



SPONSOR: Sen. Pinkney & Sen. S. McBride & Rep. Minor-Brown

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 183

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO GOOD TIME CREDIT.

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

1 Section 1. Amend Chapter 43, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4381. Earned good time.

4 (a) Subject to the limitations set forth in subsection (b) of this section, all sentences, other than a life sentence,
5 imposed for any offense pursuant to any provision of this title, ~~Title 16 and/~~ Title 16, or Title 21 may be reduced by good
6 time credit under the provisions of this subchapter and rules and regulations adopted by the Commissioner of ~~Corrections~~
7 Correction. This provision will apply regardless of any previously imposed statutory limitations set forth in this title, Title
8 ~~16~~ 16, or Title 21.

9 (b) The awarding of good time credit set forth in subsection (a) of this section above will not apply to sentences
10 imposed pursuant to § 4214 or § 4204(k) of this title or sentences imposed prior to the enactment of this statute.

11 (c) "Good time" may be earned for good behavior while in the custody of the Department of Correction when the
12 person has not been guilty of any violation of discipline, rules of the ~~Department~~ Department, or any criminal activity and
13 has labored with diligence toward rehabilitation according to the following conditions:

14 (1) During the first year of any sentence, good time may be awarded at the rate of 2 days per month
15 beginning on the first day of confinement.

16 (2) After completing 365 days of any sentence, good time may be awarded at the rate of 3 days per
17 month.

18 (3) No person ~~shall~~ may be awarded more than 36 days of good time under this subsection for good
19 behavior in any 1 year consisting of 365 calendar days actually served.

20 (d) "Good time" may be earned by participation in education, rehabilitation, work, or other programs as designated
21 by the Commissioner. Good time may be awarded for satisfactory participation in approved programs at a rate of up to 5
22 days per calendar month. For offenders sentenced on or after August 8, 2012, up to 60 days of additional good time may be
23 awarded for successful completion of an approved program designed to reduce recidivism.

(e)(1) No more than a total of 160 days of “good time” may be earned in any 1 year consisting of 365 days actually served.

(2) Good time credits ~~shall~~ must be applied such that the resulting release date is not prior to the effective completion date of the offender’s approved program.

(3) For offenders serving multiple sentences, good time ~~shall be~~ is credited to the consolidated time being served, rather than individually to each sentence.

(f) The Department shall award good time credit to any person who was serving a sentence or receiving credits applicable to a sentence in a Level 4 or Level 5 facility between March 13, 2020, and June 30, 2021, in accordance with this subsection.

(1) Each person eligible under this subsection, in addition to credits earned and awarded under subsections (c) and (d) of this section, must be awarded good time credit at the rate of 10 days per month served between March 13, 2020, and June 30, 2021.

(2) Paragraph (e)(2) does not apply to any person whose program was suspended, delayed, or canceled between March 13, 2020, and June 30, 2021. The Department shall arrange for the person to complete any required programming while in the community.

(g) The Commissioner shall award 7 days of additional good time credit to any person in the Department’s custody who receives a vaccine against COVID-19 that has been approved by the Food and Drug Administration or authorized for emergency use. The credit under this subsection shall be awarded regardless of whether the vaccine was received before, on, or after the effective date of this provision.

(h) The limit on total good time earned under paragraph (e)(1) does not apply to any good time credit earned under subsections (f) or (g) of this section.

SYNOPSIS

This Act provides good-time credits to all persons who served time in a Level 4 or Level 5 facility during the COVID-19 pandemic in order to restore the lost opportunities to earn programming credits due to pandemic restrictions. The credits are awarded at the rate of 10 days per month served mirroring the existing amount of time that can be earned for participating in programming. The Act also provides that good-time releases cannot be delayed for program completion if the program in question was suspended, delayed, or cancelled during the pandemic. This Act further directs the Department to award an additional 1 week of good-time credit to inmates who accept a vaccine in order to bolster the Department’s efforts to incentivize inmates to get vaccinated against COVID-19. The Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Pinkney