152nd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE BILL NO. 280**
SPONSOR:	**Representative K. Williams**
DESCRIPTION:	**AN ACT TO AMEND TITLES 11 AND 16 OF THE DELAWARE CODE RELATING TO CIVIL ASSET FORFEITURE.**

Assumptions:

1. This Act becomes effective on January 1 following its enactment, upon signature by the Governor.

2. This Act makes changes to the State's civil asset forfeiture proceedings. Provisions of this Act relevant to this fiscal projection include:

   a. prohibits forfeiture unless a criminal charge is brought and puts the burden of proof on the State to prove all elements of a forfeiture case by a preponderance of the evidence.

   b. allowing a claimant property owner who substantially prevails in a forfeiture proceeding to recover reasonable attorney's fees and costs.

3. The Department of Justice anticipates the need for additional Deputy Attorneys General (DAG) statewide to handle forfeiture proceedings due to the significant caseload work involved with building and filing cases by shifting the burden of proof to the State. The estimated Fiscal Year 2025 personnel costs, including OECs at a rate of 32.94%, for 2.0 FTE, Deputy Attorney General V, and 3.0 FTE, Legal Assistant III, are estimated at $451,814. One-time funding of $16,500 for projected technology, furniture, and other startup costs associated with the new positions.

4. The costs for the payment of reasonable attorney's fees and costs for the forfeiture to a prevailing party in a proceeding are indeterminable and have not been included in the overall cost estimate for this Act.

5. All Fiscal Year 2025 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	Recurring/Operating
Fiscal Year 2025:	$16,500	$451,814
Fiscal Year 2026:		$614,467
Fiscal Year 2027:		$626,756

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Office of the Controller General