



SPONSOR: Rep. Lynn & Sen. Brown  
Reps. Dukes, D. Short; Sen. Pettyjohn

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 56

AN ACT ESTABLISHING THE INTERAGENCY FINES AND FEES TASK FORCE TO STUDY AND MAKE FINDINGS AND RECOMMENDATIONS ON THE IMPACT COURT-IMPOSED FINES AND FEES HAVE ON DEFENDANTS AND THE IMPOSITION AND COLLECTION OF COURT-IMPOSED FINES AND FEES.

1 WHEREAS, the imposition of financial penalties for crimes is within the purview of the General Assembly; and

2 WHEREAS, the imposition of fines and assessments was intended to punish defendants for criminal behavior as  
3 well as to defray the costs of operating the criminal justice system in addition to some government programs unrelated to  
4 criminal justice; and

5 WHEREAS, in many cases, the courts are required by statute to order defendants to pay fines and assessments;  
6 and

7 WHEREAS, the mandatory imposition of these legal financial obligations results in defendants accumulating  
8 high-level debt which they cannot pay even for low-level offenses, including traffic violations; and

9 WHEREAS, the failure to pay court-imposed fines and fees can result in an arrest warrant and the suspension of a  
10 defendant's driver's license; and

11 WHEREAS, low-level offenders, including those convicted of traffic offenses are incarcerated for failure to pay  
12 fines and lose their licenses thereby exacerbating their inability to pay since it can severely impact a defendant's ability to  
13 work; and

14 WHEREAS, a task force is necessary to research and evaluate the current practices of the judicial branch's  
15 imposition and collection of fines, costs and assessments.

16 NOW, THEREFORE:

17 BE IT RESOLVED by the House of Representatives of the 150<sup>th</sup> General Assembly, the Senate concurring  
18 therein, that the Interagency Fines and Fees Task Force be established to study and make findings and recommendations on  
19 the impact court-imposed fines and fees have on defendants and the imposition and collection of court-imposed fines and  
20 fees.

21 BE IT FURTHER RESOLVED that the Task Force be composed of the following members:

22 (1) A representative of Superior Court appointed by the President Judge of the Superior Court.

- (2) A representative of the Court of Common Pleas appointed by the Chief Judge of the Court of Common Pleas.
- (3) A representative of the Family Court appointed by the Chief Judge of the Family Court.
- (4) A representative of the Justice of the Peace Court appointed by the Chief Magistrate.
- (5) 2 members of the House of Representatives appointed by the Speaker of the House, 1 of which must be a member of the Minority Caucus.
- (6) 2 members of the Senate appointed by the President Pro Tempore, 1 of which must be a member of the Minority Caucus.
- (7) An individual responsible for the provision of prisoner reentry services appointed by the Governor.
- (8) All of the following members, or a designee appointed by the member serving by virtue of position.
- a. The President Judge of the Superior Court.
  - b. The State Court Administrator.
  - c. The Director of the Office of the State Court Collections Enforcement.
  - d. The Director of the Judicial Information Center.
  - e. The Director of DELJIS.
  - f. The Director of the Office of Management and Budget.
  - g. The Controller General.
  - h. The Secretary of DTI.
  - i. The Director of the Statistical Analysis Center.
  - j. The Commissioner of the Department of Corrections.
  - k. The Attorney General.
  - l. The Chief Defender of the Office of Defense Services.
  - m. The Colonel of the Delaware State Police.
  - n. The Executive Director of the Delaware Center for Justice.

BE IT FURTHER RESOLVED that the President Judge of the Superior Court and the member of the House of Representatives Majority Caucus are the co-chairs of the Task Force.

BE IT FURTHER RESOLVED that the co-chairs of the Task Force be responsible for funding the administration of the Task Force, by at a minimum, doing all of the following:

- (1) Setting a date, time, and place for the initial organizational meeting, which must be held on or before September 6, 2019.

53 (2) Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and  
54 reports of the Task Force.

55 (3) Sending, after the first meeting of the Task Force, a list of the members of the Task Force and the person  
56 who appointed them to the Speaker of the House of Representatives and the President Pro Tempore of the Senate and  
57 to the Director of the Division of Research of the Legislative Council.

58 (4) Providing meeting notices, agenda, and minutes to the Director of the Division of Research of the  
59 Legislative Council.

60 (5) Ensuring that the final report of the Task Force is submitted to the Speaker of the House of  
61 Representatives and the President Pro Tempore of the Senate with a copy to the Governor and the Chief Justice and to  
62 the librarian of the Division of Research of the Legislative Council and to the Delaware Public Archives.

63 BE IT FURTHER RESOLVED that:

64 (1) Official action by the Task Force, including making findings and recommendations, requires the approval  
65 of a majority of the members of the Task Force.

66 (2) The Task Force may adopt rules necessary for its operation.

67 BE IT FURTHER RESOLVED that House Democratic Caucus be responsible for providing reasonable and  
68 necessary support staff and materials for the Task Force.

69 BE IT FURTHER RESOLVED that the Task Force report its findings and recommendations to the Speaker of the House of  
70 Representatives, the President Pro Tempore, the Governor, and the Chief Justice by February 3, 2020.

#### SYNOPSIS

This resolution establishes the Interagency Fines and Fees Task Force to study and make findings and recommendations on the impact court-imposed fines and fees have on defendants and the imposition and collection of court-imposed fines and fees.