



SPONSOR: Rep. Keeley & Rep. Wilson & Sen. Henry & Sen. Lopez
Reps. Briggs King, Miro, D. Short; Sen. Hansen

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 207

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

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

Section 1. Amend §4177(d), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline 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. The Justice of the Peace Court shall have jurisdiction to accept pleas of guilt and to impose sentence for violations of this section that are not subject to sentencing pursuant to paragraphs (d)(3) through (d)(9) of this section and to enter conditional adjudications of guilt requiring or permitting a person to enter a first offender election pursuant to § 4177B of this Title. The Justice of the Peace Court shall not have jurisdiction to try any violations of this section.~~ 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 remain joined with any violation of this section for the purpose of trial.

Section 2. Amend § 2, Chapter 349, Volume 78 of the Laws of Delaware by making deletions as shown by strike through and insertions as shown by underline as follows:

~~The provisions of this Act shall sunset at the end of June 30, 2017, unless such provisions are reestablished by an Act of the General Assembly.~~

SYNOPSIS

This Act provides judicial economy in the disposition of Driving Under the Influence ("DUI") offenses by providing a trial for misdemeanor DUI offenses only in the Court of Common Pleas. This Act permits the Justice of the Peace Court to accept guilty pleas and first offender elections. This Act also requires that any offense properly joined with a DUI offense remains so joined for the purpose of trial. Under current Delaware law, all cases are initiated in the Justice of the Peace Court for the purposes of setting bail. On June 30, 2017, the State's ability to transfer these cases, provided by House Bill 277 of the 147th General Assembly, sunsets. Thereafter, in matters over which the Justice of the Peace and the Court of Common Pleas have concurrent jurisdiction, only the defendant has a statutory right and mechanism (11 Del. C. § 5303) to transfer to the Court of Common Pleas. A single track for the disposition of DUI offenses also provides a

mechanism for all DUI offenders to be considered for the specialized, treatment-focused post-adjudication “DUI Court” in the Court of Common Pleas.