



SPONSOR: Sen. Pinkney & Rep. Minor-Brown
Sens. Sokola, Sturgeon; Reps. Baumbach, Kowalko,
Lambert, Morrison

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 98

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

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

1 Section 1. Amend § 3902, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3902. Solitary confinement.

4 ~~In every case of sentence to imprisonment for a term exceeding 3 months, the court may by the sentence direct that~~
5 ~~a certain portion of the term of imprisonment, not exceeding 3 months, shall be in solitary confinement; and any person so~~
6 ~~sentenced shall not be allowed to work during that portion of the term of imprisonment. [Repealed.]~~

7 Section 2. Amend § 6531, Title 11 of the Delaware Code by making deletions as shown by strike through and
8 insertions as shown by underline as follows:

9 § 6531. Treatment and rehabilitation programs.

10 (b) The Department shall establish alcohol and drug counseling and treatment programs for inmates. The
11 Department may further establish a program of mandatory drug testing for inmates. In establishing such programs, the
12 Department shall also establish rules and regulations regarding the order in which inmates shall be eligible to participate in
13 such courses. ~~Such regulations shall accord priority to inmates testing positive for illegal drugs, and inmates serving~~
14 ~~sentences imposed for drug-related offenses.~~

15 Section 3. Amend § 8903, Title 11 of the Delaware Code by making deletions as shown by strike through and
16 insertions as shown by underline as follows:

17 § 8903. General powers and duties.

18 In pursuit of its mission, the Statistical Analysis Center shall have the following powers, ~~duties~~ duties, and
19 functions:

20 (10) Submit annually to the Governor, Chief Justice, President Pro Tem of the Senate, and the Speaker of the
21 House a report examining 1-year, 2-year, and 3-year rates of ~~re-arrest, reconviction,~~ re-arrest and recommitment of
22 released offender cohorts. ~~The first report shall be submitted by July 31, 2013.~~

SYNOPSIS

Section 1 of this Act addresses a condition of confinement issue that could adversely affect inmate rehabilitation efforts by eliminating solitary confinement imposed by the sentencing court.

Section 2 of this Act clarifies language in the Code that states inmates will be assigned to programs based on a risk and needs assessment relative to their criminogenic risk factors and that inmates are consequently assigned to programs that correspond with those criminogenic risk factors.

Section 3 of this Act makes changes to recidivism reports compiled by the Statistical Analysis Center. Section 3 of this Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual, including removing a deadline that has already occurred.

Author: Senator Pinkney