149th GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**SENATE BILL NO. 209**
SPONSOR:	**Senator McDowell**
DESCRIPTION:	**AN ACT TO AMEND TITLE 11, PART 1, OF THE DELAWARE CODE RELATING TO THE DELAWARE CRIMINAL CODE.**

Assumptions:

1. This Act takes effect 20 months after the date of its enactment.

2. This Act is one of two bills (SB 209 and SB 210) that updates the Delaware's existing Criminal Code and restore its clarity and consistency.

3. Since its adoption, The Delaware Criminal Code has grown and undergone considerable changes over the course of 45 years. As a result, the Criminal Code's overall structure, terminology, and/or its application face inconsistencies, redundancies, ambiguities and contradictions.

4. In 2014, the General Assembly established the Criminal Justice Improvement Committee to review opportunities for efficiencies in the Delaware Criminal Code. For three years, the Criminal Justice Improvement Committee has worked cooperatively with other criminal justice stakeholders to address the concerns with the current Criminal Code. The basis for this Act and its companion bill are the recommendations found in the final report produced by the Criminal Justice Improvement Committee's findings.

5. The following agencies will absorb all of the projected computer programming costs for integrating the improved code into existing structures:

    a. Office of Defense Services (ODS)
    b. Department of Justice (DOJ)
    c. Judicial Information Center (JIC)

6. The Department of Correction (DOC) will incur a one-time contractual cost of $250,000, the Delaware Criminal Justice Information System (DELJIS) will incur a one-time contractual cost of $300,000 for computer programming costs. Together DOC and DELJIS will incur $550,000 toward implementing the Criminal Code improvement effort.

    a. DOC will require a total of $250,000 for the following enhancements to the Delaware Automated Correction System:
        i. Automated Sentence Calculation
        ii. Earned Compliance Credit
        iii. DNA Eligibility
        iv. Classification/RNR
        v. Reports (JRI,PMBS, and Others)
        vi. Database/Screens/Reports

b. DELJIS will require a total of $300,000 for four resources to manage data and programmatic needs:
    i. 2 specialized staff for data entry for 8 weeks
    ii. 2 programming staff for programming changes for 52 weeks

7. Upon enactment, the Administrative Office of the Courts will fund SB 209 implementation costs from their Fee Increase Spending Plan.
    a. The Fee Increase Spending Plan comes from an increase of certain court fees since 2015. The Joint Finance Committee recommended that the Judicial Branch defer most spending from what fees were being collected so that revenue would be sufficient to cover the costs to implement the improved Criminal Code.

8. Reserve funding is available in the Fee Increase Spending Plan for the Judicial Branch to implement SB 209 costs. Additionally, the Administrative Office of the Courts will transfer ASF funding from the Fee Increase Spending plan to DOC and DELJIS to cover their one-time contractual costs of $550,000.

9. The Department of Justice (DOJ) will incur a total of $629, 800 in expenses for training and appeals.

    a. It is estimated that a Delaware Criminal Code rewrite would require DOJ prosecutors to train 1,500 law enforcement officers on the revised code. In order for all police officers to be trained within 20 months before the code goes into effect, it will require 1,500 instructional hours for an average class of 20 officers, at 37.5 hours per week, this would equate to 40 weeks' worth of instruction. The DOJ would require 1 Deputy Attorney General (DAG) FTE devoted to training. The cost of 1 DAG FTE for 10 months is $128,800.

    b. The DOJ assumes that once the revised criminal code goes into effect the number of trials, and appeals of criminal cases will increase. Additionally, the appeals in individual cases will become more complex and involve more issues, as case law and precedent from the existing code would become invalid. The DOJ also expects that the number and complexity of oral arguments to increase because the Delaware Supreme Court addresses all first impression issues of statutory construction en banc. The litigation need would require 3 DAGs for the Appeals Unit in the Criminal Division (one for each county) and 2 paralegals (shared among counties). The cost of 3 DAG FTE is $386,400 and 2 paralegals FTE is $114,600 for 10 months the total is $501,000.

Cost:

Fiscal Year 2019:	$0	General Fund
Fiscal Year 2020:	$0	General Fund
Fiscal Year 2021:	$0	General Fund

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