

LAWS OF DELAWARE
VOLUME 83
CHAPTER 361
151st GENERAL ASSEMBLY
FORMERLY
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 11

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, § 12 OF THE DELAWARE CONSTITUTION RELATING TO CRIMINAL PROCEDURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 12, Article I of the Delaware Constitution by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 12. Right to bail; access to accused.

Section 12. (a) All ~~prisoners shall~~ persons shall, before conviction, be bailable by sufficient sureties, ~~unless for~~ except as follows:

(1) For capital offenses when the proof is positive or the presumption ~~great;~~ great.

(2) For other felony offenses that the General Assembly expressly prescribes by law when all of the following apply:

a. The proof is positive or the presumption great.

b. The proof is clear and convincing that no condition or combination of conditions other than detention will reasonably assure the person's appearance when required, reasonably assure the safety of any person or the community, or prevent the person from obstructing or attempting to obstruct justice.

(b) ~~and when~~ When persons are confined before conviction on accusation for ~~such offenses~~ any offense, their friends and counsel ~~may at proper seasons~~ may, on reasonable conditions, have access to them.

First leg of amendment to the Constitution approved June 30, 2022