152nd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE BILL NO. 391**
SPONSOR:	**Representative Dorsey Walker**
DESCRIPTION:	**AN ACT TO AMEND TITLE 10, TITLE 11, AND TITLE 21 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 Court Security fee, the Videophone fee, and the Victim's Rights fee imposed and, within 30 days after the effective dates of this Act, discharges any outstanding balances on these fees.
3. The Court Security fee is a $10 assessment imposed and collected by the courts on each initial civil filing and on each criminal, traffic, or delinquency charge for which a conviction or finding of delinquency or responsibility or voluntary assessment is paid. The fee is collected and deposited into the "Court Security Fund." It provides supplemental funding for 31.5 Appropriated Special Fund (ASF) FTE, Court Security Officers; equipment; and training expenses related to Judicial Branch security.
    a. In Fiscal Year 2022, the fee collected $1,538,251; in Fiscal Year 2023, it collected $1,660,251. The Judicial Branch has an authorized ASF spending authority for the Court Security fee of $3,180,100. The balance owed and the amount that would be discharged upon passage of this Act for the Court Security fee are 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 the authorized ASF spending authority of the Judicial Branch with General Funds (GF).
4. The Videophone fee is a penalty assessment of $1 imposed and collected by the courts for any criminal defendant or child adjudicated delinquent. Collection of the penalty assessment is transmitted to an account designated the "Videophone Fund" to be administered by the Criminal Justice Council (CJC). The fund covers line charges, maintenance costs, and purchase and upgrade of videophone systems used by state and local agencies in the criminal justice system.
    a. In Fiscal Year 2022, the fee collected $102,343; in Fiscal Year 2023, it collected $109,439. The CJC has an ASF spending authority for the Videophone Fund of $212,500. The balance owed and that would be discharged upon passage of this Act for the Videophone 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 the existing spending authority with $125,000 in GF.
5. The Victim's Rights fee is a penalty assessment of 40% of the base fine up to $20 imposed and collected by the courts when a person is convicted of not wearing a seatbelt. Collection of the penalty assessment is transmitted to an account designated the "Victims' Rights Fund" and administered by the Department of Justice (DOJ). The fund is used for victim notification initiatives.
    a. In Fiscal Year 2022, the fee collected $25,029; in Fiscal Year 2023, it collected $22,346. The DOJ has an ASF spending authority for the Victims' Rights Fund of $192,100. The balance owed and that would be discharged upon passage of this Act for the Victim's Rights 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 the existing spending authority with $192,100 in GF.

6. The elimination of the Videophone fee and the Victim's Rights fee takes effect immediately upon the Governor's signature. The elimination of the Court Security fee takes effect on the date of publication in the Register of Regulations of a notice by the Controller General to the Registrar of Regulations that $3,180,100 in GF was appropriated to the Judicial Branch.

7. The total minimum costs identified reflect the required Court Security fee appropriation and the lowest amount collected per fee in either Fiscal Year 2022 or 2023. The total maximum costs identified reflect the required Court Security fee appropriation and the recommended GF appropriation amounts per the Criminal Legal System Imposed Debt Study Group's final report.

Cost:

	Operating/Recurring
Fiscal Year 2025:	$3,304,789 minimum – $3,497,200 maximum
Fiscal Year 2026:	$3,304,789 minimum – $3,497,200 maximum
Fiscal Year 2027:	$3,304,789 minimum – $3,497,200 maximum

Prepared by Jason R. Smith
Office of the Controller General