

Markell Signs Mandatory Sentencing Reform into Law

Enacts initiative proposed in Governor's State of the State Address

Wilmington, DE – Governor Markell has signed legislation into law that enacts a proposal from his [State of the State address](#) to reform Delaware's habitual offender law, eliminating mandatory life sentences for drug offenders and providing judges with more discretion for sentencing non-violent offenders. [Senate Bill 163](#) was championed by State Senator Karen Peterson and received bi-partisan support when approved recently by the General Assembly.

"The trend of stiffer mandatory sentences for an increasing number of crimes hasn't worked," said Markell. "I'm proud to sign into law this common-sense reform that provides new opportunities for those who don't pose a threat to public safety to return to their families and contribute to our society, while ensuring dangerous offenders are appropriately sentenced to long prison terms. Thanks to Senator Peterson's leadership and the strong support of Attorney General Denn and others, we'll be in a better position to make smart, informed decisions on using our correctional resources effectively to keep our communities safe and strong."

The bill, which is in line with a proposal from the Governor's State of the State address, is part of an effort to reduce the prison population, and [it follows last week's enactment of legislation restoring voting rights](#) to individuals who have completed their sentences to empower them to become full, productive members of their communities.

As the Governor noted in his State of the State, criminal behavior peaks when defendants are in their early 20s and

releasing even one long-term inmate who no longer poses a threat to public safety would free up as much bed space as releasing dozens of short term detainees.

The Markell Administration's criminal justice reforms have powered a nearly three-fold increase in the number of defendants in community-based pre-trial supervision, reduced the detention population by 18%, and increased reentry programs that are aimed at reducing recidivism. [Click here to learn more about efforts to adopt a smarter, more effective criminal justice system.](#)

"It's time to end the insanity of imposing draconian, 'one-size-fits-all' sentences on people who are not a danger to society," said Sen. Karen Peterson, the prime sponsor of the legislation and a long-standing advocate of criminal justice reform. "This bill is a step in that direction."

"Delaware's 'three strikes' law is an outdated policy that has led to overflowing prisons, but has done little to reduce crime or make our communities safer," said Rep. James "J.J." Johnson, the bill's lead House sponsor. "There are criminals who should be imprisoned, but using a one-size-fits-all approach benefits no one in the long run. We should trust our judicial system to make the appropriate determination for each offender."

"This legislation is designed to address some irrational and disproportionate minimum mandatory jail sentences – such as one that provides the same minimum mandatory sentence for someone who burglarizes a house as for someone who commits murder – while still allowing judges the discretion to provide longer sentences when they deem necessary," said Attorney General Matt Denn. "It is a meaningful step in reforming one aspect of the criminal justice system that disproportionately punished non-violent offenders while preserving public safety and continuing long prison sentences for those who deserve them."

“We commend Governor Markell and the General Assembly for taking a step toward restoring sentencing discretion to our Superior Court judges. This legislation eliminates the harsh and excessive habitual offender sentences in certain nonviolent cases,” said Chief Defender Brendan O’Neill. “Our judicial system should be about fairness and rehabilitation. This legislation is a good start in ensuring that Delaware stays true to that mission.”

Highlights of Senate Bill 163:

- Makes changes to the existing habitual criminal statute by focusing penalties on violent crimes against persons and property, eliminating a mandatory minimum sentence of life imprisonment that can currently be imposed solely for drug crimes, and providing a mechanism for those convicted under existing law to petition the court for a sentence modification;
- Provides for enhanced penalties for habitual criminals convicted of multiple felonies and distinguishes between violent crimes against persons and property and other felonies;
- Provides an opportunity for those who were convicted under the existing law to petition for a sentence modification once the person has served any applicable minimum mandatory sentence. Such petitions for sentence modifications will be subject to procedures set forth in the statute and to court rules.