SPONSOR: Rep. Morrison & Rep. Romer & Rep. Gorman &
Sen. Pinkney & Sen. Townsend
Reps. Griffith, Lynn, Lambert, Burns, Snyder-Hall,
Ross Levin, Harris, K. Williams; Sens. Sokola, Hansen,
Seigfried

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 43

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO APPEALS.

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

Section 1. Amend § 147, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 147. Time for appeal from Superior Court in criminal actions.

~~No~~ (a) Except as provided in paragraph (b) of this section, no appeal from the Superior Court in a criminal action shall be received or entertained in the Supreme Court unless the praecipe or notice of appeal is duly filed in the office of the Clerk thereof within 30 days after the date of the judgment or decree.

(b) When an appeal is filed by a pro se inmate confined in an institution:

(1) The appeal is timely filed if:

a. The inmate's praecipe or notice of appeal is placed in the institution's internal mail system on or before the last day for filing.

b. The first-class postage is prepaid.

c. The praecipe or notice of appeal is accompanied by a receipt from the institution's staff verifying the date and time the praecipe or notice of appeal was placed in the institution's internal mail system.

(2) The institution's staff must give the inmate a copy of a receipt containing the following:

a. The name of the staff member who received the inmate's praecipe or notice of appeal.

b. The date and time the praecipe or notice of appeal was placed in the institution's internal mail system.

c. The case number.

SYNOPSIS

This bill adopts an inmate mailbox rule similar to the federal inmate mailbox rule. If a pro se inmate files an appeal while incarcerated, the date of filing will be counted as the date that that the inmate gave the appeal to the DOC officials for mailing rather than the date that the Courts receive the appeal.