

# Attorney General Denn, Lawmakers, to Introduce Legislation to Reform Delaware's Violent Felony Law



Attorney General Matt Denn announcing proposed changes to Delaware's "Violent Felony" law.

(WILMINGTON, DE) – Attorney General Matt Denn, Representative J.J. Johnson, and Senator Margaret Rose Henry announced legislation Monday to update the list of crimes classified as violent felonies. The purpose of the statute is to ensure that crimes listed as statutory "violent felonies" are truly violent felonies as the term is commonly used.

"The classification of a felony as a 'violent felony' has significant consequences for a defendant under Delaware law," said Attorney General Matt Denn. "A conviction of a violent felony can impact the terms of a defendant's bail, a convicted defendant's habitual offender status and accompanying sentence, the minimum mandatory sentence that may apply to a felon who is later convicted of illegal possession of a firearm, and a convicted defendant's eligibility for a sentence modification."

A significant change proposed by the legislation is the removal of some drug possession crimes from the list of violent felonies. Specifically, the bill would remove drug possession felonies where the quantity of drugs in question did not make the defendant a presumptive drug dealer under the statutes as they are now written.

With the legislation in place, two felonies would be added to the list of statutory violent felonies, they are Promoting Sexual Solicitation of a Child, and Resisting Arrest with Force or Violence.

“These are acts of violence, Denn said, “and should be included on the list of statutory violent felonies.”

“Delaware’s criminal statute is in need of some revisions, and this effort to revamp our violent felonies laws is a good step in that direction,” said Rep. J.J. Johnson, who chairs the House Corrections Committee. “The offenses we are removing really aren’t violent and don’t belong, while the ones we are adding deserve to be placed in the statute. I’m pleased to see the Attorney General actively looking at our criminal justice code and finding ways to improve it and make it more accurately reflect what is just and fair.”

“This bill gives greater clarity to the courts and to the public about who Delaware’s true violent offenders are and who they are not,” said Sen. Margaret Rose Henry, D-Wilmington East, who chairs the Senate Judiciary Committee. “Surely those who harm our children or our police officers should face stiffer penalties and greater scrutiny than someone who possesses drugs with no intent to sell.”

The bill was drafted in conjunction with senior felony prosecutors in the Attorney General’s office, and has been reviewed by representatives of major law enforcement organizations.

In addition to Rep. Johnson and Sen. Henry, co-sponsors of the legislation include Representatives Stephanie Bolden, Deborah Hudson, Earl Jaques, Jr., Helene Keeley, Harvey Kenton, Joseph Miro, Edward Osienski, Charles Potter, Jr., Michael Ramone, Peter Schwartzkopf, Bryon H. Short, Melanie Smith, and David Wilson, and Senators Colin Bonini, Ernesto Lopez, Robert Marshall, and Bryan Townsend.