



SPONSOR: Sen. Townsend & Rep. Longhurst & Sen. Henry &  
Rep. Heffernan & Rep. J. Johnson  
Reps. Baumbach, Bentz, Kowalko, Lynn, Osienski,  
Paradee, Viola, K. Williams, Keeley

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE BILL NO. 54

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUVENILE EXPUNGEMENTS.

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

Section 1. Amend Subchapter III, Chapter 9, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1015 Filing an expungement petition.

(b) Prohibitions to expungement.

(1) No person who has been adjudicated delinquent of first-degree murder (§ 636 of Title 11), second-degree murder (§ 635 of Title 11), first-degree kidnapping (§ 783A of Title 11), manslaughter under either § 632(2) or (5) of Title 11, rape first degree (§ 773 of Title 11), rape second degree (§ 772 of Title 11), arson first degree (§ 803 of Title 11), ~~robbery first degree (§ 832 of Title 11), burglary first degree (§ 826 of Title 11), or home invasion (§ 826A of Title 11)~~, or an attempt to commit any of the aforementioned offenses, shall be eligible for a juvenile expungement pursuant to § 1017 or § 1018 of this title.

§ 1018 Discretionary Expungement.

(a) The Family Court may grant a petition for expungement if the petitioner has no prohibitions pursuant to § 1015(b) of this title and the person's juvenile criminal history indicates:

(1) Only felony, misdemeanor, or violation cases, all of which were terminated in favor of the petitioner, and less than 1 year has passed since termination of the last felony case; or

(2) A single case that resulted in an adjudication of delinquency for a misdemeanor sex offense or violent felony, as those terms are defined in § 1016 of this title, and at least 3 years have passed since adjudication; or

~~(3) No more than 2 cases which resulted in adjudication of delinquency where no more than 1 of the cases involves a felony adjudication, and at least 5 years have passed since the second adjudication, provided that the felony adjudication may not be a violent felony; or~~

~~(4) Multiple adjudications for misdemeanor or violation cases and at least 5 years have passed since the last adjudication; or~~

(53) No more than 1 case which resulted in adjudication of delinquency for a violent felony or felony sex offense and at least 5 years have passed since adjudication; or

~~(64) no more than two cases which resulted in adjudications of delinquency, where one of the cases involves a misdemeanor or violation adjudication and the other involves a violent felony adjudication, and at least 7 years have passed since the second adjudication. Multiple adjudications for cases, excepting Title 11 violent felonies and felony sex offenses, and at least 5 years have passed since the last adjudication; or~~

(74) Multiple adjudications for cases, that include Title 11 violent felonies and felony sex offenses, and at least 7 years have passed since the last adjudication.

#### SYNOPSIS

The continued existence and dissemination of a juvenile criminal record hampers an individual's ability to become a successful and productive member of society. These criminal histories are a hindrance to employment, education, housing and credit. This act modifies Delaware's discretionary expungement provisions to allow more children, and adults with only juvenile records, the ability to petition the Court for an expungement. An adult conviction automatically disqualifies someone from seeking an expungement to their juvenile record. These changes would allow the Court to consider an expungement where a person with a juvenile record has demonstrated rehabilitation. These provisions will enable a greater number of deserving youth, and adults with only juvenile records, the ability to move beyond their past and recognizes that most youth mature out of offending behavior. This legislation builds on a bill passed by a bipartisan group of lawmakers during the 148th General Assembly. Senate Bill 198 streamlined the process for an individual to expunge their juvenile record. This proposed expansion removes certain prohibitions that prevent an individual from ever seeking a discretionary expungement, streamlines the scenarios of which a person with a juvenile record is eligible to seek a discretionary expungement, and creates a fair catch-all provision for those seeking an expungement to their juvenile record in cases where they were found delinquent in multiple cases, but had not been adjudicated or convicted of another crime since. This allows for eligible juveniles, and adults with only juvenile records, to seek discretionary expungements, wherein the Court would decide whether or not a person had rehabilitated.

Author: Senator Townsend