

CHAPTER 244
FORMERLY
HOUSE BILL NO. 252

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BAIL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2116(c), Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(c) Notwithstanding any provision of this chapter or any other statute or court rule to the contrary, whenever the accused is charged with a subsequent offense, any recognizance or bond relating to the original offense shall be temporarily revoked by any court, including the Justice of the Peace Court, Court of Common Pleas, or Superior Court, before whom the person is then appearing, and the person shall be held in lieu of bail for the original offense until such time as the Superior Court holds a hearing to determine whether there is proof positive or presumption great that the accused committed a subsequent offense during the period of release.

Section 2. Amend § 2104, Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

(a) Any person who is arrested and charged with any crime other than a capital crime shall be released either:

(1) On the person's own recognizance; ~~or~~

(2) Upon the execution of an unsecured personal appearance bond of the accused in an amount specified by the court; ~~or~~

(3) Upon the execution of a secured personal appearance bond, the amount of the bond and the nature of the surety to be determined by the court; ~~or~~

(4) Upon execution of a cash personal appearance bond, the amount of the bond to be determined by the court.

Section 3. If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

Section 4. This act shall become effective immediately upon enactment.

Approved June 10, 2014