

LAWS OF DELAWARE
VOLUME 84
CHAPTER 362
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 284

AN ACT TO DISCHARGE OUTSTANDING BALANCES OWED BY INDIVIDUALS FOR FEES REPEALED BY CHAPTER 441 OF VOLUME 83 OF THE LAWS OF DELAWARE.

WHEREAS, House Bill 244, as amended by House Amendment No. 2 (“the Act”), was passed by the 151st General Assembly, signed into law by the Governor, and took effect on April 3, 2023, becoming Chapter 441 of Volume 83 of the Laws of Delaware; and

WHEREAS, the stated intent of the Act was to reduce the financial burdens of criminal justice-imposed debts that disproportionately impact the poor; and

WHEREAS, the Act, among other things, repealed § 6504(14) of Title 11 of the Delaware Code, eliminating a \$200 fee (“the probation supervision fee”) imposed on criminal defendants as a condition of probation; and

WHEREAS, the Act also repealed § 4607 of Title 29 of the Delaware Code, eliminating a \$100 fee (“the Public Defender fee”) imposed on criminal defendants for whom the Office of Defense Services or court-appointed counsel had entered an appearance in the defendant’s case; and

WHEREAS, the Controller General’s fiscal note for the Act assumed that there would be no further collection of a probation supervision fee or Public Defender fee assessed before the effective date of the Act; and

WHEREAS, the Act created the Criminal Legal System Imposed Debt Study Group (“the Study Group”) to make further recommendations to promote access, fairness, and transparency in the imposition and collection of court imposed financial obligations; and

WHEREAS, the Study Group issued its final report on December 7, 2023, and noted, among other things, that the Act’s repeal of the probation supervision fee and the Public Defender fee did not operate retroactively to eliminate any outstanding balances owed for these fees that were imposed before the Act’s effective date; and

WHEREAS, the Study Group recommended that the General Assembly explicitly state its intent to discharge any outstanding balances owed for the probation supervision fee and the Public Defender fee imposed before the Act’s effective date.

NOW, THEREFORE:

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

Section 1. As of the effective date of this Act, any outstanding balances owed by an individual for any of the following, including any fee, costs, interest, or other charge assessed on any of the following, are discharged:

(1) The probation supervision fee formerly assessed under § 6504(14) of Title 11 of the Delaware Code (repealed by § 9 of Chapter 441 of Volume 83 of the Laws of Delaware).

(2) The administrative fee formerly assessed under § 4607 of Title 29 of the Delaware Code (repealed by § 13 of Chapter 441 of Volume 83 of the Laws of Delaware).

Approved August 12, 2024