



SPONSOR: Sen. Brown & Rep. Dorsey Walker & Rep. Cooke & Rep. Bush & Rep. Lynn
Sens. Buckson, Gay, Hansen, Hocker, Hoffner, Huxtable, Lawson, Lockman, Mantzavinos, S. McBride, Paradee, Pettyjohn, Pinkney, Poore, Richardson, Sokola, Sturgeon, Townsend, Walsh, Wilson; Reps. Baumbach, Chukwuocha, Griffith, Morrison, Neal, Phillips, Romer, Wilson-Anton

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 283

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DELJIS FUND.

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

1 Section 1. Amend § 4101(f), Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 4101. Payment of fines, fees, costs, assessments, and restitution on conviction.

4 ~~(f) In addition to, and at the same time as, any fine, penalty or forfeiture is assessed to any criminal or traffic~~
5 ~~defendant or any child adjudicated delinquent, there shall be levied an additional penalty of \$1.00 imposed and collected by~~
6 ~~the courts for crimes or offenses as defined in § 233 of this title. When a fine, penalty or forfeiture is suspended, in whole or~~
7 ~~in part, the penalty assessment shall not be suspended.~~

8 ~~(1) Upon collection of the penalty assessment, the same shall be paid over to the prothonotary or clerk of~~
9 ~~courts, as the case may be, who shall collect the same and transmit it to the State Treasury to be deposited in a~~
10 ~~separate account for the administration of this subsection, which account shall be designated the "DELJIS Fund",~~
11 ~~which is hereby created. The Fund is to be administered by the DELJIS Director. Funds shall be utilized to cover~~
12 ~~line charges, maintenance costs and upgrading of software and hardware that Page 246 Title 11 – Crimes and~~
13 ~~Criminal Procedure comprise the system known as the Criminal Justice Information System (CJIS) utilized by~~
14 ~~state and local law enforcement agencies in addition to all agencies designated as "Criminal Justice Agencies".~~

15 ~~(2) For each fiscal year, if the balance in the DELJIS Fund exceeds \$250,000, said funds shall be~~
16 ~~transferred to the General Fund of the State on June 30. The DELJIS Director shall submit a detailed spending~~
17 ~~plan for the use of the DELJIS funds to the Director of the Office of Management and Budget and Controller~~
18 ~~General no later than September 30 of each fiscal year. No funds shall be expended until the plan is approved by~~
19 ~~the Director of the Office of Management and Budget and the Controller General.~~

20 Section 2. Upon the effective date of this Act, any outstanding balances owed on the repealed fee shall be
21 discharged.

22 Section 3. This Act takes effect on the date of publication in the Register of Regulations of a notice by the
23 Controller General that \$260,000 in General Fund moneys were appropriated to DELJIS, which is DELJIS's full spending
24 authority of Appropriated Special Funds from the DELJIS Fund fee repealed by this Act. The Controller General shall
25 provide notice to the Registrar of Regulations that the moneys were appropriated.

SYNOPSIS

This Act repeals the DELJIS Fund fee imposed on criminal defendants. The elimination of this fee was recommended by the Criminal Legal System Imposed Debt Study Group created by House Bill 244, as amended by House Amendment No 2, of the 151st General Assembly, in its December 7, 2023 report. Any outstanding balances owed for this fee shall be discharged upon the Act's effective date. Per the Study Group's recommendation, the Act will become effective upon the specific appropriation of General Fund monies to replace DELJIS's full spending authority of the repealed fee.

Author: Senator Brown