153rd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE BILL NO. 133**
SPONSOR:	**Representative Snyder-Hall**
DESCRIPTION:	**AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FINES, FEES, RESTITUTION, AND OTHER COURT-RELATED MONETARY OBLIGATIONS.**

Assumptions:

1. This Act becomes effective 180 days upon signature by the Governor.
2. This Act gives the Judiciary the discretion to waive fines and fees, in whole or in part, in appropriate circumstances. The Act also creates a presumption that fines and fees will not be imposed when a defendant shows evidence of certain conditions, including receiving a public assistance benefit or being represented by the Office of Defense Services. It also creates a hearing process for anyone already sentenced to pay a fine or fee.
3. Presently, if a Judicial Officer of the Judiciary does not suspend fines, collections for these go to the General Fund. Delaware Code has other established fees, costs, and assessments made upon criminal defendants, such as the Court Security fee, Victim's Rights fee, Victim Compensation Fund, Transportation Trust Fund fee, Voluntary Ambulance Fund fee, the Videophone fee, and the Fund to Combat Violent Crime.
    a. In Fiscal Year 2024, the Judiciary collected $4,528,243 in criminal fines and $10,905,709 in criminal fees, costs, and assessments.
    b. It is estimated that 40% of collections may qualify for the hardship waiver if a defendant meets the eligibility requirements and is granted relief from a Judicial Officer. The remaining 60% of collections originate from the Voluntary Assessment Center, which is excluded from this Act.
        1. Using Fiscal Year 2024 collections data, 40% of the collections is $6,173,581.
4. It is unknown how many criminal defendants may be eligible for the hardship waiver, and out of those who may be eligible, it is also unknown how many may be granted relief in the future. As a result, the total revenue loss for fines received by the General Fund and the total revenue loss for the various statutory fees, costs, and assessments is indeterminable.

Cost:

	General Fund Revenue Loss	Various Statutory Fees, Costs, and Assessments
Fiscal Year 2026:	Indeterminable	Indeterminable
Fiscal Year 2027:	Indeterminable	Indeterminable
Fiscal Year 2028:	Indeterminable	Indeterminable

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Office of the Controller General