

LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 283  
152nd GENERAL ASSEMBLY  
FORMERLY  
SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 11

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION 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 by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 12. Right to bail; access to accused.

Section 12. (a) All ~~prisoners shall~~ persons, before conviction, shall be bailable by sufficient sureties, ~~unless for~~ except as follows:

(1) For capital offenses when the proof is positive or the presumption ~~great;~~ great.

(2) For other felony offenses that the General Assembly expressly prescribes by law when all of the following apply:

a. The proof is positive or the presumption great.

b. The proof is clear and convincing that no condition or combination of conditions of release will do all of the following:

1. Reasonably assure the person's appearance at court proceedings.

2. Reasonably assure the protection of the community, victims, witnesses, or any other person.

3. Reasonably maintain the integrity of the judicial process, such that the person will not obstruct or attempt to obstruct justice.

c. The law designating a felony offense for which a person is potentially not bailable under this paragraph (a)(2) is enacted by an act of the General Assembly that receives the concurrence of two-thirds of all the members elected to each House of the General Assembly.

(b) If a law designates a felony offense as potentially not bailable under paragraph (a)(2) of this Section, a law removing that designation must be enacted by an act of the General Assembly that receives the concurrence of two-thirds of all the members elected to each House of the General Assembly.

(c) ~~and when~~ When persons are confined before conviction on accusation for ~~such offenses~~ any offense, their friends and counsel ~~may at proper seasons~~ may, on reasonable conditions, have access to them.

First leg of amendment to the Constitution approved June 30, 2024