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Houghton, Keeley, Plant, Schwartzkopf,  
Viola, Williams; Sens. McDowell, Still,  
Sorenson

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 358  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 RELATING TO THE ESTABLISHMENT OF A SPECIAL COMMISSION ON  
CRIMINAL JUSTICE.

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

- 1 Section 1. Amend Title 11, Chapter 65, Delaware Code by inserting as new "Subchapter XII" the following:
- 2 "Subchapter XII. The Special Commission on Criminal Justice.
- 3 § 6595 Establishment; composition; purpose.
- 4 (a) A 'Special Commission on Criminal Justice' is hereby established. The Commission shall undertake a
- 5 comprehensive review of Delaware's charging decisions, pre-trial detention, plea bargaining, sentencing
- 6 and correctional systems, rehabilitation, programming, offender re-entry mechanisms, services and
- 7 programming available in the community, and further, to identify modifications that can be made in
- 8 those systems to improve their cost-effectiveness, in conformance with justice, public safety and
- 9 constitutional requirements. In assessing the cost effectiveness of the Criminal Justice System, the
- 10 Commission shall consider the economic impact of crime upon victims and society. The Commission
- 11 shall also review the adequacy of the resources devoted to the various component agencies of the
- 12 Criminal Justice System.
- 13 (b) The Special Commission shall consist of 17 members, the body of which shall be comprised as follows:

- (1) three (3) persons appointed by the Governor;
- (2) two (2) persons appointed by the President Pro-Tempore of the Senate;
- (3) one (1) person appointed by the Minority Leader of the Senate;
- (4) two (2) persons appointed by the Speaker of the House of Representatives;
- (5) one (1) person appointed by the Minority Leader of the House of Representatives;
- (6) two (2) persons appointed by the Chief Justice of the Delaware Supreme Court;
- (7) two (2) persons appointed by the Attorney General;
- (8) two (2) persons appointed by the Public Defender; and
- (9) two (2) persons appointed by the Delaware Police Chief's Council, Inc.

- (c) The Governor shall appoint the Chair and Co-Chair from the members of the Special Commission.
- (d) The Special Commission shall review Delaware's criminal justice system for fiscal accountability and discipline, sentence modification, re-entry and reduction of recidivism, pre-trial detention and correctional operations and facilities.
- (e) The Special Commission is authorized to organize special sub-committees consisting of core Commission members as chairpersons and including other persons impacted by or having special expertise in the areas to be studied.
- (f) The Special Commission shall enjoy the complete cooperation and assistance of all departments of the State of Delaware including the Statistical Analysis Center and the Administrative Offices of the Courts, and shall have the authority to call witnesses and obtain reports.
- (g) The highest priority and objective of the Special Commission is the continued or improved safety of law abiding citizens.
- (h) The Special Commission shall, by March 31, 2005, provide an interim report to members of the General Assembly and the Governor, and by January 15, 2006, a final report providing conclusions and recommendations, including any recommended legislation, so as to permit an informed assessment of the viability of alternatives to embarking upon a construction program for additional Level V capacity for the Department of Correction."

Section 2. This Act shall sunset on July 1, 2006.