152nd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**SENATE BILL NO. 282**
SPONSOR:	**Senator Brown**
DESCRIPTION:	**AN ACT TO AMEND TITLE 11 AND TITLE 16 OF THE DELAWARE CODE RELATING TO THE ELIMINATION OF CERTAIN FEES.**

Assumptions:

1. This Act becomes effective upon signature by the Governor.
2. This Act repeals the Senior Trust Fund Fee, the Interstate Compact Fee, and the Substance, Abuse, Rehabilitation, Treatment, Education and Prevention Fund Fee imposed on criminal defendants and discharges any outstanding balances owed on these fees.
3. The Senior Trust Fund Fee is a penalty assessment of $100 imposed and collected by the courts for crimes or offenses in Chapter 5 of Title 11, where the victim was 62 or older. Collection of the penalty assessment is transmitted to an account designated the "Senior Trust Fund" to be administered by the Division of Services for Aging and Adults with Physical Disabilities (DSAAPD). The Fund shall assist with new or expanded programs for the senior population and must be used to support the direct provision of aging services by community-based service organizations.
    a. In Fiscal Year 2022, the fee collected $8,335; in Fiscal Year 2023, the fee collected $9,522. The DSAAPD currently has an authorized Appropriated Special Funds (ASF) spending authority for the Senior Trust Fund of $15,000. The balance owed and would be discharged upon passage of this Act for the Senior Trust Fund Fee is unknown at the time of this fiscal projection.
    b. The December 7, 2023, report issued by The Criminal Legal System Imposed Debt Study Group recommended replacing $15,000 in lost ASF revenue to DSAAPD in General Funds (GF).
4. The Interstate Compact for Adult Offender Supervision, or Interstate Compact Fee, is a $50 application fee paid by probationers to request that their probation's direct reporting be transferred to another state.
    a. Over the past five years, this fee has generated between $11,675 and $25,533 in annual GF revenue, an average of $17,907. As of March 31, 2024, $14,420 has been collected for Fiscal Year 2024. For this fiscal projection, the average of $17,907 is assumed to be a GF revenue loss annually by eliminating the Interstate Compact Fee.
    b. As of March 4, 2024, approximately $38,900 is owed and would be discharged upon passage of this Act.
5. The Substance Abuse Rehabilitation, Treatment, Education and Prevention Fund Fee, or SARTEP Fee, is 15% of all fines, penalties, and forfeitures imposed and collected by the courts for applicable criminal offenses. Collection of the penalty assessment is transmitted to an account designated the "Substance Abuse Rehabilitation, Treatment, Education and Prevention Fund" (SARTEP Fund). According to 16 *Del. C.* § 4803A(b), the SARTEP Fund is "…used only for the provision of and coordination of substance abuse rehabilitation treatment, education and/or prevention services and shall be administered by the permanent treatment access committee of SENTAC; provided that any expenditures therefrom must be approved by the Delaware State Clearinghouse Committee."

a. In Fiscal Year 2022, the fee collected $31,439; in Fiscal Year 2023, the fee collected $19,803.

b. According to the December 7, 2023, report issued by the Criminal Legal System Imposed Debt Study Group, it is unclear if the administrative process established in the Delaware Code continues to exist. The balance owed and would be discharged upon passage of this Act for the SARTEP Fee is unknown at the time of this fiscal projection. Additionally, the report recommended the elimination of the SARTEP Fee and coordination with the Division of Substance Abuse and Mental Health to determine how much funding needs to be replaced with GF in the operating budget.

Cost:

	Operating/Recurring (GF)	**General Fund Revenue Loss**
Fiscal Year 2025:	$28,138 - $46,439	$17,907
Fiscal Year 2026:	$28,138 - $46,439	$17,907
Fiscal Year 2027:	$28,138 - $46,439	$17,907

Prepared by Jason R. Smith
Office of the Controller General