149th GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE BILL NO. 259**
SPONSOR:	**Representative Bennett**
DESCRIPTION:	**AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCES FOR SEXUAL OFFENSES.**

Assumptions:

1. Effective upon the signature of the Governor.

2. This Act proposes modifications to Title 11, § 4205A which would make current enhanced penalties for serious sex offenders or pedophile offenders discretionary (upon the State's application), and would add further discretionary penalty enhancements when victims are less than 7 years of age.

3. The Statistical Analysis Center analyzed charges from calendar year 2016 that met the conditions for enhanced penalties under § 4205A in its current form, or for those meeting the proposed criteria of this Act. The Center identified 21 cases with convictions that would qualify for the enhancements under the current § 4205A with 6 convictions having sentences that met or exceeded the enhancement penalties. Based on the Center's review of qualifying cases, the current application of enhanced penalties appears to be limited in use and discretionary in practice.

4. The cost of a Department of Correction bed is $9,900 per year for inmate medical costs and food.

5. The fiscal impact for this Act is indeterminable for the following reasons:

    a. After a review of current cases that meet the criteria for enhanced penalties proposed in this Act, the Statistical Analysis Center is unable to determine an increase or decrease in Department of Correction beds.

    b. There is a possibility for the State to apply the proposed additional penalty enhancements from this Act on charges where the victim is less than 7 years of age which could lead to additional Department of Correction bed utilization as these enhancements currently do not exist. Current cases involving victims of this age tend to have lengthier sentences likely not resulting in any significant bed impact.

    c. Current prosecutorial practice is discretionary in nature and will continue to be such based on this Act. The State will continue to apply enhanced penalties for cases where it determines a need to do such with there being no means for determining the number of such future instances.

Cost:

Fiscal Year 2019:	Indeterminable, assumed to be insignificant
Fiscal Year 2020:	Indeterminable, assumed to be insignificant
Fiscal Year 2021:	Indeterminable, assumed to be insignificant

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Office of the Controller General