

CHAPTER 107
FORMERLY
SENATE BILL NO. 72
AS AMENDED BY
SENATE AMENDMENT NO. 2

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, Chapter 41, Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike-through as follows:

§ 4110 Purpose; created.

The General Assembly hereby declares that in order to provide funds to enhance the suppression, investigation and prosecution of criminal activity, promote officer safety, facilitate the training of law enforcement personnel, further public safety, public education, and community awareness and improve victim services, ~~combat organized crime, especially with respect to the unlawful trafficking in controlled substances, unlawful gambling activities and unlawful pornographic and prostitution related activities,~~ it is necessary to establish a fund for the use of law-enforcement agencies in the State. This special fund is hereby created and shall be known as the "Special Law Enforcement Assistance Fund."

§ 4111 Use.

(a). The use of money from the Special Law Enforcement Assistance Fund ~~this Special Fund~~ must be for the purposes declared in section 4110 of this subchapter herein as such requires the use of United States currency in undercover operations or which requires the reimbursement for payment of overtime to investigators working on organized crime investigations; provided, however, that such overtime may be paid by their agency only to officers of state and local law enforcement agencies or to auditors from the Office of Auditor of Accounts. ~~The Attorney General shall allocate resources and approve expenditures in respect of permitted uses in accordance with this subchapter, including any disbursement guidelines established under section 4113(a) of this subchapter, and shall consider the recommendations of the SLEAF Committee, as defined below, in connection with any such allocation or approval.~~

§ 4113 Disbursement of Funds.

(c). The Attorney General shall determine whether or not the expressed purposes ~~for the expenditures requested is~~ are (1) included within those purposes allowed under this subchapter, (2) consistent with the disbursement guidelines and (3); and further, whether the proposed expenditure of funds for the expressed purpose will be in the best interests of law enforcement. ~~Inf determining whether the Attorney General determines that the proposed expenditures meets 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 or the Controller General.

(e). All records, applications, approvals, authorizations and reports required by this subchapter shall be exempt from disclosure under 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 of the Delaware Code.

(f) For purposes of this subchapter, the SLEAF Committee shall mean an advisory body comprised initially of the following eight (8) members:

1. The State Prosecutor, acting on behalf of the Department of Justice, who shall serve as the chairperson of the SLEAF Committee;

2. The chief law-enforcement officer or other representative of the Delaware State Police;
3. The chief law-enforcement officer or other representative of the New Castle County Police

Department;

4. The chief law-enforcement officer or other representative of the Wilmington City Police

Department;

5. The chief law-enforcement officer or other representative of the Dover City Police

Department;

6. An at-large representative of county, municipal and other local law-enforcement agencies located within New Castle County, as designated by the local chiefs' association;

7. An at-large representative of county, municipal and other local law-enforcement agencies located within Kent County, as designated by the local chiefs' association; and

8. An at-large representative of county, municipal and other local law-enforcement agencies located within Sussex County, as designated by the local chiefs' association.

The SLEAF Committee shall meet quarterly, at times and locations specified by the chairperson, to review applications and make recommendations to the Attorney General with respect to applications and the allocation of funds. The SLEAF Committee may adopt such advisory committee bylaws or other rules or procedures governing the SLEAF Committee and the conduct of its affairs as the SLEAF Committee deems appropriate or necessary to carry out its duties under this subchapter.

§ 4114. Accounting of funds; permissible types of investigative activities.

(a) ~~Funds obtained by law enforcement agencies pursuant to this subchapter shall be used only for the purposes set out in subsection (b) of this section.~~ Each agency receiving funding from the Special Law Enforcement Assistance Fund ~~any such funds~~ during any fiscal year shall render on or before June 30 of each year a full and complete accounting for the use of such funds to the Attorney General, who shall attain such accountings for inspection by the State Auditor. Any funding received from the Special Law Enforcement Assistance Fund ~~special law enforcement assistance funds which are~~ during any fiscal year that remains in the hands of any agency at the end of the fiscal year and which are that has not been earmarked for or allocated to expenditures that were authorized under this subchapter prior to fully expended by the end of the fiscal year must ~~then~~ be returned by the agency to the Special Law Enforcement Assistance Fund unless the agency has requested and ~~has~~ received an authorization in writing for an extension of up to 120 days by the Attorney General.

~~(b) Funds from the Special Law Enforcement Assistance Fund may be used for the following types of investigative activities:~~

~~(1) Payment of informant money;~~

~~(2) Payment for the purchase by undercover agents of unlawful substances, such as but not limited to counterfeit or real controlled substances, pornographic materials, stolen property or other contraband;~~

~~(3) Use as gambling front money by undercover agents;~~

~~(4) Payment of overtime to Delaware state or local law enforcement officers or auditors from the Office of Auditor of Accounts when engaged in special or extraordinary investigations of organized criminal activity;~~

~~(5) To provide any service to a witness or potential witness pursuant to subchapter I of Chapter 96 of this title. [Repealed.]~~

Approved July 15, 2013