



SPONSOR: Rep. K. Williams & Rep. Dorsey Walker & Sen. Poore
Reps. Baumbach, Brady, Griffith, Heffernan, Lambert,
Longhurst, Ramone, Michael Smith; Sens. Ennis, Gay,
Lawson, Lopez, Pettyjohn, Walsh

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 283

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DISBURSING MONEY IN THE FUND
TO COMBAT VIOLENT CRIMES TO THE HUMAN TRAFFICKING INTERAGENCY COORDINATING COUNCIL.

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

1 Section 1. Amend § 4101, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating Delaware Code provisions accordingly:

3 § 4101. Payment of fines, ~~costs~~ costs, and restitution ~~upon~~ on conviction.

4 (h) In addition to, and at the same time as, any fine or other penalty is assessed to any criminal or traffic defendant
5 or any child adjudicated delinquent, there ~~shall~~ must be levied an additional penalty of \$15 imposed and collected by the
6 courts for each crime and offense as defined in § 233 of this title or for any civil violation or civil penalty under this title,
7 subchapters IV and V of Chapter 47 of Title 16, or Title 21. When a fine or other penalty is suspended in whole or in part,
8 the penalty assessment may not be suspended, except for a violation of § 4129 of Title 21.

9 (1) ~~Upon~~ On collection of the penalty assessment, the assessment must be paid over to the prothonotary or
10 clerk of courts, as the case may be, ~~who shall be~~. The prothonotary or clerk of courts shall collect the same penalty
11 assessment and transmit it to the State Treasury to be deposited in a separate account for the administration of this
12 subsection, which account shall be subsection. The separate account is designated the "Fund to Combat Violent Crimes,"
13 which is hereby created. Crimes".

14 (2)a. Each fiscal year, \$100,000 of the Fund must be distributed to the Human Trafficking Interagency
15 Coordinating Council, established under § 787 of this title. The distribution to the Human Trafficking Interagency
16 Coordinating Council must occur before the Fund is divided as described in paragraphs (h)(3) and (h)(4) of this section.

17 b. The Human Trafficking Interagency Coordinating Council shall use the funds received under this
18 paragraph (h)(2) to accomplish the initiatives described in § 787(k)(2) of this title.

19 c. At each full council meeting, the Human Trafficking Interagency Coordinating Council shall provide a
20 report to meeting attendees on how it has, since the previous full council meeting, spent any funds received under this
21 paragraph (h)(2).

d. Beginning after the first full fiscal year the Human Trafficking Interagency Coordinating Council received funding under this paragraph (h)(2), the Council shall include in the annual report that it submits under § 787(k)(3) of this title how the Council spent funds received under this paragraph (h)(2) for the previous fiscal year. The report must be submitted to everyone required to receive a report under § 787(k)(3) and to all of the following:

1. For purposes of submitting the report to the General Assembly, the Human Trafficking Interagency Coordinating Council shall submit the report to the Secretary of the Senate, Chief Clerk of the House, the Chair of the Joint Finance Committee, and the Vice Chair of the Joint Finance Committee, who shall distribute the report to the General Assembly and the Joint Finance Committee.

2. The Secretary of the Department of Health and Social Services.

(2) (3) Subject to paragraph (h)(2) of this section, 1/2 ~~One-half~~ of the Fund, but no more than \$2,125,000 per year, ~~shall~~ must be distributed to the Department of Safety and Homeland Security for use in connection with initiatives to combat violent crime. Funds distributed to the Department of Safety and Homeland Security ~~hereunder~~ under this paragraph (h)(3) may be used to cover salaries, overtime and other salary costs, expenses, equipment, and supplies for state troopers and other personnel.

(3) (4) Subject to paragraph (h)(2) of this section, 1/2 ~~One-half~~ of the Fund, but no more than \$2,125,000 per year, ~~shall~~ must be distributed to local law-enforcement agencies for use in connection with initiatives to combat violent crime. Funds may be used to cover overtime, expenses, equipment and supplies, and as otherwise set forth in paragraph ~~(h)(6)~~ (h)(7) of this section.

(7) (8) Any funds granted to a local law-enforcement agency ~~pursuant to~~ under paragraphs ~~(h)(5)~~ (h)(6) and ~~(6)~~ (7) of this section that are not fully expended within 12 months of receipt thereof must be returned by the agency to the Fund to Combat Violent Crimes within 60 days, unless the agency has requested and has received from the Committee an authorization in writing for an extension of up to 120 ~~days by the Committee~~ days.

(8) (9) Notwithstanding anything to the contrary ~~herein~~, under this subsection, no more than ~~\$4.25 million~~ \$4,350,000 of the funds collected under this ~~paragraph~~ subsection in each fiscal year ~~shall~~ may be deposited into the Fund to Combat Violent Crimes. Any amount in excess of ~~\$4.25 million~~ \$4,350,000 in each fiscal year ~~shall~~ must be deposited into the General Fund.

SYNOPSIS

This Act funds the Human Trafficking Interagency Coordinating Council by disbursing to the Council \$100,000 each fiscal year from the Fund to Combat Violent Crimes.

Under § 4101(h) of Title 11, the Fund to Combat Violent Crimes is funded by a \$15 penalty imposed on and collected from defendants for certain crimes or civil violations. The money within the Fund is divided between the Department of Safety and Homeland Security and local law-enforcement agencies for use in connection with initiatives to

combat violent crime. No more than \$4,250,000 may be deposited into the Fund. Any amount more than \$4,250,000 reverts to the General Fund. In recent fiscal years, the Fund to Combat Violent Crimes has reverted excess funds to the General Fund.

Because of the new disbursement of \$100,000 to the Human Trafficking Interagency Coordinating Council, this Act also increases the maximum amount of money that may be deposited into the Fund to Combat Violent Crimes by \$100,000 to \$4,350,000.

This Act also adds to existing reporting requirements for the Human Trafficking Interagency Coordinating Council that the Council document how it spends disbursements from the Fund to Combat Violent Crimes. The Council must also provide the report to the Secretary of the Department of Health and Social Services.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.