

CHAPTER 362
FORMERLY
SENATE SUBSTITUTE NO. 1 FOR
SENATE BILL NO. 36
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, §12 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO CRIMINAL PROCEDURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend §12, Article I of the Delaware Constitution of 1897 by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 11. Excessive bail or fines; cruel punishments; health of prisoners.

Section 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in the construction of jails a proper regard shall be had to the health of prisoners.

§ 12. Right to bail; access to accused.

Section 12. All prisoners shall beailable by sufficient sureties, unless for capital offenses when the proof is positive or the presumption great, or unless for Class A or B violent felony offenses, as defined in Title 11 of the Delaware Code and under such other circumstances as may be prescribed by law when no condition or combination of conditions other than detention will reasonably assure the safety of any person or the community; and when persons are confined without bail on accusation for ~~such~~any offenses their friends and counsel may at proper seasons have access to them. Further, when a person is confined pretrial solely as a result of being held without bail for a Class A or B violent felony offense, trial shall occur within 120 days of arrest except when the person, through counsel or acting *pro se*, requests a delay; and if the person is not tried pursuant to this time standard, then the person shall beailable by sufficient sureties.

Approved July 23, 2014