

CHAPTER 349
FORMERLY
HOUSE BILL NO. 378

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING A VEHICLE WHILE UNDER THE INFLUENCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 21 of the Delaware Code by adding the new subsection 4177(d)(13) as follows:

(13) Section 5303 of Title 11 notwithstanding, where the Court of Common Pleas and Justice of the Peace Courts have concurrent jurisdiction over a violation of this section, either the State or the accused may elect within 20 days of arraignment in the Justice of the Peace Court to have the case tried by the Court of Common Pleas. If an offense or criminal case within the exclusive jurisdiction of a justice of the peace or alderman or mayor of any incorporated city or town, except the City of Newark, is or may be joined properly with a violation of this section which has been transferred upon the election of the State or the accused, such offense or criminal case shall be within the jurisdiction of the Court of Common Pleas.

Section 2. The provisions of this Act shall sunset at the end of June 30, 2014, unless such provisions are reestablished by an Act of the General Assembly.

Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

Section 4. In no case shall the repeal or amendment of any statute or statutory provision by this Act have the effect of releasing or extinguishing any penalty, forfeiture or liability incurred under such statute or statutory provision, and such statute or statutory provision shall be treated as remaining in full force and effect for the purpose of sustaining any proper action or prosecution for enforcement of such penalty, forfeiture or liability. Any action, case, prosecution, trial or other legal proceeding in progress under or pursuant to any statute or statutory provision repealed or amended by this Act shall be preserved and shall not become illegal or terminated irrespective of the stage of such proceedings. For the purpose of such proceedings, the prior law shall remain in full force and effect. Any action, case, prosecution, trial or other legal proceeding in progress under any statute or statutory provision created by this Act which statute or statutory provision is later extinguished or becomes ineffective by the terms of this Act shall be preserved and shall not become illegal or terminated irrespective of the stage of such proceeding. Instead, the statute or statutory provision created by this Act shall be treated as remaining in full force and effect for the purpose of sustaining any action, case, prosecution, trial or other legal proceeding brought thereunder.

Approved July 18, 2012