

Bill protecting Delawareans serving in the National Guard, U.S. military wins final approval in the General Assembly

Dover – Legislation that will provide important consumer protections to members of the United States military and the Delaware National Guard passed the state House on Monday night and is one step from becoming law.

Senate Bill 206, developed by Attorney General Beau Biden's office and sponsored by Sen. Bryan Townsend and Rep. Earl Jaques, creates a state-level version of the federal Servicemembers Civil Relief Act. Establishing a Delaware version of the federal SCRA gives Attorney General Biden's office the authority to enforce the new law in state courts. Biden is an Iraq War veteran, Townsend, D-Newark is the chair of the Senate Banking Committee and a member of the Senate Veterans Affairs Committee, and Jaques, D-Glasgow is the chair of the House Veterans Affairs Committee and retired from the Delaware National Guard as a 1-star general after more than 36 years of service.

The federal SCRA dates back to the Civil War and protects members of the military from having to defend themselves against most civil proceedings, such as foreclosure, while they are serving their country on active duty or are forced to move because of their military service. The federal SCRA also protects servicemembers who have to break leases or contracts due to military deployment.

"We have a duty to protect those who protect us," Biden said. "The men and women who put their safety at risk to serve our state and country should be focused on their mission, not defending themselves at home. Senate Bill 206 strengthens the

protections that military members receive by giving my office a greater ability to prosecute those who violate the SCRA.”

SB 206 incorporates these protections into a state law and also expands the SCRA by extending relief to members of the Delaware National Guard who are called into active military service for the State of Delaware for a period of more than 30 consecutive days. These Guard members are not covered under the current federal SCRA.

“Military members, including our guardsmen, put their lives on hold and sacrifice to serve our state and country,” said Rep. Earl Jaques, D-Glasgow, a retired Delaware Air National Guard brigadier general, after tonight’s vote. “They deserve the protections they receive from the Servicemembers Civil Relief Act and this will make those protections even stronger. The Delaware National Guard, our civilian military, deserve the same protections as other military members, and they soon will receive them.”

By putting the federal protections into state law, Attorney General Biden’s office will have the authority to enforce the law and protect members of the Delaware National Guard and military men and women who reside in Delaware. Attorney General Biden’s office would have the authority to prosecute violations of the state law. Right now, it cannot prosecute violators because the protections are only in federal law, not the Delaware Code.

Examples of provisions of the federal SCRA include:

- Servicemembers cannot have default judgments entered against them because there are on active duty and civil proceedings must be stayed.
- Military men and women (who live off base) cannot have their homes foreclosed on while they’re deployed on active duty and their mortgage interest rate, if higher than 6 percent, must be lowered to 6 percent.
- The SCRA requires the stay or vacation of execution of judgments, attachments and garnishments for deployed military members.
- Military personal cannot be being charged penalties, such as fines and fees, incurred under contracts due to

military service.

This bill is the latest effort from Attorney General Biden to strengthen the financial protections given to military personnel and to ensure the laws providing those protections are followed. Biden's office secured stronger consumer protections for military members and their families in a February 2012 national settlement with five of the largest mortgage-servicing banks, has held outreach events for military personnel with the Consumer Financial Protection Bureau and the Delaware National Guard, and is preparing to hold a military consumer protection event in July.

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