



SEAN M. LYNN  
STATE REPRESENTATIVE  
31<sup>st</sup> District

HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
411 LEGISLATIVE AVENUE  
DOVER, DELAWARE 19901

COMMITTEES  
Judiciary, Chair Agriculture Education  
Health & Human Development  
Public Safety & Homeland Security

**House Judiciary Committee Meeting Minutes**  
5.17.22

***This committee meeting has been recorded and may be accessed via [legis.delaware.gov](http://legis.delaware.gov)***

Chair Lynn called the meeting to order at 11:00 a.m. Members present included Reps. Griffith, Cooke, Dorsey Walker, Gray, Smyk, Spiegelman, and Vanderwende. Reps. Minor-Brown, Morrison, and Yearick were also present. For a list of guests present, please see the attendance list below.

Chair Lynn introduced **HB 417, AN ACT TO AMEND TITLES 10, 13, 16 AND 29 OF THE DELAWARE CODE RELATING TO ENFORCEMENT OF FAMILY COURT CUSTODY ORDERS.**

Vice Chair Griffith stated that when the Family Court orders custody of the child to the Division of Family Service, they often partner with law enforcement to enforce the order. In most cases, the parents or guardians of the child or children are cooperative and law enforcement involvement is not needed. She said that the purpose of the legislation is to clarify that if the parents or guardians of the child or children do not comply with the order, law enforcement are able to enter private property and take custody of the child or children.

Chair Lynn opened the floor to public comment.

Robert Overmiller said that he supported the legislation.

Jeff Horvath, Executive Director of the Delaware Police Chief's Association, thanked Vice Chair Griffith for sponsoring the legislation.

A motion was made by Rep. Spiegelman and seconded by Rep. Vanderwende to release HB 417 from committee; motion carried. Yes= 7 (Cooke, Gray, Griffith, Lynn, Smyk, Spiegelman, Vanderwende); No= 0; Absent= 3 (Bush, Dorsey Walker, Mitchell). The bill was released from committee with a F=4, M=4, U=0 vote.

Chair Lynn introduced **SB 144 w/ SA 1, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES AGAINST PUBLIC HEALTH, ORDER, AND DECENCY.**

Rep. Morrison said that the number of hate crimes that occur in Delaware have doubled in recent years. He added that 48 percent of these hate crimes were based on race or ethnicity, 28 percent were based on religion, and 24 percent were based on sexual orientation or gender identity. He said that, on a national scale, hate crimes have surged to the highest level in twelve years. Due to racist rhetoric surrounding the COVID-19 pandemic, hate crimes against Asian-Americans have increased by 339 percent. He explained that the legislation would alter the definition of a hate crime to include those committed both in whole and in part by bias. The focus would also be on the perception of the defendant, whereas current Delaware law focuses on the victim's actual race, gender, religion, or other immutable characteristic. The legislation



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also establishes a right of civil remedies to allow individuals to seek relief from hate crime, desecration, and religious symbol burning related injury.

Vice Chair Griffith asked if portions of the legislation regarding the burning of religious symbols would conflict with First Amendment rights.

Rep. Morrison asked expert witness Nicole Mozee, representing the Delaware Department of Justice, to reply to questions from the committee.

Nicole Mozee explained that the legislation allows for the burning of religious symbols if the party has obtained the written consent of the owner of the property and has provided a minimum notice of 48 hours to the fire board in the county where the burning will take place. The legislation does not allow for the burning of religious symbols if the intent is to intimidate an individual or a group of individuals.

Vice Chair Griffith asked if it would be illegal for an individual to burn a religious symbol that they own on their private property without providing a notice of the burning to the fire board 48 hours in advance.

Nicole Mozee confirmed that, under this legislation, it would be illegal for an individual to burn a religious symbol without providing notice to the fire board 48 hours in advance. She explained that the legislation is modeled after policies in surrounding states that have been found to be compliant with the First Amendment.

Chair Lynn asked if an individual would need permission from the fire board to conduct the burning, or if they only need to provide a notice of the burning.

Nicole Mozee replied that she would take these concerns into consideration and supply further research to the committee.

Vice Chair Griffith expressed her concern that an individual could be charged with a class A misdemeanor for burning a religious symbol on private property despite having no malicious intent.

Rep. Morrison thanked Chair Lynn and Vice Chair Griffith for sharing their concerns and said that he would be open to amending the legislation.

Rep. Spiegelman asked if the fire board is allowed to deny an individual's request to burn a religious symbol on their private property. He noted that some individuals may only be burning small symbols.

Nicole Mozee said that the intent of the legislation was only to mandate notification to the fire board of the burning, and that an individual would not necessarily need consent from the fire board to carry out the burning.



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Chair Lynn noted that provisions in the legislation regarding burning may conflict with existing municipal ordinances on the matter.

Rep. Spiegelman expressed his concern that the fire board may be placed in a position to deny the right of an individual to burn a religious symbol under the First Amendment. He added that the legislation seems to allow a person to seek civil remedies if they experience emotional distress from witnessing the legal burning of a religious symbol.

Nicole Mozee said that an individual would only be permitted to seek civil remedies if the burning of the religious symbol violated established procedures regarding consent of the property owner and notification of the fire board, or if the burning was conducted with the intent to intimidate a person or a group of people.

Rep. Spiegelman mentioned that, in a case where a religious group was protesting military funerals, it was ruled that the families of the deceased could not seek civil remedies. He asked if this legislation would conflict with that ruling.

Nicole Mozee replied that the ruling would not necessarily be applicable to this legislation due to the difference in circumstances.

Rep. Morrison added that he would work with Sen. Pinkney to amend the legislation to address these concerns.

Rep. Spiegelman pointed out that the bill would add sex and age to the list of protected classes that could potentially be victims of a hate crime. He asked if a person who targets an individual of a certain sex or a certain age purely out of convenience could be charged with a hate crime.

Rep. Morrison replied that an individual would only be charged with a hate crime if they were motivated to act based on their perception of the victim as a member of a protected class that they hold a bias towards.

Rep. Spiegelman noted that an individual may be motivated by the perception that someone of a certain sex or age may be easier or more convenient to target for unrelated criminal activity. He indicated his belief that the legislation would lead prosecutors to charge individuals with hate crimes for victimizing the elderly or women due to a perception that they are weaker.

Rep. Morrison said that it was important to include age and sex in the legislation, referencing an incident in which an individual made both race-based and sex-based threats towards a member of the Delaware Governor's staff. However, the individual could only be charged for the race-based threats under the current hate crime statute.

Rep. Spiegelman acknowledged that the legislation would be effective at combating certain situations like the one described but expressed his concern that the intent of the bill would be misconstrued by prosecutors.



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Nicole Mozee replied that for an individual to be charged with a hate crime there must be evidence that the illegal activity was committed partially or in full due to a particular bias. An individual who has committed sexual assault would not be charged with a hate crime unless they were motivated to act by a bias towards a larger group that they believe the victim is involved in.

Rep. Morrison pointed out that age and sex have been increasingly included in state and federal hate crime legislation and other protections.

Nicole Mozee confirmed that age and sex are included in the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, as well as the Fair Housing Act.

Chair Lynn added that viewing an individual as more vulnerable due to their status as a member of a protected group is not equated with an active bias towards said group. He expressed concern that the legislation would hold legal guardians liable for hate crimes committed by minors.

Vice Chair Griffith asked why legal guardians would be automatically liable for hate crimes committed by minors, noting that this differs from the majority of established Delaware law.

Chair Lynn asked if creating a different liability standard for hate crimes was an intentional choice.

Nicole Mozee said that holding legal guardians liable for civil remedies resulting from a hate crime committed by a minor is a standard provision in other states.

Chair Lynn expressed concern that the civil remedies provision in this legislation would differ significantly from existing Delaware law. He noted that the bill provides for both an individual cause of action, as well as one brought by the Attorney General.

Nicole Mozee confirmed that the Attorney General may initiate a cause of action against a person or group that has committed a hate crime on behalf of the victim.

Chair Lynn pointed out that this could result in the Attorney General representing individuals in civil remedies cases based on emotional distress from experiencing a hate crime.

Nicole Mozee replied that the Attorney General may also represent individuals in cases regarding employment discrimination and fair housing.

Chair Lynn asked if the intent of the Delaware Department of Justice was to have the Attorney General represent private citizens in personal injury cases.

Nicole Mozee explained that the Attorney General would bring a cause of action on behalf of an agency or commission in the interests of the aggrieved individual.



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Chair Lynn asked what would happen if a litigant represented by the Attorney General was awarded attorney fees.

Nicole Mozee said that she would conduct more research into how the funds might be used.

Chair Lynn asked if there was a precedent for the Attorney General to be involved in personal injury cases.

Nicole Mozee said that she was not aware of such a precedent.

Rep. Morrison pointed out that Nicole Mozee referenced federal hate crime legislation and fair housing policies.

Nicole Mozee confirmed that previous hate crime and fair housing policies indicate that the Attorney General does have the ability to take on these cases.

Vice Chair Griffith acknowledged that this legislation may be necessary in some circumstances.

Chair Lynn concurred and clarified that, in consumer protection cases, the Attorney General does not necessarily represent an individual litigant, but instead brings a cause of action on behalf of the state and the public at large.

Vice Chair Griffith added that there have been cases where the Attorney General brings a cause of action on behalf of a class of victims.

Rep. Smyk said that he would support a motion to table the legislation.

Vice Chair Griffith requested that the Delaware Department of Justice conduct further research on the potential implementation of this legislation.

Rep. Morrison mentioned that he had a friend who was attacked because he was perceived as homosexual by the perpetrator, despite being heterosexual. Since the victim was not actually homosexual, the perpetrator could not be charged with a hate crime.

Rep. Smyk said that his perception of gay men was formed by negative experiences while working at Rehoboth Beach.

Chair Lynn encouraged Rep. Morrison to work with the Delaware Department of Justice to address the concerns brought by the committee.

Rep. Dorsey Walker said that she supports releasing the legislation.

Chair Lynn opened the floor to public comment.

Robert Overmiller said that he believed the legislation would conflict with the First Amendment and recommended that the committee table the bill.



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Rep. Cooke noted that there are multiple issues with the legislation that will need to be addressed and suggested that the bill be tabled.

Chair Lynn asked Nicole Mozee how long it would take for the Delaware Department of Justice to address the concerns of the committee.

Nicole Mozee said that the Delaware Department of Justice could address these concerns within a two-week timeframe.

A motion was made by Rep. Dorsey Walker to table SB 144 w/ SA 1; motion carried. Yes= 7 (Cooke, Dorsey Walker, Gray, Griffith, Lynn, Spiegelman, Vanderwende); No= 0; Absent= 3 (Bush, Mitchell, Smyk). The bill was tabled.

Chair Lynn introduced **HB 419, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CUSTODIAL INTERROGATIONS.**

Rep. Minor-Brown explained that the legislation would ban the use of deceptive interrogation techniques on minors. The bill was inspired by an increasing number of false confessions recorded by the National Registry of Exonerations, as well as recent changes in scientific knowledge about adolescent brain development. The legislation would prohibit the use of false statements to elicit a confession from a suspect, such as telling a juvenile that their DNA was found at the scene of a crime, or that they failed a polygraph exam. Officers would also no longer be permitted to mislead juveniles with promises of leniency if they confess. She added that there have been no documented incidents of false confessions in Delaware yet, but these often take decades to reveal. She mentioned that she has been working on an amendment to address concerns raised by the Delaware Department of Justice.

Vice Chair Griffith thanked Rep. Minor-Brown for sponsoring the legislation.

Rep. Gray asked Rep. Minor-Brown to confirm that she is working on an amendment with the Delaware Department of Justice.

Rep. Minor-Brown confirmed that she is working on an amendment to address concerns about language in the bill related to emergency situations involving public safety or national security.

Rep. Gray asked when the amendment would be completed.

Rep. Minor-Brown replied that the amendment has been completed but that she has yet to read it in full.

Rep. Dorsey Walker thanked Rep. Minor-Brown for sponsoring the legislation.

Rep. Gray asked for more details about the amendment.

Rep. Minor-Brown suggested moving to public comment so that representatives from the Delaware Department of Justice could comment on the amendment.





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Chair Lynn asked Rep. Minor-Brown to confirm that the amendment already exists.

Rep. Minor-Brown confirmed that the amendment exists and that she would like to defer to the representatives from the Department of Justice to describe the amendment in further detail.

Chair Lynn asked if Rep. Minor-Brown could provide a copy of the amendment to the members of the committee.

Rep. Minor-Brown replied that she would provide a copy of the amendment to committee members upon approving it.

Rep. Gray noted that the legislation may not be ready to be voted out of committee and brought to the floor.

Rep. Minor-Brown said that she is ready to bring the bill to the floor based on her conversations with the Department of Justice.

Rep. Gray indicated that he was under the impression that the legislation was not ready.

Rep. Minor-Brown explained that the legislation is complete and that she is working on an amendment to make the bill stronger.

Chair Lynn asked expert witness AJ Roop, representing the Delaware Department of Justice, to comment on the legislation.

AJ Roop said that the Attorney General supports the intent of the legislation, and that their office has worked with law enforcement to address their concerns. He explained that the amendment clarifies that a statement obtained using deceptive tactics during a custodial interrogation of a minor is inadmissible. However, any evidence obtained because of the inadmissible statement remains admissible if it was discovered through lawful means or acquired through an independent source.

Chair Lynn asked Rep. Gray if his concerns had been addressed by the expert witness.

Rep. Gray confirmed that AJ Roop addressed his concerns about the amendment.

Chair Lynn opened the floor to public comment.

Robert Overmiller expressed concern that the committee has been hearing unfinished bills.

Megan Davies, Executive Director of Innocence Delaware, said that her organization had represented an individual who had been incarcerated for sixteen years, with one of the key pieces of evidence leading to his conviction being a statement from a juvenile co-defender during a police interrogation. When the Delaware Supreme Court overturned the conviction, they expressed concern about the validity of the statement from the juvenile due to the nature of the police interrogation. She added that scientific developments regarding brain science prove



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that juveniles are not equipped to handle a police interrogation and that they may not have a full understanding of their rights. She referenced the case of the "Exonerated Five," who had all confessed and implicated one another in criminal activity as juveniles as the result of deceptive statements in police interrogations.

Jeff Horvath, Executive Director of the Delaware Association of Chiefs of Police, thanked Rep. Minor-Brown for her work on the legislation and emphasized his belief that his organization's concerns would be addressed by the forthcoming amendment.

Javonne Rich, representing the American Civil Liberties Union of Delaware, said that the use of deceptive tactics in police interrogations of minors increase the likelihood of obtaining a false confession. She noted that false confessions have played a part in one third of 375 DNA exonerations. She thanked Rep. Minor-Brown for sponsoring the legislation.

Lisa Minutola, representing the Office of Defense Services, said that her office believes this legislation continues to address juvenile criminal justice reform in the state of Delaware, an issue that has been the focus of the Delaware General Assembly for the last few years. She emphasized that special protections are necessary for juveniles due to differences in brain chemistry and development. She pointed out that the U.S. Supreme Court recognized this in *Haley v. Ohio*, in which they ruled that the confession of a 15-year-old suspect was inadmissible due to coercive interrogation tactics used by police. She added that in *J.D.B. v. North Carolina*, the court ruled that age is relevant when determining police custody for Miranda purposes. Additionally, in *Smith v. State*, the Delaware Supreme Court ruled that juvenile confessions require special scrutiny.

A motion was made by Vice Chair Griffith and seconded by Rep. Dorsey Walker to release HB 419 from committee; motion carried. Yes= 4 (Dorsey Walker, Griffith, Lynn, Vanderwende); No= 0; Absent= 5 (Bush, Cooke, Mitchell, Smyk, Spiegelman); Not Voting= 1 (Gray). The bill was released from committee with a F=2, M=4, U=0 vote.

**Chair Lynn introduced HB 13, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FIREARMS.**

A motion was made by Chair Lynn and seconded by Vice Chair Griffith to lift HB 13 from table. Without objection, the motion carried.

Chair Lynn said that he believes the genesis of this legislation stems from a public perception that the Delaware Attorney General's office does not prosecute firearm offenses to the full extent of the law. He added that he asked Rep. Yearick to work with the Delaware Department of Justice to examine the issue further.

Rep. Yearick thanked Chair Lynn for the opportunity to present the legislation before the committee. He said that the intent of the bill is to enhance public safety while promoting a fair and equitable justice system that holds offenders accountable for firearm crimes. Due to the





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nature of firearm offenses, once a conviction is secured the perpetrator should be given a sentence proportionate to the crime committed. He pointed out that in 2019 there were 209 victims of shootings, and that 72 percent of the perpetrators in these cases had one or two prior felony weapon arrests, while 27 percent of the perpetrators had three or more prior felony weapon arrests. He continued by stating that in 2019 there were 101 known suspects in shooting cases, and that 80 percent of these suspects had one or two prior felony weapon arrests, while 20 percent of these suspects had three or more prior felony weapon arrests. He said that at the request of Chair Lynn, he had reached out to the Delaware Criminal Justice Information System (DELJIS) to procure additional data.

Chair Lynn thanked Rep. Yearick for his remarks and noted that the committee had received a memorandum from the Delaware Criminal Justice Council authored by research analyst Charles Huenke shortly before the meeting. He asked if Charles Huenke was present to testify before the committee and for a description of his qualifications.

Rep. Yearick confirmed that Charles Huenke was present to provide testimony.

Chair Lynn asked Charles Huenke to describe his prior experience as a research analyst and to deliver a summary of his report.

Charles Huenke said that he had worked for the Statistical Analysis Center of the Delaware Criminal Justice Council for approximately 28 years. He noted that the report presented to the committee was authored as the result of an ongoing request from Sen. Pettyjohn. He added that the report was completed using a charge-based analysis and does not necessarily reflect the ways in which cases are prosecuted.

Chair Lynn said that he hopes to have a thorough discussion regarding the public perception that firearm charges are not being pursued or are being dropped by the Attorney General's office, resulting in a threat to public safety. He pointed out that, in his report, Charles Huenke concluded that a charge-based analysis is an inadequate representation of criminal justice system operations. He noted that this conclusion indicates that the sheer number of firearm charges that exist is not an appropriate measure of whether the previously mentioned public perception is accurate.

Vice Chair Griffith said that she would like to hear testimony from representatives of the Delaware Department of Justice. She added that as a former prosecutor she is well versed in the complexities of firearm charges.

Chair Lynn pointed out that the report authored by Charles Huenke states that previous case level analysis performed by the Department of Justice reveals that Delaware Superior Court conviction rates are slightly above 88 percent for cases with indictments on firearms. He asked Charles Huenke if this evidence leads him to believe that firearm charges are being prosecuted fully by the Department of Justice.



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Charles Huenke said that it is important to note the distinction between firearm charges and cases involving firearms. He added that the conviction rates for cases with indictments on firearms do not necessarily reflect whether firearm charges are being pursued.

Chair Lynn asked if the 88 percent conviction rate only reflects cases that include firearm charges, or if it also reflects cases in which firearm charges are dropped.

Charles Huenke confirmed that the 88 percent conviction rate only reflects cases in which the defendant is being prosecuted for a firearm charge.

Vice Chair Griffith asked Charles Huenke to confirm that an individual who is prohibited from possessing firearms and ammunition can receive two separate charges if they possess both firearms and ammunition.

Charles Huenke confirmed that a person prohibited from possessing firearms and ammunition can receive two separate charges if they are found to be in possession of both.

Rep. Yearick pointed out that of the 1229 firearm charges in 2019, 852 of these charges were dismissed. He acknowledged that the same defendant may have received multiple firearms charges. He added that of the 1229 firearm charges, less than 10 percent resulted in a conviction on that particular charge.

Chair Lynn noted that of the 1229 firearm charges in 2019, there were 218 charges in which the disposition was unknown or pending upon the creation of the report. He added that there were 4 individuals who were acquitted, 109 who were convicted, 18 others and 27 who were minors that went through the Family Court process. He added that 109 was not the total number of people convicted, because they would need to take into account these other figures along with the 218 pending charges. He noted that the offenses referenced were not all firearm related offenses.

Charles Huenke replied that the report includes deadly weapon offenses under Delaware law. He added that the report separated the offenses into subsections whenever possible to provide a clearer view of firearm related charges individually. He added that some offenders are initially mischarged or have their charges altered.

Chair Lynn asked expert witness AJ Roop, representing the Delaware Department of Justice, to comment on the legislation.

AJ Roop said that the Attorney General is opposed to legislation raising the minimum sentences for these offenses. He confirmed that the statistics presented by Rep. Yearick on the criminal history of firearm offenders are accurate. He added that when a firearm offense is committed, particularly by a repeat offender, the state prioritizes charges such as murder in the first degree over charges such as possession of a firearm in commission of a felony in order to secure a conviction and ultimately a longer sentence for the perpetrator. He explained that firearm



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charges are often not pressed in situations where the prosecution anticipates that they cannot meet the burden of proof. However, these charges may be brought back at any point in time if enough evidence is discovered for the defendant to be reliably charged with a firearm offense.

Chair Lynn asked AJ Roop to define the term not pressed for the committee.

AJ Roop explained that the term not pressed is derived from the Latin phrase *nolle prosequi* which is interpreted to mean "will no longer prosecute." It amounts to the dismissal of one or more charges against a defendant. He added that a charge-based analysis does not reflect the complexity of the decisions that must be made by prosecutors to secure a conviction.

Chair Lynn asked if lower charges are usually not pressed if the prosecution secures a guilty plea for the most serious charge.

AJ Roop confirmed that less serious charges are usually not pressed if the defendant pleads guilty to the most serious charges.

Chair Lynn asked if AJ Roop was familiar with any cases in which the defendant pleaded guilty to all charges leveled against them.

AJ Roop replied that he has only seen one such case during his time at the Department of Justice.

Chair Lynn asked AJ Roop to confirm that the state pursues the charges with the highest possible sentence for individuals who commit firearm offenses, and that firearm related charges do not usually carry the highest possible sentence in these cases.

AJ Roop confirmed that the state pursues the charges that will result in the longest possible sentence for the defendant and may dismiss firearm charges in the process to secure a conviction.

Chair Lynn noted that the public perception that the Delaware Department of Justice does not prosecute firearm related offenses is not necessarily accurate as these individuals are still convicted on other charges that result in stricter sentencing.

AJ Roop pointed out that while there were 1229 firearm charges in 2019, an individual defendant will usually have multiple firearm charges leveled against them. As such, the number of charges does not reflect the number of individuals who have committed firearm related offenses. He added that the state of Delaware already has strict penalties in place for individuals convicted on firearm charges compared to other jurisdictions.

Chair Lynn added that the state secures a conviction in 88 percent of cases where they choose to pursue firearm charges.



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AJ Roop said that pursuing firearm charges with mandatory minimum sentences are more likely to result in the defendant going to trial instead of entering a guilty plea.

Chair Lynn asked if the public perception that the Department of Justice does not prosecute firearm offenses to the full extent of the law is false.

AJ Roop confirmed that the Department of Justice prosecutes firearm offenses to the full extent of the law and decisions regarding the dismissal of firearm charges are made in the context of pursuing the highest possible sentence for the defendant. He added that raising minimum mandatory sentences often results in defendants refusing to take responsibility for the offenses.

Rep. Yearick said that the data illustrates that of 1011 firearm charges in 2019, noting that he is no longer including the pending cases, approximately 15 percent of these charges received a conviction on that specific charge. He asked AJ Roop to define his current role and how long he has been serving in that role.

AJ Roop replied that he has been a state prosecutor for approximately four years.

Rep. Yearick asked if AJ Roop perceived the number of convictions on firearm charges to be increasing, decreasing, or unchanging.

AJ Roop said that the years 2020 and 2021 were particularly violent years for firearm related offenses but added that 2022 has seen a decrease in firearm related charges. He attributed this decrease in part to legislation passed by the Delaware General Assembly related to bail. He added that it is usually the same individuals committing firearm offenses multiple times.

Rep. Yearick concurred that firearm offenses are often committed by individuals with prior offenses

AJ Roop added that the COVID-19 pandemic resulted in firearm offense cases pending for longer periods of time, during which the offenders were still present in the communities they victimized. He noted that, in the second half of 2021, the state of Delaware tried 68 cases in New Castle County. This was a return to the normal caseload of the department, which is usually approximately 70 cases per 6 months.

Rep. Yearick asked if most of these cases also include drug charges.

AJ Roop confirmed that there are occasionally drug related offenses in tandem with firearm related offenses.

Rep. Yearick stated that the intent of the legislation is to promote public safety. He expressed his willingness to conduct further research into this issue. He said that he would like to know how many of the 1229 firearm charges were for the same individual and whether they were convicted of any sort of offense. He asked AJ Roop if he had any recommendations for the Delaware General Assembly.



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AJ Roop noted that his office supports providing more resources to law enforcement officers and implementing security measures such as increased lighting and cameras in at-risk communities. He added that prosecutors and public defenders have extremely high caseloads.

Chair Lynn asked AJ Roop if he recommends the proposed legislation to be passed by the Delaware General Assembly.

AJ Roop replied that the legislation, as it is written, would make it more difficult for the state to prosecute firearm related offenses.

Chair Lynn asked Charles Huenke if he concurred with the analysis presented by AJ Roop.

Charles Huenke said that he agreed with the points presented by AJ Roop and added that although he had been asked to conduct the research on a case-based analysis, he does not believe that accurately portrays the complexities of the Delaware criminal justice system.

Chair Lynn acknowledged that if someone were to look solely at the charge-based research, there would be a perception that the state is not pursuing firearm charges to the full extent of the law. However, placing this research in context reveals that the Delaware Department of Justice is successfully convicting individuals committing firearm related offenses.

Chair Lynn opened the floor to public comment.

Robert Overmiller expressed his support for the legislation.

Jeff Horvath, Executive Director of the Delaware Association of Chiefs of Police, thanked Rep. Yearick for sponsoring the legislation. He stated that his organization supports the passage of the bill.

Kevin O'Connell, representing the Office of Defense Services, said that they oppose the legislation. He emphasized the importance of individualized sentencing in the criminal justice system. He pointed out that sentences up to 25 years are already available for firearm related offenses.

Javonne Rich, representing the American Civil Liberties Union of Delaware, said that they oppose the legislation on the grounds that increasing the minimum sentence for firearm related offenses is not proven to reduce these crimes.

A motion was made by Rep. Spiegelman and seconded by Rep. Vanderwende to release HB 13 from committee; motion carried. Yes= 4 (Gray, Lynn, Spiegelman, Vanderwende); No= 1 (Griffith); Absent= 5 (Bush, Dorsey Walker, Cooke, Mitchell, Smyk). The bill was released from committee with a F=3, M=2, U=1 vote.

Chair Lynn adjourned the meeting at 1:10 p.m.

Respectfully submitted by:

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**SEAN M. LYNN**  
STATE REPRESENTATIVE  
31<sup>st</sup> District

**HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
411 LEGISLATIVE AVENUE  
DOVER, DELAWARE 19901**

**COMMITTEES**  
Judiciary, Chair Agriculture Education  
Health & Human Development  
Public Safety & Homeland Security

Wyatt Patterson





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#### Attendance List

- Robert Overmiller
- Megan Davies
- AJ Roop
- Jeff Horvath
- Nicole Mozee
- Josette Manning
- Kevin O'Connell
- Javonne Rich
- Lisa Minutola