



**150th GENERAL ASSEMBLY**  
**FISCAL NOTE**  
**\*REVISED\***

---

<b>BILL:</b>	<b>HOUSE BILL NO. 4</b>
<b>SPONSOR:</b>	<b>Representative Longhurst</b>
<b>DESCRIPTION:</b>	<b>AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE.</b>

---

**Assumptions:**

1. This Act, known as the James Johnson Sentencing Reform Act, becomes effective upon signature by the Governor.
2. This Act provides for the following:
  - a. removes all Title 16 drug offenses from the Title 11 violent felony list;
  - b. expands the ability to modify sentences for conditional release based on the rehabilitation of the offender, serious medical illness or infirmity, or prison overcrowding; and
  - c. establishes the Sentencing Accountability and Guidelines Commission (SAGC) to create new sentencing guidelines, which would replace the Delaware Sentencing Accountability Commission (SENTAC) as it is currently constituted.
3. This Act will require the Department of Correction (DOC) to make significant programming and system modifications to the Delaware Automated Correction System (DACS) related to its sentencing, reporting, and notification modules in order to ensure compliance. The DOC estimates it would require one-time funding of \$400,000 for the design and implementation of the changes in DACS in order to complete these updates.
4. This Act will require the Office of Defense Services (ODS) and the Office of Conflicts Counsel (OCC) to provide a variety of attorney, coordination, and expert services to offenders immediately eligible for release and to those immediately eligible for compassionate release. The ODS and the OCC estimate that they will need additional one-time contractual funding of \$480,000 for the first year, and then \$102,000 in additional recurring contractual services funding each year thereafter. This funding would support the need for additional contractual attorney services, attorney coordinators, psycho-forensic evaluation services, and additional expert services that the ODS and OCC would be required to provide to clients.
5. This Act will require the Department of Justice (DOJ) to locate and notify any victims of offenders petitioning for sentence modification. Additionally, the DOJ will need to conduct research on the offender's original case, the offender's history and rehabilitation during incarceration, and the offender's proposed transition plan in order to determine whether the DOJ will support release. The DOJ estimates that it will need additional one-time contractual funding of \$375,000 to hire either a former or retired prosecutor(s) on a contractual basis to review and represent the State in the initial wave of cases for the first year. The DOJ estimates that it will require 2.0 FTEs in order to handle the anticipated increase in resentencing cases on an ongoing basis.
  - The annual cost for 1.0 FTE Social Worker is \$61,331 and 1.0 FTE Deputy Attorney General V is \$163,466, for a total recurring cost of \$224,797. This includes salaries, operating costs, health insurance, and other employment costs.
  - An additional one-time operating expense of \$2,550 per position, or \$5,100 total, is projected for technology, software, and furniture costs related to the startup of these positions.

6. This Act establishes the SAGC placed within the Criminal Justice Council (CJC). The initial responsibilities of the Commission include an in-depth review of existing sentencing guidelines, research and analysis of information on all correctional populations, develop a correctional-population forecasting model, conduct research and data on the current effectiveness of sentences imposed and served. The Commission will also be required to promulgate and revise sentencing guidelines, research and consider information tracking systems, conduct a number of studies as outlined in the Act, and make recommendations to the Governor, General Assembly, and the Judiciary. The CJC estimates that it will need 4.0 FTEs in order to support the anticipated increase in workload and responsibilities associated with the establishment of the SAGC.
  - The annual cost for 1.0 FTE Executive Director of SAGC is \$111,396, 1.0 FTE Criminal Justice Coordinator is \$99,322, 1.0 FTE Research Specialist III is \$88,781, and 1.0 FTE Administrative Officer is \$64,498, for a total recurring cost of \$363,997. This includes salaries, operating costs, health insurance, and other employment costs.
  - An additional one-time operating expense of \$2,550 per position, or \$10,200 total, is projected for technology, software, and furniture costs related to the startup of these positions.
  
7. It is anticipated that this Act will increase the responsibilities of the Statistical Analysis Center (SAC) by increasing the need for it to provide timely criminal justice data and information to the SAGC so that it may carry out its responsibilities. The SAC estimates that it will need 1.0 FTE in order to accommodate the additional demands.
  - The annual cost for 1.0 FTE Research Specialist III is \$88,781. This includes salaries, operating costs, health insurance, and other employment costs.
  - An additional one-time operating expense of \$2,550 is projected for technology, software, and furniture costs related to the startup of this position.
  
8. The Judiciary anticipates a significant increase in the number of sentence modification petitions that will be filed directly with Superior Court, which estimates there will be 2,650 filings statewide requesting some type of modification of a sentence. Each filed petition requires the Court to docket the filing, ensure the filing is complete, and gather all other necessary documentation for Judicial Officers. In addition to docketing all filings, Court personnel would be required to provide case management oversight by ensuring timely counsel appointments, scheduling, and proper issuance of notices. The Superior Court estimates that 3.0 FTEs would be needed to handle the research, docketing, and case management oversight necessary to process the petitions.
  - The annual cost for 3.0 FTE Paralegal III's is \$214,583. This includes salaries, operating costs, health insurance, and other employment costs.
  - An additional one-time operating expense of \$2,550 per position, or \$7,650 total, is projected for technology, software, and furniture costs related to the startup of these positions.
  
9. A 2% inflation rate has been included for personnel costs in subsequent years for projected increases to salary, benefit, and other employment costs.

<b><u>Cost:</u></b>	<b><u>Recurring</u></b>	<b><u>One-Time</u></b>
<b>Fiscal Year 2021:</b>	<b>\$892,158</b>	<b>\$1,280,500</b>
<b>Fiscal Year 2022:</b>	<b>\$1,012,001</b>	
<b>Fiscal Year 2023:</b>	<b>\$1,030,201</b>	

---

Prepared by Jason R. Smith  
Office of the Controller General