

The Improved Criminal Code

Conforming Amendments – a companion bill SB 52

Question 1: What are the Conforming Amendments?

- Delaware’s existing criminal code is full of redundancies, inconsistencies and disproportionality. These issues have evolved over the two generations since Delaware first adopted a criminal code based on best practices. The General Assembly established the Criminal Justice Improvement Committee and charged it with restoring the Code to be clear, readable and proportional. The Conforming Amendments are the companion bill to the Improved Code, which repeals Title 11 Part I of the current criminal code and replaces it with an improved code that is fairer, simpler and easier to read for both the public and those who work in the criminal justice system. The Conforming Amendments repeal statutory sections found in other parts of the Code that are no longer necessary in light of the changes made by the Improved Code. They also update some cross references and relocate sections of Title 11, Part I, that were retained.

Question 2: How will they work?

- In 2014, the General Assembly adopted epilogue in the FY 2015 Budget Act (and reiterated in all subsequent Budget Acts) establishing the Criminal Justice Improvement Committee (CJIC), which was tasked with “identifying disproportionate, redundant, outdated duplicative, or inefficient statutes” and “crimes that should or should not constitute potential jail time.” The Conforming Amendments are the companion bill to the Improved Code, which restores the Code to what it was originally intended to be: a clear, consistent, fair, and easy to understand guide as to what violates the law and the way that criminal cases are decided.
- Specifically, the Conforming Amendments:
 - Delete sections of the Code that were integrated in the Improved Code.
 - Delete sections of the Code found outside of Title 11 that are redundant or obsolete in light of the changes made by the Improved Code.
 - Retain and relocate sections of Title 11, Part I, that were kept because those sections dealt with civil or procedural matters.

Question 3: Why do we need the Improved Code and the Conforming Amendments?

- Delaware's existing criminal code, based on the Model Penal Code, was adopted in 1973 and was a short, clean and comprehensive 95 pages. Since that time the code has ballooned to over 407 pages and crosses several different titles. The hundreds of statutes added since 1973 were generally adopted without consideration to the general effects of the change on the criminal code's overall structure, its terminology or its application, creating numerous inconsistencies, redundancies, ambiguities and contradictions. The Improved Code and Conforming Amendments mark the first time in more than 40 years than an overall review and revision of the entire criminal code has been undertaken to restore consistency, structure and logic to the code. The revision is needed to fix the many problems that have arisen and to restore simplicity, transparency and fairness to the foundational document of the criminal justice system.