153rd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE BILL NO. 174**
SPONSOR:	**Representative Morrison**
DESCRIPTION:	**AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE VICTIMS COMPENSATION ASSISTANCE PROGRAM.**

Assumptions:

1. This Act, known as the Elizabeth Barnes Act, becomes effective upon signature by the Governor.
2. This Act provides support services to eligible families and dependents of individuals who have died by suicide by providing them with financial assistance or services through the Suicide Assistance Fund (the Fund) by filing a claim administered by the Victims' Compensation Assistance Program (VCAP) through the Department of Justice (DOJ).
    a. Distributions from the Fund would not begin until January 1 following enactment.
3. Additionally, this Act imposes a surcharge on business, residential, wireless, and prepaid wireless telephone services that must be collected and deposited into the Fund. For this fiscal projection, it is assumed that these surcharges and collections would begin upon enactment.
4. The Fund shall provide assistance or services to eligible claimants as described in the Act. It is difficult to determine what each claimant would apply for or qualify for, as it is assumed that each claim will likely be reviewed, and financial assistance would be determined on a case-by-case basis based on the identified need.
5. According to available data from the U.S. Centers for Disease Control and Prevention (CDC), on average, there have been 122 deaths by suicide in Delaware between 2014 and 2022.
6. For this fiscal projection, a claimant is assumed to be eligible for $14,000 of assistance or services based upon definitions and not-to-exceed amounts outlined in this Act. Other assistance that does not have amounts defined in this Act, while eligible, is unknown, indeterminable, and cannot be accounted for in this fiscal projection.
    a. The utilization rate for the Fund is difficult to project as it is not likely that the average number of 122 deaths by suicide will result in the same number of filed claims annually. For purposes of this fiscal projection, it is assumed that it is likely that out of the average of 122 deaths by suicide, between 61 and 92 of these deaths may result in a filed claim, or between 50 and 75 percent.
    b. Therefore, financial assistance or services through the Fund may range between $854,000 to $1,288,000 annually.
    c. For Fiscal Year 2026, the range for the fund has been prorated to between $427,000 to $644,000 to reflect the enactment of distributions, factor in the start-up and phased implementation of the program, as it is assumed it may take time to effectively communicate that resources are available to eligible families and dependents.
    d. The full range has been incorporated into the subsequent year estimates for fiscal years 2027 and 2028.
    e. This fiscal projection does not take into account any claims that may be filed for those who have died by suicide before the effective date of this Act.

7. The DOJ estimates that it would require additional positions for its VCAP program to assist with the intake/application process, claim review process, processing of financial disbursements or other services, and other related duties that may be required to comply with the provisions of this Act. The recurring Fiscal Year 2026 costs are estimated at $200,378, and Fiscal Year 2026 one-time costs are estimated at $120,010 and are as follows:

    a. Recurring Costs – $200,378 in Fiscal Year 2026 personnel costs, including OECs (at a rate of 33.34%), for 2.0 FTE, Victim Service Specialist IV; and 1.0 FTE, Administrative Specialist III.

        1. For Fiscal Years 2027 and 2028, $15,000 is estimated as a recurring cost for annual maintenance support and licensing needs related to a case management system.

    b. One-Time Costs – $120,010

        1. $20,010 for computers, office furniture, and other supply startup costs for the new positions.

        2. $100,000 estimated for the enhancement of existing or purchase of a case management system for tracking submitted claims and other claimant needs.

8. The Department of Finance, Division of Revenue, projects that it will need to make one-time technology enhancement changes to its system and testing, and account for updates to its business tax remittance forms to collect the surcharge imposed by this Act. The Division estimates this to be a one-time cost of $50,000.

9. 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 and OECs.

10. For this fiscal projection, it is assumed that the one-time costs for the Division of Revenue would need to be general fund costs so that system enhancements can occur for the surcharge collections to begin. It is assumed that this Act intends to allow surcharge collections to begin before payment of claims. Dependent upon the timing of enactment, initial start-up one-time and operating costs for the DOJ may be expensed out of the Fund as provided for in this Act if, once surcharges referenced in assumption three and this Act's projected revenue in the accompanying fee impact statement begin with enough time to accumulate enough revenue to cover the initial projected administrative costs for the DOJ.

Cost:

	One-Time General Fund	One-Time Suicide Assistance Fund	FTE and Operating Expenses from the Suicide Assistance Fund	Claims Paid from the Suicide Assistance Fund
Fiscal Year 2026:	$50,000	$120,010	$200,378	$427,000 to $644,000
Fiscal Year 2027:	-	-	$287,514	$854,000 to $1,288,000
Fiscal Year 2028:	-	-	$292,964	$854,000 to $1,288,000

Prepared by Jason R. Smith
Office of the Controller General