



SPONSOR: Rep. J. Johnson & Sen. Ennis, & Sen. Henry, & Sen.  
Sorenson & Sen. Venables  
Reps. Barbieri, Kowalko, Plant, Schooley, Scott

HOUSE OF REPRESENTATIVES

145th GENERAL ASSEMBLY

HOUSE BILL NO. 338  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CLASSIFICATION OF  
OFFENSES AND SENTENCES.

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

Section 1. Amend Chapter 42, Title 11 of the Delaware Code by adding a new "§4221" thereto as follows:

"§4221. Modification, deferral, suspension or reduction of sentence for serious physical illness, injury or  
infirmity.

Notwithstanding any provision of law to the contrary, a Court may modify, defer, suspend or reduce  
a minimum or mandatory sentence of one year or less, or a portion thereof, where the Court finds by clear  
and convincing evidence, or by stipulation of the State, that the person to be sentenced suffers from a serious  
physical illness, injury or infirmity with continuing treatment needs which make incarceration inappropriate  
and that such person does not constitute a substantial risk to the community."