

LAWS OF DELAWARE
VOLUME 85
CHAPTER 61
153rd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 11

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO CRIMINAL PROCEDURES.

WHEREAS, an amendment to the Delaware Constitution was proposed in the 152nd General Assembly, being Chapter 283 of Volume 84 of the Laws of Delaware (“proposed amendment”); and

WHEREAS, the proposed amendment was adopted by two-thirds of all members elected to each house of the 152nd General Assembly; and

WHEREAS, following adoption by the General Assembly, the proposed amendment was publicized in accordance with the Delaware Constitution; and

WHEREAS, when the 153rd General Assembly concurs in the proposed amendment, the amendment will become part of the Delaware Constitution.

NOW, THEREFORE:

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, before conviction, shall 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 of release will do all of the following:

1. Reasonably assure the person’s appearance at court proceedings.

2. Reasonably assure the protection of the community, victims, witnesses, or any other person.

3. Reasonably maintain the integrity of the judicial process, such that the person will not obstruct or attempt to obstruct justice.

c. The law designating a felony offense for which a person is potentially not bailable under this paragraph (a)(2) is enacted by an act of the General Assembly that receives the concurrence of two-thirds of all the members elected to each House of the General Assembly.

(b) If a law designates a felony offense as potentially not bailable under paragraph (a)(2) of this Section, a law removing that designation must be enacted by an act of the General Assembly that receives the concurrence of two-thirds of all the members elected to each House of the General Assembly.

(c) and when ~~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.

Approved July 1, 2025