

CHAPTER 211
FORMERLY
HOUSE BILL NO. 134

AN ACT TO AMEND TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO THE
EXPUNGEMENT OF ADULT ARREST RECORDS.

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

Section 1. Amend Section 1025, Title 10 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 1025. Expungement of adult police and court records.

(a) If an adult person is charged with the commission of a crime or crimes and the case is terminated in favor of the accused, the person may request the expungement of the police records and the court records relating to the ~~charge~~ case pursuant to the provisions of this subchapter.

(b) For the purposes of this section, a case shall be deemed to be "terminated in favor of the accused" only if:

(1) The accused is acquitted of all charges related to the case; ~~or~~

(2) A nolle prosequi is entered on all charges related to the case; ~~or all charges related to the case are otherwise dismissed.~~

(3) The accused is placed on probation before judgment, fulfills the terms and conditions of probation, and the Court enters an order discharging the person from probation; or

(4) All charges related to the case are otherwise dismissed.

(c) For the purposes of this section "case" means a charge or set of charges related to a complaint or incident that are or could be properly joined for prosecution.

Section 2. Amend Section 4372, Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 4372. Termination of criminal action in favor of accused.

(a) If a person is charged with the commission of a crime or crimes and the case is terminated in favor of the accused, the person may request the expungement of the police records and the court records relating to the ~~charge~~ case pursuant to the provisions of this subchapter.

(b) For the purposes of this subchapter, a case shall be deemed to be "terminated in favor of the accused" only if:

(1) The accused is acquitted of all charges related to the case; ~~or~~

(2) A nolle prosequi is entered on all charges related to the case; ~~or all charges related to the case are otherwise dismissed.~~

(3) The accused is placed on probation before judgment, fulfills the terms and conditions of probation, and the Court enters an order discharging the person from probation; or

(4) All charges related to the case are otherwise dismissed.

(c) For the purposes of this subchapter, "case" means a charge or set of charges related to a complaint or incident that are or could be properly joined for prosecution.

Approved April 10, 2014