153rd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**SENATE BILL NO. 172**
SPONSOR:	**Senator Hoffner**
DESCRIPTION:	**AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE OFFICE OF DEFENSE SERVICES.**

Assumptions:

1. This Act becomes effective upon signature by the Governor.
2. This Act codifies that Assistant Public Defenders (APDs) appointed by the Chief Defender of the Office of Defense Services be compensated comparably to Deputy Attorneys General (DAGs) of the Department of Justice (DOJ).
3. Section 1 of the Annual Appropriations Act provides that all state agencies are subject to the limitation of fiscal appropriations contained within the Act and that the Annual Appropriations Act shall take precedence over, or override, any other part of the Delaware Code that might conflict with it.
4. On February 14, 2025, the Delaware Association of Deputy Attorneys General (ADAG) was formed and became the exclusive bargaining representative of the DAGs of the DOJ. 19 Del. C. c. 13, the Public Employment Relations Act, provides the general provisions and outlines the process of public employees who wish to enter into collective bargaining negotiations and agreements with the State.
5. At the time of this fiscal projection, the results of a collective bargaining agreement between the ADAG and the State are unknown.
6. In prior fiscal years, salaries for APDs have been determined by an Attorneys and Public Defenders salary matrix as outlined in Section 8(c)(4)(iii) of the Annual Appropriations Act. It is unknown if the salary matrix for APDs in future years will be adjusted to match the collectively bargained salaries of DAGs once their collective bargaining agreement results are available. Therefore, the costs of this Act are unknown and indeterminable.

Cost:

	Operating/Recurring
Fiscal Year 2026:	Unknown and Indeterminable
Fiscal Year 2027:	Unknown and Indeterminable
Fiscal Year 2028:	Unknown and Indeterminable

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Office of the Controller General