

CHAPTER 281
FORMERLY
HOUSE BILL NO. 309
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE SPECIAL LAW ENFORCEMENT ASSISTANCE FUND.

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

Section 1. Amend § 4113, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline as follows:

§ 4113 Disbursement of funds.

(a) The disbursement of funds from this account shall be made by the State Treasurer to a law-enforcement agency only upon written application by the agency and upon authorization by the Attorney General, the Director of the Office of Management and Budget and the Controller General on a form designed for such purpose by the Attorney General and the State Treasurer. Guidelines for appropriate uses of the fund shall be established by the Attorney General with the concurrence of the Director of the Office of Management and Budget and the Controller General.

(b) This application and authorization form must include the following information:

- (1) The amount of funds requested;
- (2) The anticipated purpose for which such funds are requested;
- (3) The amount of any and all funds received by said agency from the Special Law Enforcement Assistance Fund during the previous 5 fiscal years; and
- (4) The name of the agency requesting said funds and the name of the individual in that agency who shall be responsible for keeping accurate records as to the use of said funds.

(c) (1) The Attorney General shall determine whether or not the expressed purposes for expenditures requested are:

- ~~(1)~~ a. Included within those purposes allowed under this subchapter;
- ~~(2)~~ b. Consistent with the disbursement guidelines; and
- ~~(3)~~ c. In the best interests of law enforcement.

(2) In determining whether proposed expenditures meet these criteria, the Attorney General shall periodically meet and confer with and consider the recommendations of a special advisory committee with respect to all such proposed expenditures, which special advisory committee is hereby created and shall be known as the "Special Law Enforcement Assistance Fund Committee" or "SLEAF Committee." Thereafter, the Attorney General, with the concurrence of the Director of the Office of Management and Budget and the Controller General, may authorize the expenditures in whole or in part and only then shall the funds be paid to the appropriate law-enforcement agencies. The recommendations of the Special Law Enforcement Assistance Fund Committee shall not be binding on the Attorney General, the Director of the Office of Management and Budget and the Controller General.

(3) The SLEAF Committee shall develop procedures to allow an applicant to submit an application that the applicant believes would be exempted from the definition of public record contained in Title 29, Chapter 100 of the Delaware Code. Such an application shall not be a public record while the SLEAF Committee reviews the application to determine if the application, or any portion thereof, would be exempted from the definition of public record. If the SLEAF Committee determines the application, or any portion thereof, would not be exempted from the definition of public record, the applicant may withdraw the application within 10 business days of the determination. If the applicant withdraws the application, it shall be exempt from disclosure under Chapter 100 of Title 29 to the extent it would have been exempt prior to being submitted to the SLEAF Committee. If the applicant does not withdraw the application within the allotted 10 business days, the application shall thereafter be subject to Chapter 100 of Title 29.

(d) The methods and procedures established for the application and expenditure of this Fund are not subject to the normal accounting practices set forth in Chapter 65 of Title 29.

(e) All records, applications, approvals, authorizations and reports required by this subchapter shall be ~~exempt from disclosure under~~ subject to Chapter 100 of Title 29. In addition, the SLEAF Committee shall ~~not~~ be deemed a public body as defined in ~~or otherwise subject to the open meeting provisions of~~ Chapter 100 of Title 29. Any records, applications, approvals, authorizations, and reports required by this subchapter may be redacted to the extent permitted by Chapter 100 of Title 29.

Section 2. Amend § 4115, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline as follows:

§ 4115 Review.

Any agency receiving funds from the Special Law Enforcement Assistance Fund shall, on or before July 15, submit a detailed and complete accounting of the disbursement for all such funds from the prior fiscal year to the Auditor of Accounts and the Attorney General. The Auditor and Attorney General shall review said accounting and shall maintain them ~~as confidential files~~. The Attorney General shall submit on or before October 1 of each year a ~~confidential~~ report to the Chairperson and Vice-Chairperson of the Joint Finance Committee summarizing the expenditures from this Fund during the preceding fiscal year.

Section 3. This Act shall take effect 90 days after its enactment and shall apply only to those applications submitted after this Act takes effect.

Approved June 28, 2016