



SPONSOR: Rep. Bolden & Rep. Lynn & Rep. Potter & Sen. Henry
Reps. Baumbach, Keeley

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 42

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TERMS OF IMPRISONMENT.

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

1 Section 1. Amend § 3901, Title 11 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 3901. Fixing term of imprisonment; credits.

4 (f) Any person sentenced prior to June 30, 2014, may petition the court to have all or part of the defendant's
5 sentences run concurrently under this section if the defendant's sentence of confinement was originally to be served
6 consecutively. To be eligible for relief under this subsection the defendant must have served at least one unsuspended
7 sentence of confinement. The petitioner may only file one application for relief under this subsection. No sentence of
8 confinement of any criminal defendant by any court of this state shall be made to run concurrently with any sentence of
9 confinement as described in subsection (d) of this section.

SYNOPSIS

This bill will allow defendants serving consecutive sentences, who were sentenced prior to the amendment of 11 Del. C. § 3901(d), to be allowed to petition the court to consider applying concurrent rather than consecutive sentences. This amendment to the law addresses one of the points of Governor Markell's proposed sentencing reform package to address overcrowding of Delaware's prison population and the increasing costs of incarceration.