

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 186  
151st GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 129

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON CORRECTION.

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

Section 1. Amend § 8905, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8905. Council on Correction.

~~(a) The Council on Correction (COC) is reestablished.~~

~~(b) The COC shall serve in an advisory capacity to the Commissioner of Correction and shall consider matters relating to the development and progress of the correctional system of this State. The Council shall consider such other matters as may be referred to it by the Governor, the Commissioner and the Chief of the Bureau of Adult Correction. The Council may study, research, plan and advise the several chiefs, the Commissioner and the Governor on matters it deems appropriate to enable the Department to function in the best manner. The Council shall consider matters relating to the development and progress of the adult correctional system of this State, including correctional facilities and services provided to adult offenders.~~

~~(c) The COC shall be composed of 7 members appointed by the Governor for terms up to 3 years to allow that no more than 3 members' terms expire in any year. The COC members shall annually elect a Chair and Vice Chair of the Council.~~

~~(d) The COC shall meet no less than 6 times a year. The failure by a member to attend 2 consecutive or 3 regular meetings of the Council per year without cause shall be construed as a request by that member to resign from the Council. The Governor may accept the resignation and appoint a replacement member. A quorum shall consist of a majority of current members.~~

~~(e) Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.~~

~~(f), (g) [Repealed.]~~

(a) Purpose. The Council on Correction, referred throughout this section as "Council", is established to serve in an advisory capacity to the Commissioner of the Department of Correction. Council's purpose is to collect and evaluate the best available data to make recommendations to the Commissioner of the Department of Correction to further the following goals:

(1) Enhance the safe and orderly operation of Department of Correction facilities, for both employees and offenders.

(2) Enhance the efficiency of Department of Correction policies.

(3) Ensure system and offender accountability.

(4) Foster a constructive and respectful relationship between the Department of Correction and the public.

(b) Council shall consider matters relating to the development and progress of the adult correctional system of this State, including all of the following:

(1) Correctional facilities.

(2) Services provided to an adult offender.

(3) The care and supervision of an individual released on probation or parole.

(4) Another matter that the Governor, the Commissioner of the Department of Correction, or a chief of a bureau or division within the Department of Correction may refer to Council.

(c) Council may study, research, plan, and advise the Governor, the Commissioner of the Department of Correction, or the chiefs of the bureaus or divisions within the Department of Correction on matters that Council identifies as appropriate to enable the Department to function in the best manner.

(d) Council membership.

(1) Council is comprised of 7 members who are appointed by the Governor. Council may submit names for the Governor to consider when making an appointment.

(2) Each member is appointed for a period of 3 years. Each term of office expires on the date specified in the appointment; however, a member remains eligible to participate in Council proceedings until the Governor replaces that member. The Governor may appoint a member for a term of less than 3 years to ensure that members' terms expire on a staggered basis.

(3) Council shall annually elect a chair and a vice chair from among its members.

(4)a. The Governor may remove a member for gross inefficiency, misfeasance, nonfeasance, or neglect of duty in office.

b. A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular Council meetings without good cause or attends less than 50% of Council meetings in a calendar year.

c. The Governor may consider a member who is deemed in neglect of duty as having resigned, and may accept the member's resignation.

(5) A member does not receive compensation but may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

(e) Meetings and quorum.

(1) Council shall meet at least 6 times per year.

(2) Council shall conduct at least 1 meeting in each county per calendar year.

(3) The number of Council members who must be present at a meeting to have quorum and conduct official business is the majority of appointed members. A member vacancy is not counted for quorum.

(f) Council may adopt bylaws or other procedural rules to carry out its functions under this section.

(g) Council must conduct its meetings and other business under Chapter 100 of this title (Freedom of Information Act).

(h) Council shall submit an annual report no later than December 1 to the Governor, General Assembly, Commissioner of the Department of Correction, chiefs of the bureaus and divisions under the Department of Correction, Executive Director of the Criminal Justice Council, and Director and Librarian of the Division of Research of Legislative Council. The annual report must include at least all of the following:

(1) Meeting agendas and minutes.

(2) Training programs Council members completed.

(3) Council's priorities and activities, including participation in legislative matters.

(4) Correspondence with the Commissioner of the Department of Correction and the Department of Correction in general. The correspondence must be redacted to remove any information that is not deemed a public record under § 10002 of Title 29.

(5) Council's goals, priorities, and planned activities for the next calendar year.

(i) Council is a Department of Correction entity, but the Criminal Justice Council, through its Executive Director, shall provide reasonable and necessary staff support and materials to assist Council in performing its duties under this section.

Section 2. Section 8905(i) of Title 29 under this Act expires 5 years after its enactment into law, unless otherwise provided by a subsequent act of the General Assembly.

Approved September 17, 2021