

CHAPTER 17
FORMERLY
HOUSE BILL NO. 48

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 strikethrough as follow:

§ 1016. Definitions applicable to juvenile expungements.

~~(8) "Violent misdemeanor" means a delinquent act constituting 1 of the misdemeanors enumerated under § 603, § 611, § 621, § 628, § 781, § 1257, or § 1325 of Title 11.~~

§ 1017. Mandatory expungement.

(a) The Family Court shall 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 misdemeanor and violation cases that were terminated in favor of the child; or
- (2) Only felony, misdemeanor and violation cases that were terminated in favor of the child and at least 1 year has passed since the last felony case was terminated in favor of the child; or
- (3) No more than 1 felony, misdemeanor or violation case which resulted in an adjudication of delinquency and at least 3 years have passed since the date of adjudication, provided the adjudication was not for a violent felony, ~~violent misdemeanor, or felony~~ sex offense, or misdemeanor sex offense as those terms are defined in § 1016 of this title.

Approved May 18, 2017