



SPONSOR: Rep. Paradee & Rep. Potter & Sen. Townsend
Reps. Baumbach, J. Johnson, Keeley, K. Williams; Sens.
Delcollo, Hansen

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 128

AN ACT TO AMEND TITLE 11, PART III OF THE DELAWARE CODE RELATING TO FAIR NOTICE.

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

1 Section 1. Amend Part III, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 CHAPTER 60. FAIR NOTICE ACT

4 §6001. Short title.

5 This chapter may be cited as the "Fair Notice Act."

6 § 6002. Definitions.

7 As used in this chapter:

8 (1) "Conviction" includes an adjudication as a juvenile delinquent. "Convicted" has a corresponding meaning.

9 (2) "Offense" means a felony, misdemeanor, violation, or delinquent act under the law of this state, another state,
10 or the United States.

11 § 6003. Limitation on scope.

12 (a) This Act does not provide a basis for invalidating a plea, conviction, or sentence.

13 (b) This Act does not affect the duty an individual's attorney owes to the individual.

14 § 6004. Notice in pretrial proceeding and at guilty plea.

15 When an individual receives formal notice that the individual is charged with an offense, the Attorney General
16 shall cause information substantially similar to the following to be communicated to the individual:

17 Notice of Additional Legal Consequences

18 If you plead guilty or are convicted of an offense you may suffer additional legal consequences beyond those
19 detailed in your sentence, such as jail or prison, probation, and fines. These additional consequences may include the
20 following:

21 1. Being unable to get or keep some licenses, permits, or jobs.

22 2. Being unable to get or keep benefits such as public housing or education.

23 3. Receiving a harsher sentence if you are convicted of another offense in the future.

24 4. Having the government take your property.

25 5. Being unable to vote or possess a firearm.

26 If you are not a United States citizen, a guilty plea or conviction may also result in your deportation, removal,
27 exclusion from admission to the United States, or denial of citizenship.

28 The law may provide ways to obtain some relief from these consequences.

29 § 6005. Notice at sentencing and upon release.

30 (a) An individual convicted of any offense shall be given the following notice as provided in subsections (b) and
31 (c):

32 (1) That collateral consequences may apply because of the conviction.

33 (2) That there may be ways to obtain relief from collateral consequences.

34 (3) The contact information for government or nonprofit agencies, groups, or organizations, if any, offering
35 assistance to individuals seeking relief from collateral consequences.

36 (4) When an individual convicted of an offense may vote under Delaware law.

37 (b) The Attorney General shall provide the notice in subsection (a) of this section as a part of sentencing.

38 (c) If an individual is sentenced to imprisonment or other incarceration, the officer or agency releasing the
39 individual shall provide the notice in subsection (a) of this section not more than 30, and, if practicable, at least 10, days
40 before release.

SYNOPSIS

This Act creates a Chapter 60 in Title 11 relating to providing individuals Fair Notice. Specifically, the Act requires individuals considering a plea of guilty in a criminal court of law be provided information related to the collateral consequences of a conviction. In addition, the Act requires additional notice be provided to a person convicted of a crime at the time of sentencing and upon release.