



SPONSOR: Sen. Lawson & Sen. Pettyjohn & Sen. Pinkney
Sens. Ennis, Hocker; Reps. Morris, Spiegelman

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 53

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CRIMINAL VIOLENCE RISK ASSESSMENT.

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

1 Section 1. Amend Part II, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Chapter 30P. Criminal Violence Data Sharing and Risk Assessment.

4 § 3001P. Purpose.

5 (a) The General Assembly finds and declares the following:

6 (1) On November 3, 2015, after an exhaustive study of the perceived increase in violence by firearms in the
7 City of Wilmington, the United States Centers for Disease Control and Prevention (“CDC”) published its final report
8 entitled “Elevated Rates of Urban Firearm Violence and Opportunities for Prevention – Wilmington, Delaware”
9 (“Final Report”).

10 (2) The CDC’s two recommendations for addressing violent crime in this State are as follows:

11 a. The establishment of a process to link and share data between certain State agencies to increase
12 collaboration between State agencies to prevent violence.

13 b. The creation and use of a risk assessment tool by State agencies, which uses data linked and shared by
14 State agencies for the delivery of evidence-based services to prevent violence.

15 (b) It is the intent of the General Assembly that the Secretary of the Department of Health and Social Services,
16 Commissioner of the Department of Correction, the Secretary of the Department of Safety and Homeland Security, and the
17 Secretary of the Department of Services for Children, Youth and Their Families collaborate and cooperate to implement the
18 recommendations in the CDC’s Final Report.

19 § 3002P. Criminal violence data linking and sharing process.

20 (a) The Secretary of the Department of Health and Social Services, Commissioner of the Department of
21 Correction, the Secretary of the Department of Safety and Homeland Security, and the Secretary of the Department of
22 Services for Children, Youth and Their Families shall cooperatively establish and maintain a process for linking and

23 sharing data collected by their State agency to facilitate State agencies in the coordination of comprehensive services to
24 individuals at highest risk of violence involvement, as recommended by the CDC in its Final Report.

25 (b) All other State agencies shall fully cooperate, participate, and assist in the data linking and sharing process
26 under this section, as may be required for the successful implementation of this chapter.

27 § 3003P. Criminal violence risk assessment; creation and implementation.

28 (a) The Secretary of the Department of Health and Social Services, Commissioner of the Department of
29 Correction, and the Secretary of the Department of Services for Children, Youth and Their Families, with the assistance of
30 the Secretary of the Department of Safety and Homeland Security and the Attorney General, shall use and expand on the
31 work of the CDC, as contained in its Final Report, to construct and implement a criminal violence risk assessment tool.

32 (b) The criminal violence risk assessment tool must do all of the following:

33 (1) Use the data obtained by using the data linking and sharing process created under § 3002P of this title.

34 (2) Be suitable for assessing both juveniles and adults.

35 (3) Be suitable for use by the Department of Health and Social Services, Department of Correction, Division
36 of Youth Rehabilitation Services, and courts.

37 (c) Reports generated from use of the criminal violence risk assessment tool must be used in conjunction with
38 other available tools, information, and data as follows:

39 (1) By the Department of Health and Social Services, to increase collaboration between the Department's
40 divisions to coordinate comprehensive services to individuals at highest risk of violence involvement.

41 (2) By the Department of Correction, when constructing reports and recommendations for the courts,
42 administering Probation and Parole programs, and constructing and administering individualized adult rehabilitation or
43 treatment programs.

44 (3) By the Department of Services for Children, Youth and Their Families and the Family Court, when
45 dealing with juveniles.

46 (4) By a court with criminal jurisdiction as an additional tool when making decisions concerning the pretrial
47 release of and sentencing of adults.

48 (5) The Board of Pardons or the Board of Parole, when considering applications under its authority.

49 § 3004P. Regulatory authority.

50 The Secretary of the Department of Health and Social Services, Commissioner of the Department of Correction,
51 Secretary of the Department of Safety and Homeland Security, and Secretary of the Department of Services for Children,
52 Youth and Their Families may cooperatively adopt regulations to implement this chapter.

53 § 3005P. Funding.

54 The General Assembly shall annually appropriate an amount sufficient to implement this chapter.

SYNOPSIS

On November 3, 2015, the United States Centers for Disease Control and Prevention (CDC) published a report titled "Elevated Rates of Urban Firearm Violence and Opportunities for Prevention – Wilmington, Delaware" in which the CDC made 2 major recommendations: (1) the creation and adoption of a robust risk assessment tool and (2) an integrated, statewide data collection system. To date, no meaningful action has been taken at any level to implement the CDC's recommendations.

This Act adopts the CDC's recommendations and directs the pertinent State agencies to implement these recommendations.

Author: Senator Lawson