152nd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**SENATE BILL NO. 12**
SPONSOR:	**Senator Townsend**
DESCRIPTION:	**AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE AND CHAPTER 72, VOLUME 83 OF THE LAWS OF DELAWARE RELATING TO PRETRIAL RELEASE AND DETENTION.**

Assumptions:

1. This Act becomes effective upon the Governor's signature and takes effect six months after the enactment of a constitutional amendment, as proposed by Senate Bill No. 11 of the 152nd General Assembly.
2. This Act amends Delaware's laws regarding the release of persons accused of crimes as required with the enactment of an amendment to the Delaware Constitution permitting preventive detention. For purposes of this fiscal projection, it is assumed that the passage of a constitutional amendment as proposed by Senate Bill No. 11 of the 152nd General Assembly may occur sometime during the first half of the 153rd General Assembly, resulting in this Act becoming effective during the end of the 1st quarter or the beginning of the 2nd quarter of Fiscal Year 2026 (September or October 2025).
3. The Department of Justice (DOJ) anticipates the need for additional Deputy Attorneys General (DAG) statewide since a DAG is expected to represent the Attorney General in any temporary preventive detention hearings, other subsequent hearings that may occur, and other requirements as outlined in this Act. The estimated Fiscal Year 2026 personnel costs, including OECs at a rate of 32.94%, for 5.0 FTE, Deputy Attorney General V, are estimated at $685,042. One-time funding of $16,500 for projected technology, furniture, and other startup costs associated with the new positions.
4. The Office of Defense Services (ODS) anticipates the need for additional Assistant Public Defenders (APD), intake staff, and other relevant support staff since this Act requires that a defendant eligible for preventive detention must be afforded representation by the ODS if the defendant is unable to afford counsel without undue delay or within 24 hours of arrest. While not all defendants may be eligible, require, or accept ODS representation, ODS anticipates that it would be necessary to have staff available for any temporary preventive detention hearings that occur statewide and other subsequent hearings that may arise to be able to conduct proper intake assessments and identify other relevant needs of its clients to provide the defendant with representation.
    a. The estimated Fiscal Year 2026 personnel costs, including OECs at a rate of 32.94%, for 8.0 FTE, Assistant Public Defenders V; 4.0 FTE, Legal Assistant III; 4.0 FTE, Client Intake Specialist; 4.0 FTE, Forensic Social Specialist; 4.0 FTE, Investigator; 1.0 FTE, Interpreter; are estimated at $2,125,803. Additional recurring annual operating costs of $479,637 in Fiscal Year 2026 for funding for the Office of Conflicts Counsel, Fleet Services, leased space, membership dues for APDs, consultants and expert services, and other anticipated operating needs, with the annualization of these costs incorporated into Fiscal Year 2027 estimates. One-time funding of $82,500 for projected technology, furniture, and other startup costs associated with the new positions.

5. This Act requires the Justice of the Peace Court, the Court of Common Pleas, and the Superior Court to adopt rules before the effective date of this Act. At the time of this fiscal projection, the outcome of rules to be adopted pertaining to this Act are unknown and may require the Courts to obtain additional staffing and fiscal resources in future years to comply with this Act and the rules established by the Courts.
6. The Delaware Criminal Justice Information System (DELJIS) and the Judicial Information Center (JIC) anticipate that programming changes will be needed in their respective system applications to reflect changes and enhancements will need to be made to their respective information technology systems to accommodate the requirements of this Act. At the time of this fiscal projection, the full technical design of these changes is being evaluated, and cost estimates for future years are unknown.
7. All Fiscal Year 2026 personnel costs have been estimated for nine months of funding, with the annualization of the remaining three months incorporated into the subsequent year estimate. 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:	Not In Effect	Not In Effect
Fiscal Year 2026:	$99,000	$3,290,482
Fiscal Year 2027:		$4,443,895

Prepared by Jason R. Smith
Office of the Controller General