

CHAPTER 36
FORMERLY
HOUSE BILL NO. 75
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO FAMILY COURT JUVENILE EXPUNGEMENT.

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

Section 1. Amend § 1018(a)(3), Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1018 Discretionary expungement.

(3) A child has no more than 2 adjudications of delinquency involving separate and distinct cases where no more than one of the offenses for which the child was adjudicated delinquent ~~are~~ is designated as ~~misdemeanors or violations in Title 4, 7, 11, 16 or 23, or a county or municipal code, ordinance, or regulation which is the same as, or equivalent to, any offenses enumerated in Title 4, 7, 11, 16 or 23,~~ a felony, excepting violent ~~misdemeanors, provided the petitioner has no prior adjudication of delinquency~~ felonies, and provided the petitioner has no other subsequent adjudication of delinquency or adult conviction for an offense under Title 4, 7, 11, 16, or 23 or an equivalent offense under a county or municipal code, ordinance or regulation, and provided that the petitioner has no pending criminal charges, and provided that at least 5 years have passed following the date the second adjudication of delinquency was entered in Family Court. A felony adjudication expunged pursuant to this section shall cease to be the basis for a person prohibited pursuant to § 1448(a)(4) of Title 11.

Approved June 17, 2015