

SPONSOR: Rep. K. Williams & Rep. J. Johnson & Sen. Blevins
Reps. Barbieri, Baumbach, Bennett, Bolden, Keeley, Kowalko, Longhurst, Lynn, Mulrooney, Osienski, Paradee, Potter, B. Short; Sens. Bonini, Bushweller, Ennis, Henry, McDowell, Peterson, Townsend

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 75

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO FAMILY COURT JUVENILE EXPUNGEMENT.

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

Section 1. Amend § 1018(a)(3), Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1018 Discretionary expungement.

(3) A child has no more than 2 adjudications of delinquency involving separate and distinct cases where no more than one of the offenses for which the child was adjudicated delinquent ~~are~~ is designated as ~~misdemeanors or violations in Title 4, 7, 11, 16 or 23, or a county or municipal code, ordinance, or regulation which is the same as, or equivalent to, any offenses enumerated in Title 4, 7, 11, 16 or 23,~~ a felony, excepting violent ~~misdemeanors, provided the petitioner has no prior adjudication of delinquency~~ felonies, and provided the petitioner has no other subsequent adjudication of delinquency or adult conviction, and provided that the petitioner has no pending criminal charges, and provided that at least 5 years have passed following the date the second adjudication of delinquency was entered in Family Court. A felony adjudication expunged pursuant to this section shall cease to be the basis for a person prohibited pursuant to § 1448(a)(4) of Title 11.

SYNOPSIS

The continued existence and dissemination of juvenile criminal histories hampers an individual's ability to be a successful and productive member of society. Juvenile criminal histories are a hindrance to employment, education, housing and credit. This act modifies the discretionary expungement provisions to allow more individuals the ability to petition the Court for an expungement. These changes allow the Court to consider an expungement where the individual has demonstrated rehabilitation despite multiple youthful indiscretions. These provisions will enable a greater number of deserving youth the ability to move beyond their past and recognizes that most youth mature out of offending behavior.

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