

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.".

LC : JDN : RAY:1901450545
LC : JWH : RAY:0661450144