151st GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE BILL NO. 13**
SPONSOR:	**Representative Yearick**
DESCRIPTION:	**AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FIREARMS.**

Assumptions:

1. This Act becomes effective upon signature by the Governor.
2. This Act increases the minimum penalty for defendants convicted of Possession of a Firearm During the Commission of a Felony (PFDCF) from 3 years to 5 years. If a defendant is at least twice previously convicted of a felony, and convicted of PFDCF, the minimum penalty increases from 5 years to 10 years.
3. This Act prohibits the suspension of the Level V sentence for PFDCF and the early release of a person through good time, parole, or probation. The Act also prohibits concurrent sentencing and addresses the ordering of terms served.
4. The Statistical Analysis Center (SAC) has conducted a complex analysis to determine a possible bed impact to the Department of Correction (DOC). The SAC analyzed 2019 Superior Court conviction and sentencing data and DOC data to characterize recent patterns and establish baselines for conventional bed impact projections.
5. The SAC projects that the first bed increases may not occur until the 3rd quarter of the fiscal year 2023, or approximately 18 months if this Act were to become effective July 2021. It is projected that the impact would be gradual, with projected increases ranging from 4 to 14 beds per year.
6. Uncertainty surrounding the impacts of adjustments during plea-bargaining may reduce PFDCF conviction rates and makes it difficult to determine the projected fiscal impact.

Cost:

Fiscal Year 2022: No Fiscal Impact
Fiscal Year 2023: Indeterminable
Fiscal Year 2024: Indeterminable

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