

CHAPTER 297
FORMERLY
HOUSE BILL NO. 259

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCES FOR SEXUAL OFFENSES.

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

Section 1. Amend § 4205A, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4205A. Additional penalty for serious sex offenders or pedophile offenders.

(a) Notwithstanding any provision of this chapter or any other laws to the contrary, the Superior Court, upon the State's application, shall sentence a defendant convicted of any crime set forth in § 771(a)(2), § 772, § 773, § 776, § 777, § 777A, § 778(1) or (2) of this title ~~shall be sentenced~~ to not less than 25 years up to life imprisonment to be served at Level V if one of the following apply:

(1) The defendant has previously been convicted or adjudicated delinquent of any sex offense set forth in this title and classified as a class A or B felony, or any similar offense under the laws of another state, the United States or any territory ~~thereof, or of the United States.~~

(2) The victim of the instant offense is a child less than 14 years of age.

(b) ~~A fiscal report on the financial impact of this legislation shall be submitted by the Criminal Justice Coordinator or designee to the Controller General and Chairpersons of the Joint Finance Committee no later than March 15, 2008, after consultation with the Chief Judge of Superior Court, the Commissioner of Corrections, the Attorney General and Chief Defender or their designee. [Repealed.]~~

(c) Notwithstanding any provision of this chapter or any other laws to the contrary, the Superior Court, upon the State's application, shall sentence a defendant convicted of any crime set forth in subsection (a) of this section to an additional 5 years to be served at Level V for any sentence imposed under subsection (a) of this section if the victim of the crime set forth in subsection (a) of this section is a child less than 7 years of age.

(d)(1) Notwithstanding any provision of this chapter or any other laws to the contrary, the Superior Court, upon the State's application, shall sentence a defendant convicted of any crime set forth in § 769 or § 783(4) of this title to not less than 5 years to be served at Level V if the victim of the crime is a child less than 7 years of age.

(2) Notwithstanding any provision of this chapter or any other laws to the contrary, the Superior Court, upon the State's application, shall sentence a defendant convicted of a crime set forth in § 783A(4) of this title to not less than 10 years to be served at Level V if the victim of the crime is a child less than 7 years of age.

Approved July 1, 2018