151st GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE BILL NO. 447**
AS AMENDED BY:	**HA 2**
SPONSOR:	**Representative Chukwuocha**
DESCRIPTION:	**AN ACT TO AMEND TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO EXPUNGEMENT.**

Assumptions:

1. This Act becomes effective upon signature by the Governor.
2. This Act expands upon the applicability of the expungement of criminal records and the eligibility of mandatory and discretionary expungements.
3. Delaware does not have a unified or comprehensive system or digitized repository for all existing adult and juvenile criminal data. Hard copies of records are held by the court of jurisdiction. Upon passage of this Act, The Superior Court (the Court) projects that the number of mandatory expungement notices from the State Bureau of Identification (SBI) will significantly increase, as well as the number of discretionary expungements filed with the Superior Court. Depending on the type of expungement, the Court will have a variety of case management oversight and records management functions that it will need to perform. Additionally, for each mandatory expungement notice received from the SBI, the Court will be required to retrieve the file, relocate the file to a secured segregated area, complete necessary logs and records and provide notice that the file has been expunged.
4. The Court has identified 405,795 non-dispositive charges which may be affected by this Act. The total number of mandatory expungement eligible cases is indeterminable. The Court believes it will require eight additional statewide positions to handle the anticipated workload created by this Act to comply with provisions of the Delaware Code pertaining to the disclosure of expunged records. The Fiscal Year 2023 costs are estimated at $367,614, and one-time costs are estimated at $28,000 and are as follows:
   a. Recurring Costs – $367,614 in the Fiscal Year 2023 Personnel Costs (9 months of funding), including health insurance and OECs, for 2.0 FTE, Paralegal III (1 for Kent County and 1 for Sussex County); and 6.0 FTE, Records Management Specialists (4 in New Castle County, 1 in Kent County, and 1 in Sussex County).
   b. One-Time Costs – $28,000 estimated for computer and technology equipment, office furniture, and other startup costs for the new positions.
5. Lastly, all Fiscal Year 2023 personnel costs have been estimated for nine months of funding, with the annualization of the remaining three months incorporated into subsequent year estimates. Additionally, a 2% inflation cost has been included for projected increases in salary, health insurance, and OECs.

Cost:

	One-Time	**Operating/Recurring**
Fiscal Year 2023:	$28,000	$367,614
Fiscal Year 2024:		$499,955
Fiscal Year 2025:		$509,954

Prepared by Jason R. Smith
Office of the Controller General