



153rd GENERAL ASSEMBLY  
FISCAL NOTE

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<b>BILL:</b>	<b>SENATE SUBSTITUTE NO. 1 FOR SENATE BILL NO. 58</b>
<b>SPONSOR:</b>	<b>Senator Hoffner</b>
<b>DESCRIPTION:</b>	<b>AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POSTCONVICTION REMEDY.</b>

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**Assumptions:**

1. This Act becomes effective upon signature by the Governor.
2. This Act allows a convicted person to petition the Superior Court (the Court) for relief if new or previously unavailable forensic scientific evidence exists, or if existing forensic scientific evidence has been undermined by advancements in scientific knowledge or methodology. If the petitioner meets certain criteria, the court must grant relief, including vacating the conviction and ordering a new trial. Eligible applicants include persons currently incarcerated at a Department of Correction facility or the Delaware Psychiatric Center or on parole or probation or subject to registration on the sex offender registry, persons convicted after trial or after an entry of a plea of guilty or nolo contendere, persons deemed to have confessed or provided an admission related to the crime either before or after conviction, and persons who have completed their sentence.
3. The Court reviewed the number of guilty pleas and trials that resulted in a guilty verdict for a 10-year period, which equaled 39,233. The Court also reviewed the number of post-conviction motions filed under the current statute and court rules for the past three years, with the total number of post-conviction motions filed equaling 2,416. As a result of this Act, the Court projects that it will receive a significant amount of filings from persons, even if ineligible, who will file for post-conviction relief as prescribed in this Act, as the Court currently receives numerous post-conviction filings from persons whose prior post-conviction motions were denied. Each motion or petition received must be docketed and will require review to determine case status and eligibility. The Court estimates it would incur the following costs to be compliant with this Act:
  - a. Recurring Costs – \$346,405 in the Fiscal Year 2026 Personnel Costs (9 months of funding), including OECs (at a rate of 33.34%), for 1.0 FTE, Staff Attorney; and 3.0 FTE, Paralegal III (one for each county).
  - b. One-Time Costs – \$26,680
    - i. \$26,680 estimated for computer, technology, and office furniture startup costs for the new positions.
    - ii. Indeterminable amount to modify the existing space to accommodate the additional personnel.
4. 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 estimates. Additionally, a 2% inflation cost has been included for projected increases in salary, health insurance, and OECs.
5. Lastly, it is assumed that if other pending legislation related to post-conviction remedies is passed by the General Assembly and enacted into law, the FTE positions and fiscal resources included in this fiscal projection, can be utilized for both this Act and Senate Substitute No. 1 for Senate Bill No. 57, or similar legislation of the 153rd General Assembly.

**Cost:**

	<b><u>One-Time</u></b>	<b><u>Operating/Recurring</u></b>
<b>Fiscal Year 2026:</b>	\$26,680	\$346,405
<b>Fiscal Year 2027:</b>		\$471,111
<b>Fiscal Year 2028:</b>		\$480,533

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Office of the Controller General