



**151st GENERAL ASSEMBLY
FISCAL NOTE**

BILL:	HOUSE BILL NO. 444
SPONSOR:	Representative Longhurst
DESCRIPTION:	AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING.

Assumptions:

1. This Act, known as The James Johnson Sentencing Accountability Act, becomes effective upon signature by the Governor.
2. This Act establishes the Delaware Sentencing Accounting and Guidelines Commission (SAGC), places the SAGC under the authority of the Criminal Justice Council (CJC), requires the SAGC to appoint an Executive Director, reviews existing sentencing guidelines and statutory penalties for each criminal offense, promulgates new sentencing guidelines, creates reviews and reporting framework, outlines additional continuing responsibilities such as reviews of program effectiveness, and other significant changes to sentencing accountability in Delaware.
3. This Act allows the Executive Director to employ staff necessary to fulfill the responsibilities of the SAGC. Recurring annual and one-time costs are estimated as follows:
 - a. Recurring Costs - \$364,010
 1. \$323,545 in Fiscal Year 2023 Personnel Costs, including OECs (at a rate of 33.11%), for 1.0 FTE, Executive Director; 1.0 FTE, Criminal Justice Planning Coordinator; 2.0 FTEs, Research Specialist III; and 1.0 FTE, Administrative Specialist III.
 2. \$35,000 for the annual cost of the projected lease and utility expense for an office location for the staff of the SAGC.
 3. \$5,465 for the annual cost of reservations with Fleet Services, telecommunications services, office supply, and other related supplies and materials needs.
 - b. One-Time Costs - \$312,750
 1. \$300,000 is estimated to obtain contractual attorney services for the SAGC's required review of existing sentencing guidelines and statutory penalties for each offense during the first two years of its existence.
 2. \$12,750, or \$2,550 per position, for projected computer equipment and furniture costs related to the startup of the new positions.
4. The Statistical Analysis Center (SAC) anticipates that it will be required to provide significant data and analysis in the form of large data requests from the SAGC to assist the SAGC in fulfilling its initial and continuing purpose.
 - a. Recurring Costs - \$129,700
 1. \$128,639 in Fiscal Year 2023 Personnel Costs, including OECs (at a rate of 33.11%), for 2.0 FTEs, Research Specialist III.
 2. \$1,061 for the annual cost of reservations with Fleet Services and telecommunications services.

b. One-Time Costs – \$4,600

1. \$4,600, or \$2,300 per position, for projected computer equipment and furniture costs related to the startup of the new positions.
5. The Delaware Criminal Justice Information System (DELJIS) anticipates that it will be required to respond to and provide significant large recurring data requests from the SAGC to assist the SAGC in fulfilling its initial and continuing purpose. The DELJIS projects it would need a contractual software engineer to fulfill this purpose. Costs for the first year are estimated at \$125,000 (for 35 weeks in Fiscal Year 2023), with subsequent full-year costs at \$185,000.
6. The Department of Correction (DOC) anticipates that it would need to engage its contracted vendor of the Delaware Automated Correction System (DCAS) to assist with the collection and extraction of data related to population, individuals on community supervision, conditions imposed, rates, and reasons for violations of probations, and outcomes of violations of probation with a review of disparities among populations and geographic locations, and other factors imposed in section two of this Act. The DOC estimates that over the first two years of the SAGC's existence, it would require a one-time appropriation of \$450,000 for the department to be able to timely retrieve data, design, and implement any changes in DACS to comply with this Act or requests made of it by the SAGC.
7. Lastly, the Fiscal Year 2023 personnel costs have been estimated for 9-months of funding, with the annualization of the remaining 3-months incorporated into subsequent year estimates. Additionally, a 2% inflation cost has been included for projected increases in salary, health insurance, and OECs.

Cost:

	<u>One-Time</u>	<u>Operating/Recurring</u>
Fiscal Year 2023:	\$767,350	\$618,710
Fiscal Year 2024:		\$841,497
Fiscal Year 2025:		\$853,797

Prepared by Jason R. Smith
Office of the Controller General