



SPONSOR: Rep. J. Johnson & Rep. Baumbach & Rep. Heffernan &
Rep. Longhurst & Rep. Potter & Sen. Townsend &
Sen. McDowell
Reps. Bentz, Bolden, Brady, Kowalko, Lynn, Paradee;
Sens. Ennis, Henry

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 339

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO RELEASE OF PERSONS ACCUSED OF CRIMES.

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

1 Section 1. Amend § 2103A , Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 ~~§ 2103A Detention of youth charged with Superior Court offenses.~~

4 ~~When a child has reached that child's sixteenth birthday and is found to be nonamenable to the rehabilitative~~
5 ~~processes of the Family Court or is charged with an offense in Superior Court and thereafter makes application for transfer~~
6 ~~of said charges to Family Court pursuant to § 1011 of Title 10 and is denied or fails to make application pursuant to § 1011~~
7 ~~of Title 10 within the required time and is therefore held over for trial in Superior Court, the youth shall be remanded to the~~
8 ~~Department of Correction if held in default of bail. When a child (youth) has been lawfully administratively remanded or~~
9 ~~transferred to the Department of Correction ("DOC"), DOC shall be exclusively responsible for all aspects of the child's~~
10 ~~(youth's) care, custody and control, including services associated with those responsibilities upon such remand and transfer.~~
11 ~~The Department of Services for Children, Youth and Their Families ("DSCYF") shall have no authority or jurisdiction of~~
12 ~~such child (youth).~~

SYNOPSIS

This bill allows children under the age of 18 to be transferred to the Department of Corrections only after adjudication and an imposition of a sentence of incarceration. Currently, Delaware permits juveniles charged with adult offenses to be held in default of bail in the custody of the Department of Corrections. The trend nationwide is to hold juveniles charged with adult offenses in juvenile facilities pretrial as these facilities provide educational and rehabilitative programs.