SPONSOR: Rep. Lynn & Rep. Longhurst & Rep. Dorsey Walker & Rep. Minor-Brown & Rep. S. Moore & Sen. Brown
Reps. Baumbach, Brady, Carson, Chukwuocha, Griffith, Heffernan, K. Johnson, Kowalko, Morrison, Smyk, K. Williams, Wilson-Anton; Sens. Gay, Lockman, Lopez, S. McBride, Pinkney, Sokola, Sturgeon

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 244
AS AMENDED BY
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 10, TITLE 11, TITLE 21, AND TITLE 29 OF THE DELAWARE CODE RELATING TO FINES, FEES, COSTS, ASSESSMENTS, AND RESTITUTION.

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

Section 1. Amend § 1002, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1002. Delinquent child not criminal; prosecution limited.

(c) Except as provided under § 1009(c)(4) of this title, the Court may not order a child or the child's parent, guardian, or custodian to pay any of the following:

(1) A fine.

(2) A fee.

(3) A cost.

(4) A sum of money to cover the support of the child if placed in a secure or non-secure detention or residential placement facility operated by the Department of Services for Children, Youth, and Their Families.

Section 2. Amend § 1007, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1007. Disposition of child pending adjudication; payment for care.

(i) ~~In any instance in which a person responsible for the custody and care of a child refuses to take custody pending adjudication of that child, the Family Court may order the person legally liable therefore to pay for the child's care during the period of placement outside the person's own home.~~ [Repealed.]

Section 3. Amend § 1007C, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1007C. Appointment of counsel for juveniles.

LC : MJC : CM : 4801510080
LC : HVW : NMX : 5081510207
Released: 06/30/2022 04:21 PM

(b) If a juvenile is not represented by counsel at ~~his or her~~the juvenile's initial Family Court appearance, the Court shall order the Chief Defender to assign counsel to represent the juvenile.

(e) Compensation for the services of appointed counsel may not be assessed against the juvenile, or the juvenile's parent, guardian, or custodian in a delinquency or criminal proceeding.

Section 4. Amend § 1009, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1009. Adjudication; disposition following adjudication; commitment to custody of Department of Services for Children, Youth and Their Families; effect.

(c) Following an adjudication in which the Court declares that a child is delinquent, it may:

(4) Fine a ~~child;~~ child for a Title 21 offense or order community service hours in lieu of a fine for a Title 21 offense;

(f) Following adjudication or election by the juvenile in lieu of trial ~~pursuant to~~under § 4177B of Title 21, the Court must order the Motor Vehicle Division of the Department of Transportation after an adjudication of delinquency in violation of § 4177 of Title 21, or election by the juvenile in lieu of trial ~~pursuant to~~ under § 4177B of Title 21 to:

(4) ~~Any person whose driver's license has been revoked and to whom a conditional/restricted license has been issued, under this chapter, and who drives any motor vehicle upon the highways of this State contrary to the conditions placed upon such conditional/restricted license during the period of such conditional/restricted license, upon conviction thereof, shall be fined not less than $25 or more than $200.~~ [Repealed.]

Section 5. Amend § 4101, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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

(a) On conviction ~~upon~~ on indictment or information for any crime or offense, ~~all the costs shall be paid by the party convicted.~~a defendant must pay all costs imposed by a court.

(b) ~~Immediately upon imposition by a court, including a justice of the peace, of any sentence to pay a fine, costs, restitution or all 3, the same shall be a judgment against the convicted person for the full amount of the fine, costs, restitution or all 3, assessed by the sentence. Such judgment shall be immediately executable, enforceable and/or transferable by the State or by the victim to whom such restitution is ordered in the same manner as other judgments of the court. If not paid promptly upon its imposition or in accordance with the terms of the order of the court, or immediately if so requested by the State, the clerk or Prothonotary shall cause the judgment to be entered upon the civil judgment docket of the court; provided, however, that where a stay of execution is otherwise permitted by law such a stay shall not be~~

~~granted as a matter of right but only within the discretion of the court. If the court imposing any sentence to pay a fine, costs, restitution or all 3 has no civil docket for the entry of a judgment, then such court may immediately transfer such judgment to the civil judgment docket of an appropriate court, as shall be determined by the court imposing such sentence. Judgments docketed pursuant to this subsection shall be exempt from the provisions of § 4711 of Title 10 which mandate the expiration of judgments, and which require the renewal of such judgments.~~

(1) When a court sentence includes a fine, fee, cost, assessment, or restitution, the full amount imposed becomes a judgement against the defendant immediately on sentencing.

(2) A judgment under this subsection is executable, enforceable, or transferable by the State in the same manner as other judgments of the court.

(3) If not paid promptly on its imposition or in accordance with the terms of the order of the court, or immediately if so requested by the State, the clerk or Prothonotary may cause the judgment to be entered on the civil judgment docket of the court. If a stay of execution is otherwise permitted by law, the stay may not be granted as a matter of right but only within the discretion of the court.

(4) If the court imposing a sentence to pay a fine, fee, cost, assessment, or restitution does not have a civil docket for the entry of a judgment, then the court may immediately transfer the judgment to the civil judgment docket of an appropriate court, as determined by the court imposing the sentence.

(5) Judgments docketed under this subsection are exempt from the provisions of § 4711 of Title 10, which mandate the expiration of judgments and require the renewal of judgments.

Section 6. Amend § 4104, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4104. ~~Fines, costs or restitution; how collected; holding operator's license as security for payment.~~ Fines, fees, costs, assessments, or restitution; how collected; suspending driver's license for nonpayment prohibited.

(a)(1) When a court imposes a fine, ~~costs~~ fee, cost, assessment, or restitution ~~upon~~ on a defendant, the court ~~or justice of the peace may direct as follows:~~ may order any of the following:

~~(1)~~a. That the defendant pay the entire amount at the time sentence is ~~imposed;~~ imposed.

~~(2)~~b. That the defendant pay a specified portion of the fine, ~~costs~~ fee, cost, assessment, or restitution at designated periodic ~~intervals, and in such case may direct that the fine, costs or restitution be remitted to a probation officer who shall report to the court, at such periods as the court may direct, any failure to comply with the orders; or~~ intervals.

~~(3)~~(2) ~~Where~~ If the defendant is sentenced to a period of probation as well as to pay a fine, ~~costs or restitution that~~ fee, cost, or assessment, the court may not make the payment of the ~~fines, costs or restitution shall be~~ fine, fee, cost, or assessment a condition of the probation.

(3)a. A court may not impose an additional fee for any of the following:

1.The payment of a fine, fee, cost, assessment, or restitution that is made at designated periodic intervals.

2. A late payment of a fine, fee, cost, assessment, or restitution.

3. Supervision by probation of the payment of a fine, fee, cost, assessment, or restitution.

b. A court may not charge interest for a payment of a fine, fee, cost, assessment, or restitution that is made late or at designated periodic intervals.

c. A court may not charge a convenience fee for a payment made at a court designated payment kiosk or through an Internet-based court payment system.

(4) A court may not charge a penalty, assessment, or fee to a defendant for a capias issued due to the defendant's nonpayment of a fine, fee, cost, assessment, or restitution.

(b) ~~Any court, including a justice of the peace, may, in its discretion, permit any person sentenced to pay a fine upon conviction of crime, in lieu of the payment of the fine ordered, to execute a bond acknowledging the amount of the fine imposed upon the person as a debt due and owing to this State and binding the person unto this State in an amount equal to 10 times the fine imposed. The bond shall be so conditioned that, should the amount of the fine imposed be paid to this State on or before the tenth day next following the day on which the fine is imposed, then in that event the bond shall be null and void. The bond shall contain a warrant of attorney authorizing the Prothonotary or any attorney of record in this State or elsewhere to appear in any court, including a justice of the peace, and confess judgment against the person so bound. Upon execution of the bond the convicted person shall be required to list on the reverse thereof all motor vehicles and real property owned by the person or in which the person has any title or interest with a description and the location thereof.~~

(1) A defendant's ability or inability to pay a fine, fee, cost, or assessment may not influence a court's decision whether to impose a custodial or probationary sentence.

(2) A court shall advise a defendant on the record or in writing of the financial obligations and the possible sanctions for noncompliance.

(c)(1) ~~Any court may, in its discretion, direct any person~~ A court may direct a defendant sentenced to pay a ~~fine or restitution upon~~ fine, fee, cost, assessment, or restitution on conviction of a crime, who is employed within this State or by a

Delaware resident or employer, to execute an assignment of a specified periodic sum not to exceed ~~1/3 of the person's total earnings, which assignment shall direct the person's~~ one-fourth of the defendant's total earnings. The assignment must direct the defendant's employer to withhold and remit that amount to this State up to the total of the fine, ~~costs and~~ fee, cost, assessment, or restitution imposed.

(2) An assignment of earnings executed ~~in accordance with~~ under this subsection ~~shall be binding upon~~ is binding on an employer in the same manner as an attachment of wages ~~pursuant to~~ under Title 10, except that an assignment ~~need~~ must be filed only once with the ~~employer who~~ defendant's employer. The defendant's employer shall make the withholding and remittances until the full amount is paid. An amount of total earnings consistent with federal law may be assigned. ~~An employer shall take no~~ A defendant's employer may not take an action against an employee who has executed an assignment, and the penalty imposed ~~upon an employee~~ on a defendant solely because of an assignment under this subsection ~~shall~~ must be in accordance with the manner set forth for attachments.

(d) For purposes of ensuring the payment of ~~fines, restitution~~ a fine, fee, cost, assessment, or restitution and the enforcement of any orders imposed under this section, the court shall retain jurisdiction over ~~the convicted person~~ a defendant until ~~any fine or restitution imposed shall have been~~ the fine, fee, cost, assessment, or restitution is paid in full. The court may write off the ~~fines, costs and restitution of any convicted person~~ fine, fee, cost, assessment, or restitution of a defendant when the court receives evidence that ~~such person~~ the defendant is deceased.

(e) ~~Whenever any person lawfully possessed of an operator's license theretofore issued to the person by the Division of Motor Vehicles of the Department of Transportation of the State, or under the laws of any other state or territory, or of the District of Columbia, shall be arrested and charged with any violation of the traffic or criminal laws of this State, or of any political subdivision thereof, a court, as a condition of sentencing, may take and hold, as security for the payment of any fine, costs, restitution or Victims Compensation Fund assessment, the operator's license so issued to the defendant.~~ The Division of Motor Vehicles of the Department of Transportation or a court may not suspend a defendant's driver's license as a penalty for nonpayment of a fine, fee, cost, assessment, or restitution.

(1) Except as provided under § 2732(g)(1) of Title 21, a defendant whose driver's license was suspended before [the enactment date of this Act] only as a penalty for nonpayment of a fine, fee, cost, assessment, or restitution is eligible for restoration of the defendant's driving privileges.

(2) The Division of Motor Vehicles of the Department of Transportation shall develop policies and procedures to implement the restoration of driving privileges under paragraph (e)(1) of this section within 6 months of [the enactment date of this Act]. The policies and procedures must address the process for restoration of driving privileges

for defendants convicted of a motor vehicle offense that originated in the voluntary assessment center under § 709 of Title 21 before, on, or after [the enactment date of this Act].

(3) A defendant who seeks to restore the defendant's driving privileges under paragraph (e)(1) of this section is not required to pay a fee to do so.

(f) ~~Any person whose operator's license has been deposited with a court, pursuant to subsection (e) of this section above, shall be issued a receipt by the court taking said license upon a form substantially as set forth in this subsection, and thereafter said person shall be permitted to operate a motor vehicle upon the highways of the State during the pendency of the case in which the license was taken, unless the person's license or privilege to operate a motor vehicle is otherwise revoked, suspended or cancelled.~~

~~FORM OF RECEIPT~~

~~The operator's license of _____, license number _____ is held by the _____ Court, State of Delaware, as security for the payment of a fine, costs, restitution or Victims Compensation Fund assessment in Case No. _____ Please accept this receipt as a substitute for that license as provided by Title 11, § 4104(e), Delaware Code, as amended. Payment is due by _____ This receipt is not valid after said date. Failure to appear will result in license suspension. An attempt to secure, or the securing of, a duplicate operator's license during the period in which this court holds an operator's license shall be considered as a contempt of court under 11 Del. C., § 1271(3).~~

~~_____~~

~~_____ Judge~~

_____ [Repealed.]

(g) ~~The clerk of the court in which the sentence was imposed and for which a person's license was taken as security, pursuant to subsection (e) of this section, shall immediately forward to the Division of Motor Vehicles of the State the license if the person fails to pay by the date indicated in the receipt as prescribed by subsection (f) of this section above. The Director of the Division of Motor Vehicles shall, upon receipt of a license so forwarded by the clerk, suspend the operator's license and driving privileges of the defaulting driver until notified by the court that payment of the fine, costs, restitution or Victims Compensation Fund assessment has been made. If the person be from another state or territory or the District of Columbia of the United States, the Director of the Division of Motor Vehicles shall further advise the motor vehicle administrator of the state, territory or the District of Columbia of this State's suspension and request that said person's license to drive be suspended until the fine, costs, restitution or Victims Compensation Fund assessment have been paid.~~ [Repealed.]

(h) ~~The clerk of the court in which the sentence was imposed and for which a person's operator's license was taken as security, pursuant to subsection (e) of this section, shall immediately return the person's operator's license upon payment of the fine, costs, restitution or Victims Compensation Fund assessment within the period as prescribed by the sentencing judge and as reflected in the form set forth in subsection (f) of this section.~~ [Repealed.]

Section 7. Amend § 4106, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4106. Restitution for property damage or loss.

(f) Except as provided under § 9014(c) of this title, restitution may not be ordered to an insurance provider on behalf of a victim to recover the provider's losses due to a crime. An insurance provider may seek a civil judgement to recover losses.

Section 8. Amend Subchapter I, Chapter 41, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4107. Annual report.

(a) The Administrative Office of the Courts shall prepare an annual report by February 15 on behalf of the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court, and the Office of State Courts Collection Enforcement.

(b) The report under subsection (a) of this section must include information on the following:

(1) Amount of each of the following collected by the Judiciary:

a. Fines.

b. Fees and costs.

c. Assessments.

d. Restitution.

(2) Amount of fines, fees, costs, or assessments retained by the Judiciary and as a percentage of the Judiciary's budget.

(3) Amount of fines, fees, costs, assessments, or restitution distributed to the State, a municipality, or a statutorily created fund.

(c) The report under subsection (a) of this section must be publicly available on the Administrative Office of the Courts' website or published as part of the Judiciary's annual report.

(d) The Delaware Criminal Justice Information System shall prepare an annual report by February 15 detailing the amount of fines, fees, costs, and assessments collected by entities other than the Judiciary. The report must be publicly available on the Delaware Criminal Justice Information System's website.

(f) The reports by the Administrative Office of the Courts and the Delaware Criminal Justice Information System must be submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, with copies to all members of the General Assembly, the Governor, the Chief Justice, the Attorney General, the Chief Defender, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

Section 9. Amend § 6504, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6504. General powers and duties of the Department.

The Department, subject only to powers vested in the judicial and certain executive departments and officers of the State, shall have the duties set forth in this chapter and the exclusive jurisdiction over the care, charge, custody, control, management, administration and supervision of:

(14) ~~Collecting a fee as a condition of probation supervision. An offender sentenced to probation shall be charged a fixed fee of $200 for each period of probation. If an offender is serving multiple sentences of probation simultaneously, the sentences shall be treated as 1 period of probation for the purposes of assessing and collecting the supervision fee. The Bureau Chief of Community Corrections shall develop policies and procedures with regard to determining an offender's ability to pay the fee. Such policies and procedures shall be applied on a consistent basis to all offenders, and shall be subject to approval by the Commissioner of Correction. In the event the Department determines an offender is unable to pay the fee due to lack of employment or other significant extenuating circumstances, such as an offender's responsibility to remit payment for victim compensation, restitution or child support, said inability shall not constitute a violation of supervision. The offender shall remain liable to pay the fee at such time as the Department determines offender is able to do so.~~[Repealed.]

Section 10. Amend § 2731, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2731. Duty of courts and police officers.

(a) Every court and police officer having jurisdiction over offenses committed under any law of this State regulating the operation of motor vehicles on highways shall forward to the Department a record of the conviction of any person in any court for a violation of any of such laws within 30 days of the disposition of the case and may recommend the

suspension of the driver's license of the person so convicted. The Department shall thereupon consider and act upon such recommendation in such manner as it deems best.

(b) ~~The clerk or prothonotary of every court shall forward to the Department or its successor, a record of the name and address of each convicted person who shall have been sentenced to pay a fine, costs or both a fine and costs and who has failed to pay at the time sentence was imposed or in accordance with an order of the court. Whenever a convicted person who has not paid a fine, costs or both at the time sentence was imposed shall pay, the clerk or prothonotary shall provide the convicted person with a receipt confirming that the fine, costs or both have been paid so that the receipt may be presented to the Department, or its successor, as notice that the fine, costs or both have been paid.~~ The Justice of the Peace Court and the Court of Common Pleas shall forward to the Department a record of the name and address of a person convicted of a motor vehicle offense that originated in the voluntary assessment center under § 709 of this title who has been sentenced to pay a fine, fee, cost, assessment, or restitution and who has failed to pay the fine, fee, cost, assessment, or restitution at the time sentence was imposed or in accordance with an order of the court. The Justice of the Peace Court and the Court of Common Pleas shall include in the record the amount of the fine, fee, cost, assessment, or restitution owed by the convicted person. When the convicted person pays the fine, fee, cost, assessment, or restitution in full, the clerk or prothonotary shall provide the convicted person with a receipt confirming that the fine, fee, cost, assessment, or restitution has been paid in full.

Section 11. Amend § 2732, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2732. Mandatory revocation or suspension of license or refusal to renew or issue a duplicate license.

(b) ~~Upon~~ On receiving a record of the failure ~~of a convicted person to pay a fine, costs or both as described in § 2731(b) of this title, or~~ to timely complete a course of instruction ~~pursuant to~~under § 4175A or § 4177D of this title, the Department or its successor, ~~shall:~~ shall do all of the following:

(1) If the convicted person is a resident of this State, forthwith suspend the convicted person's license until ~~the fine, costs or both have been paid, or~~ the court finds that the person has completed the necessary course of instruction and paid all applicable ~~fees; and~~ course fees.

(2) If the convicted person is a nonresident of this State, forthwith suspend the convicted person's driving privileges in this State and immediately advise the Motor Vehicle Administrator of the state wherein the convicted person is a resident that the convicted person has failed ~~to pay a fine, costs or both, or~~ to timely complete a course of instruction ~~pursuant to~~under § 4175A or § 4177D of this title, and requesting that the convicted person's license to

drive be suspended until ~~the fine, costs or both have been paid, or~~ the court finds that the person has completed the necessary course of instruction and paid all applicable course fees.

(g)(1) When the name and address of a resident of this State has been forwarded to the Department under § 2731(b) of this title, the Department shall refuse to renew the person's license or issue any duplicate license to the person until the person provides evidence to the Department that the person has paid in full the fine, fee, cost, assessment, or restitution stated in the record under § 2731(b) of this title. The person shall present the Department with the receipt provided by the clerk or prothonotary under § 2731(b) of this title.

(2) When the name and address of a resident of this State has been forwarded to the Department under § 2731(c) of this title, the Department shall refuse to renew the person's license or issue any duplicate license to the person until the person provides evidence to the Department that any of the following has occurred:

~~(1)~~a. The fine on the charge stated in the Uniform Traffic Complaint and Summons has been paid.

~~(2)~~b. The person has appeared before the court and made arrangements to take care of the charge stated in the Uniform Traffic Complaint and Summons.

~~(3)~~c. The person has been adjudicated not guilty of the charge stated in the Uniform Traffic Complaint and Summons.

Section 12. Amend § 2751, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2751. Unlawful application for or use of license or identification card.

(r) Penalty. — Unless otherwise specifically provided for in Chapter 31 of this title, an individual who violates this section shall be guilty of a class B misdemeanor and shall have that individual's driver's license ~~and/or~~ or driving privileges suspended for a period to be set by the Court, not to exceed 6 months. The foregoing sentence notwithstanding, an individual who violates subsection (d), (e), (i), or (j) of this section by possessing or displaying a driver's license that has been suspended or revoked by application of the following statutes shall be guilty of a violation only, provided that the judicial officer adjudicating the charge or charges brought under subsections (d), (e), (i), or (j) of this section has made a factual finding that the defendant was reasonably unaware the driver's license that defendant possessed or displayed had been suspended or revoked:

Title 4, § 904(f)

Title 11, § 2106(c)

~~Title 11, § 4104(g)~~

~~Title 14, § 2730(c)(7) [repealed]~~

~~Title 14, § 4130(e)(1) [repealed]~~

Section 314(b) of this title

Section 709(j)(1) of this title

Section 2118(n)(1) of this title

Section 2703(d)(5) of this title

Section 2710(e)(5) of this title

Section 2724(b) of this title.

Section 13. Amend § 4607, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4607. Administrative fee assessment.

~~(a) Each court of this State shall assess an administrative fee in the amount of $100 against any defendant on whose behalf an appearance is made by the Office of Defense Services, or any other attorney who has been appointed by a court to represent the defendant in a criminal proceeding. This fee shall be payable even though the criminal proceedings do not result in conviction but are instead terminated by a guilty plea, nolle prosequi or order of the court.~~

~~(b) Upon assessment of any administrative fee under this section, each defendant shall be directed to pay such assessment forthwith to the clerk of the court in which an entry of appearance by the Office of Defense Services or any other attorney who has been appointed by a court was entered.~~

~~(c) A defendant's present inability, failure or refusal to pay an assessment made under this section shall not operate to disqualify a defendant from legal representation.~~

~~(d) If a defendant is unable or fails to pay the administrative fee pursuant to this section, the court shall order the defendant to report to the Commissioner of the Department of Correction or a person designated by the Commissioner, for work for a number and schedule of hours necessary to discharge the fine, pursuant to § 4105(b) of Title 11.~~

~~(e) In the event that any portion of an administrative fee assessed under this section shall remain unpaid at the time of sentencing, the sentencing judge shall make payment of the administrative fee an express condition of any sentence imposed.~~

~~(f) All moneys received in satisfaction of assessments under this section shall revert to the General Fund and the clerk of each court shall regularly remit all moneys received to the State Treasurer.~~

~~(g) On or before the first day of November of each year, the courts of this State in which assessments are regularly made under this section shall provide the State Auditor with a written report detailing the dollar value of assessments made~~

~~in the previous fiscal year, the amount collected in the previous fiscal year as well as the balance of unpaid assessments at the open and close of the previous fiscal year.~~ [Repealed.]

Section 14. The Criminal Legal System Imposed Debt Study Group ("Study Group") is established to review the impact of criminal justice imposed financial obligations on defendants and victims and make recommendations to promote access, fairness, and transparency in the imposition and collection of criminal justice imposed financial obligations.

(1) The Study Group is composed of the following voting members, or a designee appointed by a member serving by virtue of position:

a. A member of the Senate, appointed by the President Pro Tempore of the Senate.

b. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.

c. A representative from the Office of the Governor, appointed by the Governor.

d. The State Court Administrator.

e. The Chief Defender of the Office of Defense Services.

f. The Attorney General.

g. The Secretary of the Department of Safety and Homeland Security.

h. A member of a community group, appointed by the President Pro Tempore of the Senate.

i. A member of an impacted community, appointed by the Speaker of the House of Representatives.

(2) The Study Group is composed of the following non-voting members, or a designee appointed by a member serving by virtue of position:

a. A representative of the Superior Court, appointed by the President Judge.

b. A representative of the Court of Common Pleas, appointed by the Chief Judge.

c. A representative of the Family Court, appointed by the Chief Judge.

d. A representative of the Justice of the Peace Court, appointed by the Chief Magistrate.

e. The Director of the Office of the State Court Collections Enforcement.

f. The Director of the Judicial Information Center.

g. The Director of the Delaware Criminal Justice Information System.

h. The Director of the Office of Management and Budget.

i. The Controller General.

j. The Secretary of the Department of Technology & Information.

k. The Executive Director of the Statistical Analysis Center.

l. A representative of the Department of Correction, appointed by the Commissioner of the Department.

m. One member of a community group, appointed by the President Pro Tempore of the Senate.

n. One member of a community group, appointed by the Speaker of the House of Representatives.

(3) The member of the Senate appointed by the President Pro Tempore of the Senate and the member of the House of Representatives appointed by the Speaker of the House of Representatives serve as Co-Chairs of the Study Group.

(4) The Speaker of the House of Representatives shall notify the Co-Chairs of the Study Group of the Study Group's creation and provide the Co-Chairs with a copy of the legislation creating the Study Group.

(5) Voting members who designate another individual to attend a meeting must provide the designation in writing to the Co-Chairs. A designee has the same duties and powers as the member serving by virtue of the member's position.

(6) The Co-Chairs of the Study Group shall guide the administration of the Study Group by, at a minimum, doing all of the following:

a. Notifying the individuals listed in paragraphs (1) and (2) of this Section of the formation of the Study Group and the need to appoint a member, if applicable.

b. Setting a date, time, and place for the initial organizational meeting.

c. Supervising the preparation and distribution of Study Group meeting notices, agendas, minutes, correspondence, and reports.

d. Sending to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director of the Division of Research of Legislative Council, after the first meeting of the Study Group, a list of the members of the Study Group and, if applicable, the person who appointed the member.

e. Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative Council.

f. Creating 1 or more subcommittees as necessary to complete the Study Group's work.

g. Ensuring that the final report of the Study Group is submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, with copies to all members of the General Assembly, the Governor, the Chief Justice, the Attorney General, the Chief Defender, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

(7) The Study Group shall study and report its findings and recommendations on all of the following:

a. Review the appropriateness of the state's financial structure to support government and non-profit functions with funds charged to court users, and make recommendations on a phased plan to reduce the dependence on those funds.

b. Recommendations to improve criminal justice data reporting and analysis related to criminal justice financial obligations.

c. The estimated fiscal impact if mandatory assessment of fines, fees, costs, and assessments are eliminated. The Study Group should report on barriers that prevent such an analysis, as well as recommended solutions.

d. Determine the appropriateness of existing criminal justice financial obligations and alternative sanctions to hold a defendant accountable when a defendant is unable to pay.

e. Explore ways to improve and expand opportunities for community service or self-improvement programs to count toward the payment of fines, fees, costs, and assessments.

(8) The Study Group shall include an analysis of all of the following for each recommendation made under paragraph (7) of this Section:

a. National trends and current best practices in criminal justice financial obligations reform.

b. Benefits to the public and system.

b. Budgetary impacts.

c. Technology improvements required.

d. Process improvements required.

(9) The Study Group shall hold its first meeting no later than three months after this Act is enacted and shall meet at least once each month thereafter until the Study Group submits its final report.

(10) The General Assembly shall provide reasonable and necessary support staff, including a legislative attorney, and materials for the Study Group to carry out its mission.

(11) A quorum of the Study Group is a majority of its voting members.

(12) Official action by the Study Group, including making findings and recommendations, requires the approval of a quorum of the Study Group.

(13) The Study Group may adopt rules necessary for its operation. If the Study Group does not adopt rules or if the adopted rules do not govern a given situation, Mason's Manual of Legislative Procedure controls.

(14) The Co-Chairs shall compile an interim and final report containing a summary of the Study Group's work regarding the issues assigned to it under paragraph (7) of this Section, including any findings and

recommendations adopted by the Study Group. The Co-Chairs shall submit all reports to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives. The interim report is due February 1, 2023, and the final report is due September 1, 2023.

(15) This Section expires on the date the Study Group submits the final report under paragraph (14) of this Section.

Section 15. Sections 5, 10 through 12, and 14 of this Act and § 4104(e) of Title 11 as contained in Section 6 of this Act take effect immediately.

Section 16. Sections 1 through 4, 7 through 9, and 13 of this Act and § 4104(a) through (d) and (f) through (h) of Title 11 as contained in Section 6 of this Act take effect 6 months after enactment of this Act.