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DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 146

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUVENILE EXPUNGMENTS

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

1 Section 1. Amend § 1017, Title 10 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 1017. Mandatory expungement.

4 (c) During the Court proceeding where any felony, misdemeanor or violation case is terminated in favor of the
5 child, the Court sua sponte, or upon request of any party, may immediately order expungement of the juvenile criminal
6 history, including all indicia of arrest. Prior to ordering expungement pursuant to this subsection, the Court shall review a
7 name-based Delaware criminal background check conducted through the Delaware Justice Information System (DELJIS),
8 in order to ensure eligibility. In cases reviewed by the Court pursuant to this subsection, the children must otherwise qualify
9 for expungement under this section. The Court has discretion to deny immediate expungement and require compliance with
10 § 1015(d) of this title.

SYNOPSIS

The continued existence and dissemination of a juvenile criminal record hampers an individual's ability to become a successful and productive member of society. These criminal records are a hindrance to employment, education, housing, credit, and military service. This Act streamlines Delaware's juvenile expungement code by providing the Delaware Family Court the option to immediately order an expungement in the event that a felony case was terminated in favor of the juvenile (i.e. a juvenile was found not guilty, or the charges were dropped). Delaware law currently allows the Court to do this for misdemeanor and violation cases.

Author: Senator Lawson