

CHAPTER 366
FORMERLY
SENATE BILL NO. 127
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PAROLE.

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

Section 1. Amend Chapter 43, Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 4341. Selection, appointment and removal of Board of Parole.

(a) The Board of Parole shall consist of a Chairperson and 4 other members, all of which shall be appointed by the Governor and confirmed by a majority of the members elected to the Senate. 1 member shall be from each county ~~plus~~ and 1 additional member shall be from the City of Wilmington; Appointed members may include, but not be limited to, those who have a demonstrated interest in correctional treatment ~~or~~ , social welfare, or victim advocacy. ~~each of whom shall serve for a term of 4 years, and a Chairperson who shall serve at the pleasure of the Governor, all to be appointed by the Governor and confirmed by a majority of the members elected to the Senate.~~

(b) The Chairperson shall be paid a salary which shall be fixed by the Governor.

(c) The Chairperson shall be experienced in the area or areas of probation, parole and/or other related areas of corrections.

(d) ~~One of the initial 4 members shall be appointed for a term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years and the fourth for a full 4 year term. Members appointed thereafter, unless to fill a vacancy, shall be for full 4 year terms. A vacancy shall be filled by the Governor within 60 days, the appointee to serve the balance of the unexpired term. The Chairperson shall serve at the pleasure of the Governor, and all other members shall serve a 4 year term, provided that no more than 1 member's term shall expire annually. The Governor may appoint members for terms of less than 4 years to ensure that the Board members' terms expire on a staggered basis. A member shall hold office until a successor has been appointed and qualified.~~

~~(e) The present Chairperson and members of the Board of Parole shall continue to serve as voting members of the Board until the expiration date of their present terms, unless they shall sooner resign.~~

~~(f)~~ (e) The Governor may remove a member of the Board only for disability, inefficiency, neglect of duty or malfeasance in office. A member may be deemed in neglect of duty if they are absent from 3 consecutive Board meetings without adequate reason or if they attend less than 50% of Board meetings in a calendar year. Before such removal the Governor shall give the member a written copy of the charges against such member and shall fix the time when such member can be heard in such member's defense, which shall not be less than 10 days thereafter.

§ 4342. Adequate quarters; personnel; seal.

(a) The Board shall obtain and maintain suitable and adequate quarters and shall employ those persons necessary to carry out its functions. For administrative and budgetary purposes, the Board shall be placed within the Criminal Justice Council. Fiscal oversight shall be provided by the Criminal Justice Council as determined by the Executive Director of the Criminal Justice Council.

(b) The Board shall adopt an official seal of which the courts shall take judicial notice.

Approved July 29, 2014