



SPONSOR: Sen. Mantzavinos

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE AMENDMENT NO. 2
TO
SENATE BILL NO. 7

AMEND Senate Bill No. 7 by inserting before "WHEREAS" on line 1 the following:

"WHEREAS, for the safety of the public, the General Assembly has previously enacted § 2116 of Title 11 of the Delaware Code, mandating that persons arrested for a violent felony while at liberty on bail awaiting trial on a previous violent felony shall be held without bail pending a proof positive hearing before a judicial officer; and"

FURTHER AMEND Senate Bill No. 7 by deleting lines 74 through 78 in their entirety and substituting in lieu thereof the following:

"(d) In any case where a court sets bail pursuant to the presumption within paragraph (c) of this section, a court of competent jurisdiction may, upon motion filed pursuant to court rule, conduct a bail review hearing to consider whether bail in a different amount or with a different security is appropriate to reasonably ensure the reappearance of the defendant, compliance with the conditions set forth in the bond, and the safety of the community. The court may modify the defendant's bail in accordance with its findings and determinations at the hearing."

FURTHER AMEND Senate Bill No. 7 by adding after line 80 the following:

(f) In addition to the information required in the annual report established in § 2114 (i) of this title, the Criminal Justice Council shall include information on cases and the racial impact when the court sets bail pursuant to the presumption within paragraph (c) of this section.

Section 2. This Act shall sunset upon the enactment of the constitutional amendment regarding bail found in Senate Bill No. 11 of the 151st General Assembly."

SYNOPSIS

This amendment reiterates in the Whereas statements the existing law that requires persons arrested for a violent felony while out on bail awaiting trial for a previous violent felony to be held without bail. The amendment updates the language regarding the courts' obligation to review bail to reflect current practice and requires reporting on such cases and racial impact by the Criminal Justice Council in its annual report. Finally, the amendment provides a sunset provision so that the bill expires when the constitutional amendment regarding bail is enacted.

Author: Senator Mantzavinos