151st GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**SENATE BILL NO. 111**
SPONSOR:	**Senator Brown**
DESCRIPTION:	**AN ACT TO AMEND TITLE 10 AND TITLE 11 OF THE DELAWARE CODE RELATING TO AUTOMATIC EXPUNGEMENT.**

Assumptions:

1. This Act, known as The Clean Slate Act, becomes effective upon signature by the Governor.
2. This Act creates an automatic expungement process for adult and juvenile charges that are eligible for mandatory expungement. Other provisions of this Act relevant to this fiscal projection include:
   a. requires the State Bureau of Identification (SBI) to identify and expunge cases eligible for mandatory expungement monthly implemented on August 1, 2024;
   b. upon determination of eligibility for a mandatory expungement, or by receipt of an expungement order from a court, requires the SBI to promptly notify all courts and law-enforcement agencies where records of the case are located or maintained, and any court where the case was terminated, disposed of or concluded; and
   c. requires a court or law-enforcement agency that receives a notice of expungement from SBI to subsequently provide written confirmation of the completion of the expungement.
3. This Act will require the SBI to implement a comprehensive, statewide notification so that all departments and agencies processing expunged records can comply with an expungement order or directive. Currently, Delaware does not have a unified system or digitized repository for adult and juvenile criminal data. Hard copies of records can be held by the court of jurisdiction, the Department of Correction (DOC), or any law enforcement agency throughout the State.
4. An initial review of adult criminal cases by the Delaware Criminal Justice Information System (DELJIS) estimates that upon enactment 290,980 adults with 594,537 cases would immediately be eligible for mandatory expungement, in addition to an unknown recurring number of newly eligible cases that would commence monthly beginning August 1, 2024. To handle the anticipated influx of newly eligible automatic mandatory cases, the SBI will need to expand the size of its mandatory and discretionary expungement unit by a minimum of 11.0 FTEs. This will provide the SBI with the additional capacity to process an additional 1,800 expungements (current capacity of 1,600 expungements per month), which will be needed to begin processing the initial backlog of newly eligible cases.
   a. Recurring Costs – $648,942
      (1) $578,102 in Personnel Costs, including Other Employment Costs (OECs), for 9.0 FTEs, Criminal History Technicians II; 1.0 FTE, SBI Supervisor (SBI Criminal Records Manager); and 1.0 FTE, Telecommunications/Network Technician III.
      (2) $70,840 for the estimated rent and utilities for a facility to house the new positions.
   b. One-Time Costs – $81,975
      (1) $73,975 for computer equipment, software, and office furniture startup costs for new positions.
      (2) $8,000 for the purchase and installation of a networking switch at a new facility.

c. For SBI to achieve a fully automated expungement process within the 22-month implementation timeframe for this Act, it will require administrative support staff to prepare over 900,000 hard copy criminal records in the SBI records vault for archival and digitization to process future automatic expungements on time.

   i. Recurring Costs – $210,616 in Personnel Costs, including OECs, for 5.0 FTEs, Administrative Specialist I.

   ii. One-Time Costs – $1,733,625

      (1) $1,700,000 to contract with a data management vendor for the archival and digitization of hard copy criminal records.

         a. For purposes of this analysis, it is assumed that since this project would have a 22-month timeframe, half of this amount would be necessary for the Fiscal Year 2022, with the remaining half necessary in the Fiscal Year 2023.

      (2) $33,625 for computer equipment, software, and office furniture startup costs for new positions.

d. The Delaware State Police (DSP) anticipates that expanding the SBI's responsibilities to meet the provisions of this Act will require an additional Deputy Attorney General (DAG) to be assigned to handle civil matters.

   i. Recurring Costs – $121,400 in Personnel Costs, including OECs, for 1.0 FTE, DAG V.

   ii. One-Time Costs – $6,725 for computer equipment, software, and office furniture startup costs for the new position.

5. This Act would require the DELJIS to make programming and system modifications to the Criminal Justice Information System (CJIS) to be able to automatically identify cases eligible for automatic mandatory expungement and generate notices to agencies involved in each case. DELJIS estimates it would require one-time funding of $90,000 to complete these necessary system updates. In addition, DELJIS would require 1.0 FTE to conduct testing, auditing, and additional monitoring in assisting SBI with ongoing expungement processing and related data clean-up needs.

   a. Recurring Costs – $66,412 in Personnel Costs, including OECs, for 1.0 FTE, Management Analyst III.

   b. One-Time Costs – $95,000

      (1) $90,000 for specialized contractual programming for CJIS programming updates.

      (2) $5,000 for computer equipment, software, and office furniture startup costs for the new position.

6. The Superior Court (SC) anticipates that this Act will result in a significant increase in the number of mandatory expungement notices received from the SBI based upon the estimates provided by DELJIS in assumption four. Each notice received will require the SC to retrieve the file, relocate it to a secured segregated area, and complete necessary logs and records to provide notice to SBI that a file has been expunged. Also, this Act permits a person to file a mandatory expungement petition along with a discretionary expungement petition if SBI has not yet mandatorily expunged a person's case(s). This would require the SC to review and docket the filing of petitions and perform case and records management oversight to ensure the timely submission and tracking of statutory deadlines. The SC would require 4.0 FTE records management specialists to handle the docketing, case management oversight, the retrieval of files, and other expungement-related needs.

   a. Recurring Costs – $175,732 in Personnel Costs, including OECs, for 4.0 FTEs, Records Management Specialists.

   b. One-Time Costs – $20,000 for computer equipment, software, and office furniture startup costs for new positions.

7. The Family Court (FC) anticipates that this Act will increase the number of juvenile charges that are eligible for mandatory or discretionary expungement. To accommodate the increased cases, the FC would require 2.0 FTE Paralegals, one for New Castle County Family Court, the other for Kent and Sussex County to perform the research necessary for determining a petitioner's eligibility for an expungement, timely docketing, responses to petitions, and other time-sensitive deadlines and necessary tracking.
    a. Recurring Costs – $118,690 in Personnel Costs, including OECs, for 2.0 FTEs, Paralegals III.
    b. One-Time Costs – $10,000 for computer equipment, software, and office furniture startup costs for new positions.
8. All Fiscal Year 2022 personnel costs have been estimated for 10-months of funding with the annualization of the remaining 2-months incorporated into subsequent year estimates. Additionally, a 2% inflation cost has been included for projected increases to salary, health insurance, and OECs. Finally, it is assumed that if other legislation is passed requiring system reprogramming changes and additional FTE positions, that savings and efficiencies could be realized, thereby reducing the costs associated with this Act and other legislation affecting any or all of the agencies mentioned in this projection.

Cost:

	One-Time	**Operating/Recurring**
Fiscal Year 2022:	**$1,097,325**	**$1,341,792**
Fiscal Year 2023:	**$850,000**	**$1,368,692**
Fiscal Year 2024:		**$1,394,649**

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