



SPONSOR: Rep. J. Johnson & Rep. Heffernan & Rep. Longhurst &
Sen. Townsend
Reps. Bolden, Gray, Kowalko, Lynn, Viola; Sens. Henry,
Lopez, McDowell

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 48

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

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

1 Section 1. Amend Subchapter III, Chapter 9, Title 10 of the Delaware Code by making deletions as shown by
2 strikethrough as follow:

3 § 1016. Definitions applicable to juvenile expungements.

4 ~~(8) "Violent misdemeanor" means a delinquent act constituting 1 of the misdemeanors enumerated under §~~
5 ~~603, § 611, § 621, § 628, § 781, § 1257, or § 1325 of Title 11.~~

6 § 1017. Mandatory expungement.

7 (a) The Family Court shall grant a petition for expungement if the petitioner has no prohibitions pursuant to §
8 1015(b) of this title and the person's juvenile criminal history indicates:

9 (1) Only misdemeanor and violation cases that were terminated in favor of the child; or

10 (2) Only felony, misdemeanor and violation cases that were terminated in favor of the child and at least 1
11 year has passed since the last felony case was terminated in favor of the child; or

12 (3) No more than 1 felony, misdemeanor or violation case which resulted in an adjudication of delinquency
13 and at least 3 years have passed since the date of adjudication, provided the adjudication was not for a violent felony,
14 ~~violent misdemeanor, or felony sex offense,~~ or misdemeanor sex offense as those terms are defined in § 1016 of this
15 title.

SYNOPSIS

This bill fixes a drafting error in Senate Bill 198 of the 148th General Assembly that inadvertently made it harder for juveniles to get mandatory expungements by adding the term 'violent misdemeanor' as an excepting factor that would prevent a youth from receiving an expungement. Previously, violent misdemeanors were never included in the state's statute regarding mandatory expungements. The bill also strikes the definition of violent misdemeanor, which is no longer applicable to the state's juvenile expungement statute. The phrase "sex offense" was added after the word "felony" for clarity and to mirror the definition in § 1016. No substantive change is made by this clarification.