SPONSOR: Rep. Dukes & Rep. Dorsey Walker & Sen. Poore
Reps. Chukwuocha, Cooke, Griffith, Hensley, K. Johnson, Kowalko, Lambert, Minor-Brown, S. Moore, Morrison, Osienski, D. Short, Michael Smith, Smyk, Spiegelman, K. Williams, Yearick; Sens. Gay, Hansen, Hocker, Lopez, Pettyjohn, Sturgeon, Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 379

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE JUVENILE OFFENDER CIVIL CITATION PROGRAM AND EXPUNGEMENT OF A JUVENILE'S RECORD.

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

Section 1. Amend § 1004A, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 1004A. Juvenile Offender Civil Citation Program.

(h) If the juvenile fails to comply with any requirements of the Juvenile Offender Civil Citation Program, including any assessments or required services, or otherwise violates any terms or conditions imposed by the identified provider, the juvenile shall be unsuccessfully discharged from the Juvenile Offender Civil Citation Program. The Civil Citation Coordinator shall advise the referring peace officer of a juvenile's unsuccessful termination from the program. A peace officer, upon receiving notice that a juvenile to whom they have issued a civil citation has been unsuccessfully discharged from the Juvenile Offender Civil Citation Program, shall be authorized to arrest the juvenile and proceed as otherwise provided in this subchapter.

(i) The statewide Civil Citation Coordinator shall, as a matter of course, expunge the records of a Civil Citation, even if a person has subsequent citations or convictions that would otherwise be ineligible for expungement, if the following conditions apply:

(1) The juvenile successfully completed all of the terms and conditions of the Juvenile Offender Civil Citation Program, and the juvenile was discharged successfully without arrest, and,

(2) One (1) year has passed since the date the terms and conditions of the Juvenile Offender Civil Citation Program was completed and the juvenile was discharged.

(j) If the Coordinator determines that expungement of a Civil Citation is required, pursuant to the previous subsection, they shall promptly notify all courts and law-enforcement agencies where records pertaining to the case, including, but not limited to, records of the arrest and court proceedings, are located or maintained that the records are to be expunged.

(k) A court or law-enforcement agency which receives a notice of expungement from the Division shall provide the Division with written confirmation of completion of the expungement once the expungement of the Civil Citation has been concluded.

Section 2. This Act takes effect 90 days after its enactment.

SYNOPSIS

This Act Amends Title 10 of the Delaware Code by allowing automatic Expungement for Juveniles who choose to participate in the Juvenile Offender Civil Citation Program after one year of successful completion of the program. This Program was offered as a viable alternative for Delaware Juveniles who did not wish to have a criminal misdemeanor on their record, especially in a time when these Juveniles may be applying for higher education and employment. However, whereas certain lower-level criminal offenses offer an option for expungement, these Civil Citations do not, and can still be seen on the Juveniles' records. This Act also obligates the Civil Citation Coordinator to notify any courts or law-enforcement agencies who possess records pertaining to the case to have the records expunged. Such courts and agencies are to provide written notice to the Coordinator to confirm the expungement was completed.