

148TH GENERAL ASSEMBLY

FISCAL NOTE

| | |
|--------------|-----------------------------------------------------------------------|
| BILL: | SENATE BILL NO. 263 |
| SPONSOR: | Senator Bonini |
| DESCRIPTION: | AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HATE CRIMES |

ASSUMPTIONS:

1. This Act becomes effective upon signature of the Governor.
2. This Act would add an additional criminal penalty if the offense committed was due to the victim being a law-enforcement officer, a volunteer firefighter, a full-time firefighter, emergency medical technician, paramedic, fire police officer, fire marshal, correctional officer, a sheriff, a deputy sheriff, public transit operator, a code enforcement constable or a code enforcement officer.
3. a) The Statistical Analysis Center (SAC) researched arrest records and Superior Court dispositions for calendar year 2015. The SAC examined assaults against law enforcement or correctional officers as well as hate crime charges to establish existing prosecutorial patterns of such. The SAC found low existing conviction rates for hate crimes and lengthy sentences for underlying crimes under existing law. The SAC also realizes the possibility of lengthy sentences where incarceration is likely or mandatory from the proposed law. Given the complexities in determining prosecutorial patterns for new crimes as well as the possibility of lengthy sentences, the SAC expects that some DOC impact is possible, but unlikely.
b) Hate crime is a felony G when the underlying offense is a misdemeanor A. This accompanying felony G hate crime could result in Superior Court having jurisdiction over what might otherwise be a lower court case. Possible increases in Superior Court caseloads from this Act are indeterminable due to unknown prosecutorial patterns of these lower level crimes.
4. Due to the above mentioned reasons, the fiscal impact for this Act is indeterminable, but likely to be minimal.

Cost:

| | |
|------------------|----------------|
| Fiscal Year 2016 | Indeterminable |
| Fiscal Year 2017 | Indeterminable |
| Fiscal Year 2018 | Indeterminable |

Office of Controller General
June 13, 2016
SP:CGO
5581480004

(Amounts are shown in whole dollars)