

New Law Imposes Tougher Bail Requirements on Violent Criminals

Repeat offenders will have to post significantly higher bail for violent felony arrests

Reform efforts led by Attorney General, Rep. Keeley, Senator Henry

DOVER – Offenders who commit new crimes while already out on bail will face tougher bail conditions under legislation signed into law today by the Governor. [House Substitute 1 for House Bill 39](#) was sponsored by Rep. Helene M. Keeley, D-Wilmington, and Sen. Margaret Rose Henry, D-Wilmington with the support of the Attorney General’s Office. As part of continual efforts to improve our criminal justice system, the Governor believes criminal justice resources should be focused most heavily on offenders who are at risk of reoffending or fleeing from justice.

“This bill is a positive step forward in our ongoing efforts to reform Delaware’s bail system,” said Governor Markell. “It builds upon the Justice Reinvestment Act, which mandated the use by our courts of risk assessments in setting the terms and conditions of pre-trial release. This bill adds the safety of the victim and community to those risk assessments and provides law enforcement and our courts with tools they need to keep repeat, violent offenders off our streets.”

“This new law strengthens our bail system by focusing on repeat, violent offenders who wreak havoc in our neighborhoods and damage our communities,” Attorney General Biden said. “We are sharpening the teeth of Delaware’s bail laws.”

Last year, there were 157 individuals arrested for committing

violent felonies while out on bail awaiting trial on a previous violent felony charge.

Rep. Keeley, D-Wilmington South, said Wilmington residents have been dealing for years with criminals repeatedly getting arrested and making bail. Keeping repeat offenders off the streets by toughening the bail statute will help cut down on some of the more serious crime.

“We understand that people make mistakes and have a constitutional right to bail,” Rep. Keeley said. “But when someone is repeatedly cycling through the justice system and not taking advantage of opportunities to rehabilitate themselves, then we need to look at closing this revolving door. Our residents look to our justice system to not only be fair to the accused, but to protect the innocent from those who might hurt them. By passing and signing this bill into law, we are taking an important step in protecting our residents.”

“This is a badly needed change,” said Sen. Henry, who guided the bill through the Senate. “The problem of habitual criminals getting out on bail and committing new crimes is an issue up and down the state. It’s our hope that this new law will give our criminal justice community the latitude it needs to keep these people off the street.”

House Substitute 1 for House Bill 39 unanimously passed the House on March 28 and won unanimous approval in the Senate on May 8. The bill has been publicly supported by the Wilmington Mayor’s Office, the Wilmington City Council, Wilmington PD, the Fraternal Order of Police and the Delaware Police Chiefs Council.

Under the new law, any person who is released on bail and then is arrested for a violent felony would have their bail for the first offense revoked if a judge finds it likely (using the legal standard of “proof positive and presumption great”) that

the defendant committed the second crime. After the bail is revoked, the judge would hold a new bail hearing to re-set bail. The amount of the new bail must be at least twice the previous amount.