~ 21 §1355. Permitting prostitution;

Obscenity

- ~~15.6.26~~ 22 §1361. Obscenity; acts constituting;
- ~~15.6.27~~ 23 §1365. Obscene literature harmful to minors;
- ~~15.6.28~~ ~~§1366. Outdoor motion picture theatres;~~

~~Offenses Involving Gambling~~

- ~~15.6.29~~ ~~§1403. Advancing gambling in the first degree;~~
- ~~15.6.30~~ ~~§1404. Providing premises for gambling;~~
- ~~15.6.31~~ ~~§1405. Possessing a gambling device; class A misdemeanor.~~
- ~~15.6.32~~ ~~§1406. Being concerned in interest in keeping any gambling device;~~
- ~~15.6.33~~ ~~§1411. Unlawfully disseminating gambling information;~~

15.7 Any crime which involves the illegal possession or the misuse or abuse of narcotics, or other addictive substances and those non-addictive substances with a substantial capacity to impair reason or judgment and shall include by way of example and not of limitation the following crimes listed in Chapter 47 of Title 16 of the **Delaware Code Annotated**:

- 15.7.1 §4751. Prohibited acts A;
- 15.7.2 §4752. Prohibited acts B;
- 15.7.3 §4752A. Unlawful delivery of noncontrolled substance.
- 15.7.4 §4753. Prohibited acts C.
- 15.7.5 §4753A Trafficking in marijuana, cocaine, illegal drugs, methamphetamines,

L.S.D., or designer drugs.

- 15.7.6 §4754. Prohibited acts D;
- 15.7.7 §4754A. Possession and delivery of noncontrolled prescription drug.
- 15.7.8 §4755. Prohibited acts E;
- 15.7.9 §4756. Prohibited acts;
- 15.7.10 §4757. Hypodermic syringe or needle; delivering or possessing; disposal;

exceptions;

- 15.7.11 §4758. Keeping drugs in original containers.
- 15.7.12 §4761. Distribution to persons under 21 years of age;
- 15.7.13 §4761A. Purchase of drugs from minors;
- 15.7.14 §4767. Distribution, delivery, or possession of controlled substance within 1,000

feet of school property;

- 15.7.15 §4768. Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship;

- 15.7.16 §4774. Penalties

15.8 Any crime which involves the misuse or illegal possession or sale of a deadly weapon or dangerous instrument and shall include by way of example and not of limitation the following crimes listed in Title 11 of the **Delaware Code Annotated**:

Offenses Involving Deadly Weapons and Dangerous Instruments

- 15.8.1 §1442. Carrying a concealed deadly weapon;
- 15.8.2 §1443. Carrying a concealed dangerous instrument;
- 15.8.3 §1444. Possessing a destructive weapon;
- 15.8.4 §1445a. Unlawfully dealing with a dangerous weapon;
- 15.8.5 §1446. Unlawfully dealing with a switchblade knife;
- 15.8.6 §1447. Possession of a deadly weapon during commission of a felony;
- 15.8.7 §1447A. Possession of a firearm during commission of a felony;
- 15.8.8 §1448. Possession and purchase of deadly weapons by persons prohibited;
- 15.8.9 §1448A. Criminal history record checks for sales of firearms
- 15.8.10 §1449. Wearing body armor during commission of felony;
- 15.8.11 §1450. Receiving a stolen firearm;
- 15.8.12 §1451. Theft of a firearm;
- 15.8.13 §1452. Unlawfully dealing with knuckles-combination knife;
- 15.8.14 §1453. Unlawfully dealing with martial arts throwing star;
- 15.8.15 §1454. Giving a firearm to person prohibited;
- 15.8.16 §1455. Engaging in a firearms transaction on behalf of another;
- 15.8.17 §1456. Unlawfully permitting a minor access to a firearm;
- 15.8.18 §1457. Possession of a weapon in a Safe School and Recreation Zone;
- 15.8.19 §1458. Removing a firearm from the possession of a law enforcement officer;
- 15.8.20 §1459. Possession of a weapon with a removed, obliterated or altered serial number.
- 15.8.21 §1471. Prohibited Acts

Offenses Involving Organized Crime and Racketeering

- 15.8.22 §1504. Criminal Penalties for Organized Crime & Racketeering

Offenses Involving Intimidation of Victims or Witnesses

- 15.8.23 §3532. Acts of Intimidation: Class E felony
- 15.8.24 §3533. Aggravated act of intimidation, Class D felony

Other Crimes

- 15.8.25 Title 16 §1136 Violations – neglect or abuse of patient or resident of nursing facilities
- 15.8.26 Title 23 §2305 Penalties; jurisdiction
- 15.8.27 Title 30 §571 Attempt to evade or defeat tax,
- 15.8.28 Title 30 §572 Failure to collect or pay over tax;
- 15.8.29 Title 30 §573 Failure to file return, supply information or pay tax;
- 15.8.30 Title 30 §574 Fraud and false statements; §576 Misdemeanors
- 15.8.31 Title 31 §1007 Penalties
- ~~15.8.32 Title 21 §2118A Unlawful possession or manufacture of proof of insurance, penalties~~
- ~~15.8.33 Title 21 §2133 Penalties' jurisdiction of justices of the peace~~
- ~~15.8.34 Title 21 §2315 False statements~~
- 15.8.35 32 Title 21 §2316 Altering or forging certificate of title, manufacturer's certificate of origin, registration card, vehicle warranty or certification sticker or vehicle identification plate
- ~~15.8.36 Title 21 §2620 False statements; incorrect or incomplete information~~
- ~~15.8.37 Title 21 §2703 License to operate a motorcycle, motorbike, etc.~~
- ~~15.8.38 Title 21 §2710 Issuance of a Level 1 Learner's Permit and Class D operator's license to persons under 18 years of age~~
- ~~15.8.39 Title 21 §2722 Restricted licenses based on driver's physical limitations~~
- 15.8.40 33 Title 21 §2751 Unlawful application for or use of license or identification card
- 15.8.44 34 Title 21 §2752 False statements
- ~~15.8.42 Title 21 §2753 Operation of vehicle by unlicensed minor~~
- 15.8.43 35 Title 21 §2754 Employment of unlicensed person
- 15.8.44 36 Title 21 §2755 Authorizing or permitting the operation of a motor vehicle by another
- 15.8.45 37 Title 21 §2756 Driving vehicle while license is suspended or revoked;
- 15.8.46 38 Title 21 §2758 Driving during period of denial; penalties
- 15.8.47 39 Title 21 §2760 Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards

15.8.48 ~~40~~ Title 21 §2810 Driving after judgment prohibited; penalty; jurisdiction
15.8.49 ~~41~~ Title 21 §2814 Additional penalty when convicted of an offense which would render an individual an habitual offender
15.8.50 ~~42~~ Title 21 §3107 False statements
15.8.51 Title 21 §4103- Obedience to authorized person directing traffic
15.8.52 Title 21 §4112 Interference with official traffic control devices or railroad signs or signals or other street signs
15.8.53 Title 21 §4127- Unlawful evasion of Delaware Turnpike and the Korean War Veterans Memorial Highway; harassment of toll collectors; penalty; appeal; jurisdiction; payment of minimum fine before trial
15.8.54 Title 21 §4166 Overtaking and passing school bus; stop signal devices
15.8.55 Title 21 §4172- Speed exhibitions; drag races and other speed contests
15.8.56 ~~43~~ Title 21 §4172A Malicious mischief by motor vehicle
15.8.57 Title 21 §4175- Reckless driving
15.8.58 Title 21 §4175A Aggressive driving
15.8.59 ~~44~~ Title 21 §4177 Driving a vehicle while under the influence or with a prohibited alcohol content; evidence; arrests; and penalties, Felony
15.8.60 ~~45~~ Title 21 §4177J Drinking while driving prohibited
15.8.61 Title 21 §4177L Driving by persons under the age of 21 after consumption of alcohol; penalties-
15.8.62 ~~46~~ Title 21 §4177M Operating a commercial motor vehicle with a prohibited blood alcohol concentration or while impaired by drugs
15.8.63 Title 21 §4183- Parking areas for vehicles being used by persons with disabilities
15.8.64 Title 21 §4198J Bicycling on highways under influence of drugs or alcohol
15.8.65 Title 21 §4198O Operation of electric personal assistive mobility devices (EPAMD)
15.8.66 Title 21 §4201- Duty of driver involved in accident resulting in property damage or injury
15.8.67 Title 21 §4202- Duty of driver involved in accident resulting in injury or death to any person
15.8.68 Title 21 §4203- Duty to report accidents; evidence
15.8.69 Title 21 §4601- Introduction, sale, distribution or advertisement for sale to public of motor vehicle master keys; penalties
15.8.70 Title 21 §4604- Possession of motor vehicle masters keys, manipulative keys, key-cutting devices, lock picks or lock picking devices and hot wires
15.8.71 Title 21 §6420- Penalties; jurisdiction
15.8.72 Title 21 §6701- Injuring vehicle or obstructing its operation
15.8.73 Title 21 §6703- Tampering with vehicle
15.8.74 ~~47~~ Title 21 §6704 Receiving or transferring stolen vehicle
15.8.75 ~~48~~ Title 21 §6705 Removed, falsified or unauthorized identification number on vehicle, bicycle or engine; removed or affixed license/registration plate with intent to misrepresent identify, Felony
15.8.76 ~~49~~ Title 21 §6708 Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card
15.8.77 ~~50~~ Title 21 §6709 Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers
15.8.78 ~~51~~ Title 21 §6710 Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers
Supplementary List of Offenses
Title 2, Transportation
15.8.79 §309- Dangerous Flying
15.8.80 §310- Hunting from Aircraft,
Title 3, Agriculture
15.8.81 §1041- Willfully or maliciously starting fires
15.8.82 §1044- Obstructing person in performance of duty
15.8.83 §8713- Offenses — involving meat and poultry inspection including bribery or attempted bribery or assaulting or impeding any person in the performance of his duties
15.8.84 ~~52~~ §8715 Penalties generally — misdemeanor; felony if offensive involves fraud or

distribution or attempted distribution of adulterated article.

Title 4, Alcoholic Liquors

15.8.~~85~~ 53 §901 Offenses carrying penalty of imprisonment for 3 to 6 months – including peddling of alcoholic liquors, dispensing liquor from a disorderly house, selling alcoholic liquor without a license, claiming to have a license, keeping or selling for beverage purposes any solid or liquor containing alcohol not originally manufactured for use as a beverage

15.8.~~86~~ 54 §903 Offenses carrying penalty of fine of not more than \$100.00 or imprisonment for 1 month on failure to pay fine – including selling beer to which other alcohol has been added or selling adulterated alcoholic liquor; selling alcoholic liquor in time, manner or quantity not authorized by license; selling alcoholic beverage in dining room or bedroom not fitted equipped in manner prescribed by Commissioner/Division; selling alcoholic beverages without complying with specific provisions of statute; selling an alcoholic liquor at a time not authorized; selling alcoholic liquor to prohibited person; allowing alcoholic beverage to be consumed in liquor store; failing to post license conspicuously; keeping or transporting alcoholic liquor in contravention of the statute; selling a product containing alcoholic liquor as medicine after being notified by the Commissioner that a product is being used for beverage purposes; not having a license and inducing the public to believe person has license; buying or receiving alcoholic liquor from person not authorized to sell such liquor and keeping such liquor; obtaining during time when sale is forbidden any alcoholic liquor from a licensee for sale; causing a disturbance or bringing or drinking alcoholic liquor in a place where such is prohibited; buying alcoholic liquor from another person; being a licensee, failing to post conspicuously a sign warning against drinking during pregnancy

15.8.~~87~~ 55 §904 Offenses Concerning Certain Persons [forbidding direct or indirect sales to and purchases by a person under age of 21] (classified misdemeanor)

15.8.~~88~~ 56 §907 Interference with Officer or Inspector (classified misdemeanor)

Title 6, Commerce and Trade

15.8.~~89~~ 57 §2581 Civil Penalty: Disposition of Funds [re: enhanced penalties assessed for prohibited trade practices against infirm or elderly] (unclassified misdemeanor)

~~15.8.90 §4619 Penalties [for improper sale of secondhand watches] (unclassified misdemeanor)~~

15.8.~~94~~ 58 §4909A Enforcement and Remedies [providing for enhanced penalties for Auto Repair Fraud victimizing the infirm or elderly] (unclassified misdemeanor)

15.8.~~92~~ 59 §5132 Hindering or Obstructing [DOA] Officer (unclassified misdemeanor)

15.8.~~93~~ 60 §5133 Impersonation of [DOA] Officer (unclassified misdemeanor)

15.8.~~94~~ 61 §5134 Offenses and Penalties [involving possession or use of false weights] (unclassified misdemeanor)

15.8.~~95~~ 62 §7322 Criminal Penalties [for violation of the Securities Act] (class E, F, or G felony depending on the amount of investor loss)

Title 7, Conservation

15.8.~~96~~ 63 §707 Hunting or Shooting from Motor Vehicle, Boats or Farm Machinery (class C or B environmental misdemeanor)

15.8.~~97~~ 64 §710 Use of Silencer on Gun (class C environmental misdemeanor)

15.8.~~98~~ 65 §711 Hunting with Automatic – Loading Gun (class C environmental misdemeanor)

15.8.~~99~~ 66 §719 Discharge of Firearms on or near Public Roads and Public Rights-of-Way (class C misdemeanor)

15.8.~~400~~ 67 §1710 Poisoning of Dogs (unclassified misdemeanor)

15.8.~~404~~ 68 §1717 Unauthorized Acts against a Service Guide or Seeing Eye Dog (class D felony)

~~15.8.102 §1739 Violations by Owners of Dangerous or Potentially Dangerous Dogs (unclassified misdemeanor)~~

15.8.~~403~~ 69 §5409 Prohibited Acts [involving Disposition of Human Remains] (unclassified misdemeanor)

15.8.~~404~~ 70 §6015 Interference with Department Personnel (unclassified misdemeanor)

~~15.8.105 §6025 [Improper Disposal of] Solid Waste (unclassified misdemeanor)~~

15.8.~~406~~ 71 §6304 Prohibitions [relating to generation, storage, disposal, transportation, and treatment of hazardous waste] (unclassified misdemeanor)

15.8.~~407~~ 72 §6315 Interference with Department [DNREC] Personnel (unclassified misdemeanor)

Title 11, Crimes

15.8.~~408~~ 73 §2402 Interception of Communications Generally; Divulging Contents of

Communications (class misdemeanor, class F felony, class D felony, depending on specifics of violation)

- 15.8.409 ~~74~~ §2403 Manufacture, Possession or Sale of Intercepting Device (class F felony)
- 15.8.440 ~~75~~ §2410 Breaking and Entering, Etc. to Place or Remove Equipment (class F felony)
- 15.8.444 ~~76~~ §2412 Obstruction, Impediment or Prevention of Interception (class F felony)
- 15.8.442 ~~77~~ §2421 Obtaining, Altering or Preventing Authorized Access (class B misdemeanor, class A misdemeanor for 2nd offense)
- 15.8.444 ~~78~~ §2422 Divulging Contents of Communications (class F felony)
- 15.8.445 ~~79~~ §2431 Installation and Use Generally [of pen trace and trap and trace devices] (class A misdemeanor)
- 15.8.446 ~~80~~ §3532 Act of Intimidation [of victim of or witness to crime] (class E felony)
- 15.8.447 ~~81~~ §3533 Aggravated Act of Intimidation (class D felony)
- 15.8.448 ~~82~~ §3534 Attempt to Intimidate (class E felony, class D felony, depending on the nature of the act attempted)
- 15.8.449 ~~83~~ §4374 Disclosure of Expunged Records (class B misdemeanor)
- 15.8.420 ~~84~~ §6562 Furnishing Contraband [to DOC prisoners] (unclassified misdemeanor)
- 15.8.424 ~~85~~ §8523 Penalties [for violation of reporting provision re: SBI] (class A misdemeanor, class E felony, depending on the specifics of the offense)
- 15.8.422 ~~86~~ §8562 Penalties [for failure of child-care provider to obtain information required under §8561 or for those providing false information] (class A misdemeanor, class G felony depending on the specifics of the offense)
- 15.8.423 ~~87~~ §8572 Penalties [for providing false information when seeking employment in a public school] (class G felony)
- 15.8.424 ~~88~~ §9016 Filing False Claim [under Victims' Compensation Fund] (class A misdemeanor)
- Title 12, Decedents' Estates
- 15.8.425 ~~89~~ §210 Alteration, Theft or Destruction of Will (class E felony)
- Title 14, Education
- 15.8.426 ~~90~~ §9303 Hazing Prohibited (class B misdemeanor)
- Title 16, Health & Safety Nature of the Offense
- 15.8.427 ~~91~~ §914 Penalty for Violation [of reporting requirements involving abuse under §903] (unclassified misdemeanor)
- 15.8.428 ~~92~~ §2513 Penalties [relating to improper health-care decisions] (misdemeanor, class felony for falsification, destruction of a document to create a false impression that measures to prolong life have been authorized)
- ~~15.8.129 §3317 Treatment of Meats with Unlawful Drugs and Preparations [prior to sale] (unclassified misdemeanor)~~
- ~~15.8.130 §7103 General Provisions [regarding sale, purchase, etc. of explosives] (unclassified misdemeanor)~~
- 15.8.434 ~~93~~ §7112 Penalties [for violations of chapter other than §7103] (unclassified misdemeanor, felony depending on nature of the offense)
- 15.8.432 ~~94~~ §7416 Penalties [for violating statute governing Radiation Control] (unclassified misdemeanor)
- Title 23, Navigation and Waters
- ~~15.8.133 §2202 Child Safety on Recreational Boats (unclassified misdemeanor)~~
- 15.8.434 ~~95~~ §2303 Operation of a Vessel or Boat while under the Influence of Intoxicating Liquor and/or Drugs (unclassified misdemeanor, class G felony, depending on number of offenses) (Class G Felony)
- Title 24, Professions and Occupations Deadly Weapons Dealers
- 15.8.435 ~~96~~ §903 Sale to Persons under 21 or Intoxicated Persons (unclassified misdemeanor)
- Title 30, State Taxes Motor Carriers Fuel Purchase Law
- ~~15.8.136 §5215 False Statements (unclassified misdemeanor)~~
- Title 31, Welfare
- ~~15.8.137 §2117 [Interference] Relating to the Blind and "Seeing Eye Dogs" (unclassified misdemeanor)~~
- 15.8.438 ~~97~~ §3913 Violations [knowing or reckless abuse of an infirm adult] (class A

misdemeanor, class G felony for exploitation of infirm adult's resources valued at \$500 to \$5000, class E felony if resources are valued from \$5000 to \$10,000, class D felony if resources are valued over \$10,000 or if abuse or neglect results in bodily harm, class A felony if abuse or neglect results in death)

15.9 Any crime which is a violation of Title 24, Chapter 19 (Nurse Practices Act) as it may be amended from time to time.

15.10 The Board reserves the jurisdiction and authority to modify this regulation as and if it becomes necessary to either add or delete crimes including such additions as may be required on an emergency basis under 29 **Del.C.** §10119 to address imminent peril to the public health, safety or welfare. The Board also specifically reserves the jurisdiction to review any crime committed by an applicant for licensure with regard to the temporal proximity of the crime or the conviction to the application and to determine whether the period of time involved has been so long as to negate any reasonable conclusion or determination that the crime for which the individual was convicted has a direct bearing on the individual's fitness or ability to perform one or more of the duties and responsibilities necessarily related to nursing or to otherwise determine that sufficient restitution has been made for the offense committed.

8 DE Reg. 1089 (2/1/05)

***Please Note: As the rest of the sections were not amended, they are not being published. A complete set of the rules and regulations for the Board of Nursing is available at:**

<http://www.state.de.us/research/AdminCode/title24/1900%20Board%20of%20Nursing.shtml#TopOfPage>

10 DE Reg. 1127 (01/01/07)