



SPONSOR: Rep. Bush

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
SENATE SUBSTITUTE NO. 3
FOR
SENATE BILL NO. 169

1 AMEND Senate Substitute No. 3 for Senate Bill No. 169 on line 44 by deleting “15” and inserting in lieu thereof
2 “90”.

3 FURTHER AMEND Senate Substitute No. 3 for Senate Bill No. 169 by deleting lines 47 and 48 in their entirety
4 and inserting in lieu thereof the following:

5 “(c) Required showing - A petitioner makes a prima facie showing of entitlement to compensation under this
6 section by establishing all of the following by a preponderance of the evidence:”.

7 FURTHER AMEND Senate Substitute No. 3 for Senate Bill No. 169 after line 67 and before line 68 by inserting
8 the following and redesignating Delaware Code references accordingly:

9 “(1) That the petitioner committed the crime for which the petitioner was convicted.”.

10 FURTHER AMEND Senate Substitute No. 3 for Senate Bill No. 169 by deleting lines 73 and 74 in their entirety
11 and inserting in lieu thereof the following:

12 “(f) Hearing; admissibility.

13 (1) The Court may conduct a hearing on the petition, at which the parties may introduce evidence in support
14 of or in opposition to the petition. The parties may introduce any relevant evidence, including any of the following:

15 a. Any evidence that was introduced at trial.

16 b. The trial transcript.

17 c. Any relevant police or investigative report.

18 (2) Physical evidence no longer available due to the passage of time or destroyed pursuant to a valid evidence
19 destruction policy or court order does not create a presumption or inference.

20 (3) An inference may not be drawn in any other proceeding from the grant or denial of a petition under this
21 section.”.

22 FURTHER AMEND Senate Substitute No. 3 for Senate Bill No. 169 on line 172 and 173 by deleting “the
23 implementation date of this Act” and inserting in lieu thereof “[the effective date of this Act]”.

24 FURTHER AMEND Senate Substitute No. 3 for Senate Bill No. 169 on line 173 by deleting the first occurrence
25 of “the”.

26 FURTHER AMEND Senate Substitute No. 3 for Senate Bill No. 169 on line 196 by deleting “The Attorney
27 General” and inserting in lieu thereof “The State Treasurer”.

28 FURTHER AMEND Senate Substitute No. 3 for Senate Bill No. 169 by deleting lines 217 through 218 in their
29 entirety and inserting in lieu thereof the following:

30 “c. Health and dental insurance coverage at no cost to the individual, including through Medicaid under §
31 503 and § 505 of Title 31, the Delaware Health Insurance Marketplace under 42 U.S.C. § 18001 et seq., or other
32 comparable health insurance products.”.

33 FURTHER AMEND Senate Substitute No. 3 for Senate Bill No. 169 on line 219 by deleting “stamps in the
34 maximum food benefit amount” as it appears therein and inserting in lieu thereof “benefits in the maximum benefit amount
35 for the Supplemental Nutrition Assistance Program (SNAP)”.

36 FURTHER AMEND Senate Substitute No. 3 for Senate Bill No. 169 by deleting lines 239 to 243 in their entirety
37 and inserting in lieu thereof the following:

38 “Section 2. This Act takes effect on June 30, 2025.”.

SYNOPSIS

This Amendment does all of the following:

(1) Changes the time period for providing notice to the Department of Justice of a petition from 15 days to 90 days.

(2) Clarifies that the Department of Justice can oppose a petition on the basis that the petitioner in fact committed the crime charged, and can introduce evidence of guilt in any hearing on the petition. Further, any relevant evidence, including evidence introduced at trial, the trial transcript, and any police or investigative reports can be introduced at this hearing. However, consistent with lines 63 and 64 of this Act, where there has been a prior finding from a court that the petitioner did not commit the crime that resulted in the conviction, or that there was not a crime committed, that finding is binding for purposes of the hearing.

(3) Establishes that the State Treasurer, and not the Attorney General, shall report quarterly on the Wrongful Conviction Compensation Fund.

(4) Makes technical changes to clarify the benefits that the State must provide to individuals who are released from incarceration as the result of the reversing, overturning, or vacating of one or more convictions.

(5) Changes a requirement that may have conflicted with federal law by allowing the State to provide health and dental insurance at no cost to individuals either through Medicaid or through the Delaware Health Insurance Marketplace or other comparable insurance product.

(6) Delays the effect of this Act until June 30, 2025.