



STATE OF DELAWARE
THE COURTS OF THE JUSTICES OF THE PEACE
820 NORTH FRENCH STREET, 11TH FLOOR
WILMINGTON, DELAWARE 19801

NORMAN A. BARRON
CHIEF MAGISTRATE

TELEPHONE (302) 571-2485

POLICY DIRECTIVE 86-102

TO: ALL JUSTICES OF THE PEACE, STATE OF DELAWARE
ALL CLERKS OF THE COURTS, JUSTICE OF THE PEACE COURTS

FROM: NORMAN A. BARRON
CHIEF MAGISTRATE

DATE: MAY 8, 1986

RE: CRIMINAL COURT COSTS - UNIFORMITY

I have ascertained that there is a large variation in the assessment of certain criminal court costs. The variations may be summarized as follows:

New Castle County: All criminal cases resulting in conviction after plea or after trial are charged \$8.50 in court costs. There is no additional \$2 charge for bail bonds or commitments.

Kent County: Depending upon the court and/or judge, the extra \$2 is charged some of the time. For example, if a defendant is charged with Disorderly conduct, enters a plea of not guilty, and is placed on \$100 unsecured bond for trial, the defendant is sometimes charged \$2 for bond preparation. See: 10 Del.C., §9801, a copy of which is attached.) Apparently, there is a \$2 charge on all commitments.

Sussex County: Court Nos. 1, 2, and 5 don't charge for bail bonds or commitments. Court Nos. 3 and 4 only charge for commitments, but not bonds. Court No. 6 charges \$2 for both bonds and commitments.

The purpose of this Policy Directive is to ensure a uniform assessment of criminal court costs for all Justice of the Peace Courts that handle criminal/traffic cases. The correct application of criminal court costs which will ensure such uniformity may be gleaned from a perusal of 10 Del.C., §9801(2) which states, in pertinent part, as follows:

"(2) For processing all traffic and criminal cases:

- For issuing, processing and filing a warrant or summons 5.00
- For conducting a trial or accepting a plea 3.50
- For preparation of commitment and detention forms; each form 2.00
- For preparation of bail, judgment and appeal bonds; each bond 2.00"
(Emphasis added.)

From the above, it is clear that the statute envisions an additional court cost of \$2 for the preparation of a commitment form and \$2 for the preparation of a bail bond. Thus, take the case of defendant Sammy Sleaze who is charged through a warrant with Terroristic threatening. He elects a Justice of the Peace Court as the trial forum and enters a plea of not guilty. \$100 unsecured bail is set and a trial date is scheduled. He is tried and found guilty. The Magistrate imposes a 10 day sentence because of numerous prior convictions for similar charges. The proper application of §9801 is as follows:

Issuance of warrant	\$5.00
Conducting a trial	3.50
Preparation of bail bond	2.00
Preparation of commitment form	<u>2.00</u>
Total:	\$12.50

All Clerks of the Court for Justice of the Peace Courts handling criminal/traffic cases shall be responsible for ensuring the proper assessment of court costs as indicated above. This Policy Directive shall be effective upon receipt.

NAB:pn

cc: The Honorable Andrew D. Christie
Michael E. McLaughlin
File (15-P102)