

## **The Improved Criminal Code**

### **The Improved Criminal Code SB 40**

Question 1: What is the Improved Criminal Code (introduced as SB 40)?

- 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. SB 209 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.

Question 2: How will the Improved Criminal Code work?

In 2014, the General Assembly adopted an 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the Criminal Justice Improvement Committee (CJIC), which was tasked with "identifying disproportionate, redundant, outdated duplicative, or inefficient statutes" and "crimes that should or should not constitute potential jail time."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 Improved Criminal Code 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 Improved Criminal Code seeks to:

- Adopt the values and judgments expressed in current Delaware criminal law, and to incorporate them into a modern, readable criminal code format to produce a criminal code that is comprehensive, rational, and non-duplicative.
- Make the code simpler, more readable, and easily accessible to law enforcement and the public so that those who must obey the code, and those who are required to enforce it, can understand the code without resorting to lawyers and judges.
- Ensure that criminal offenses, legal rules and crime grades are cohesive and relate to one another in a consistent and rational manner.
- Reduce the word count of the code to approximately ¼ of the words in the current code.
- Bring nearly 100 felonies and over 100 misdemeanors scattered throughout the entire Delaware Code into one Criminal Code.

- Consciously groups offenses of relative seriousness together for sentencing purposes, unlike the current ad hoc approach to grading offenses.
- Place the highest priority on deterring violent crimes, sex crimes, and gun crimes and propose a principled system that imposes minimum mandatory sentences on serious offenses focusing on weapons offenses, sexual crimes and violent crimes.

### Question 3: Why do we need the Improved Criminal Code?

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 Criminal Code marks 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.