

Chapter 85. Crimes, Conduct and Disposition of Offenders

Article III. Offenses

§ 85-811. Criminal mischief.

A person is guilty of criminal mischief when the person intentionally or recklessly:

- (1) Damages tangible property of another person;
- (2) Tampers with tangible property of another person so as to endanger person or property;
- (3) Tampers or makes connection with tangible property of a gas, electric, steam or waterworks corporation, telegraph or telephone corporation or other public utility, except that in any prosecution under this subsection it is an affirmative defense that the accused engaged in the conduct charged to constitute an offense for a lawful purpose.

Criminal mischief is a Class A misdemeanor if the actor causes pecuniary loss in excess of \$1,000;

Otherwise, criminal mischief is a Class B misdemeanor.

[1] *Editor's Note: See 11 Del. C. § 811.*

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§ 85-841. Theft; restitution.

- (A) A person is guilty of theft when the person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it.
- (B) A person is guilty of theft if the person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of theft, and fraudulently converts same to the person's own use.
Theft is a Class A misdemeanor.

Upon conviction, the sentencing judge shall require full restitution to the victim for any monetary losses suffered and shall consider the imposition of community service and/or an appropriate curfew for a minor.

[1] *Editor's Note: See 11 Del. C. § 841.*

Chapter 85. Crimes, Conduct and Disposition of Offenders

Article II. Classification of Offenses; Disposition

§ 85-12. Sentence for misdemeanors and violations.

- (a) The sentence for a Class A misdemeanor may include up to one year's incarceration at up to a Level V and/or such fine no lower than \$100 up to \$2,300, in addition to any restitution or other conditions as the court deems appropriate.
- (b) The sentence for a Class B misdemeanor may include up to six months' incarceration at up to a Level V and/or such fine no lower than \$50 up to \$1,150, in addition to any restitution or other conditions as the court deems appropriate.
- (c) Unless otherwise provided for by an increase or limitation, in a specific section of the Municipal Code of the Town of Dewey Beach, for any offense denoted a violation, the Alderman Court may impose a fine of up to \$500 for the first offense, up to \$800 for the second offense and up to \$1,200 for the third offense; provided, however, those subsequent violations for the same offense shall have occurred within one year of the violation for which sentence is imposed, to be considered in determining the greater sentence.