149th GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**SENATE BILL NO. 203**
SPONSOR:	**Senator Delcollo**
DESCRIPTION:	**AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES INVOLVING DEADLY WEAPONS.**

Assumptions:

1. This Act would become effective upon signature of the Governor.

2. This Act proposes to increase minimum penalties for certain offenses involving deadly weapons. The proposed changes are as follows:
   - Title 11 § 1447 - increase minimum sentence from two years at Level V to five years at Level V
   - Title 11 § 1447A(b) - increase minimum sentence from three years at Level V to six years at Level V
   - Title 11 § 1447A(c) - increase minimum sentence from five years at Level V to ten years at Level V
   - Title 11 § 1448(e) - increase the class of felony from C to B to allow for the increase in minimum sentences proposed in this Act to ensure penalties do not exceed the maximum sentence for the class of felony assigned to the crime
   - Title 11 § 1448(e)(1)(a) -increase minimum sentence from three years at Level V to six years at Level V
   - Title 11 § 1448(e)(1)(b) - increase minimum sentence from five years at Level V to ten years at Level V
   - Title 11 § 1448(e)(1)(c) - increase minimum sentence from ten years at Level V to twelve years at Level V
   - Title 11 § 1448(e)(2)(a) - increase minimum sentence from four years at Level V to seven years at Level V
   - Title 11 § 1448(e)(2)(b) - increase minimum sentence from six years at Level V to twelve years at Level V
   - Title 11 § 1448(e)(2)(c) - increase minimum sentence from ten years at Level V to twenty years at Level V

3. The Statistical Analysis Center (SAC) provided an analysis using disposition and sentence data from calendar year 2017. A total of 216 individuals were convicted of at least one of the offenses included in SB 203. Among the 216 individuals, 176 met the criteria for at least one of the increased minimum sentences proposed in the Act. SAC's analysis on the 176 individuals is outlined as follows:
   a. Of the 176 individuals, 33 had existing sentences exceeding the proposed new minimums, or sentences that would carry the individual past their life expectancy.

   b. The remaining 143 individuals could account for an annual increase of 391 Department of Correction Beds (DOC Beds). The 391 DOC Beds are outlined as follows:
      i. It is estimated that 80 DOC beds would be needed as a result of the first wave of impact from the increase and would take place between 18 months to 24 months after implementation.

ii. It is estimated that 138 DOC beds would be needed as a result of the second wave of impact after implementation and would take place between 36 months to 48 months
iii. It is estimated that 173 DOC beds would be needed beginning at 54 months and spread sporadically through 33 years after implementation.

c. The cost of a DOC Bed is $9,900 per year for inmate medical costs and food.

4. Projections made by SAC are limited by the following assumptions:

a. Increased sentence lengths will factor into plea negotiations and it could result in a decrease in the conviction rate for the offenses included in SB 203.

b. SAC cannot predict future case volume involving weapon offenses.

Cost:

FY 2020	Indeterminable - assumed significant
FY 2021	Indeterminable - assumed significant
FY 2022	Indeterminable - assumed significant

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