

2021 Legislative Priorities

BRIEFING

ACLU

Delaware

Education Equity

- School Funding Reform
- Creation of an Education Ombudsperson Office
- Compliance of 2018 School Discipline Reform Law
- Referendum Reform

Education Equity

- School Funding Reform
 - Guaranteed full day pre-K & Kindergarten
 - Increased funding for students in poverty, K – 3rd grade special education, non-English language learners
- Funding academic support for students below grade level in reading and math
- Creation of an Education Ombudsperson Office
 - 1.5 – 2 million annual funding for independent advocacy agency

Education Equity

- Compliance of 2018 School Discipline Reform Law
 - Ensure required publication of school-level discipline data
 - Implementation of discipline reform plans in schools
- Referendum Reform
 - Relieve need for districts to raise additional funds via local funding

Voting Rights

- No-Excuse Absentee Voting Constitutional Amendment (HB 15)
- Same-Day Registration (HB 25)
- Permanent Vote By Mail Legislation

No-Excuse Absentee Voting Constitutional Amendment (HB 15)

- Sponsor: Rep. Bentz
- Issue: Delaware's Constitution unnecessarily limits which voters are eligible to vote absentee.
- HB 15: “The General Assembly shall enact general laws providing the circumstances, rules, and procedures by which registered voters may vote by absentee ballot.”

Permanent Vote By Mail Legislation

- Sponsor: Rep. Brady
- Issue: Absentee/Mail Ballots currently limited
- ACLU Supports Legislation:
 - No-Excuse, universal eligibility to cast absentee/mail-ballot;
 - Increasing number of drop-boxes & permitting precinct delivery;
 - Ballot rejection notification/correction procedure; and
 - Postage-paid availability of applications and ballot return.

Same-Day Registration (HB 25)

- Sponsors: Rep. Dorsey-Walker & Sen. Paradee
- Issue: Current registration deadline is “fourth Saturday prior to the date of the election.”
- 21 other States permit SDR
- ACLU Supports Same-Day Registration Legislation:
 - Expanding registration availability at all polling places, and
 - Allowing registration with same forms of identification required for mail registration.

Smart Justice

- Fines, Fees and Drivers' License Suspension
- Sentencing Reform
- Probation Reform
- Police Accountability and Transparency Reform
- Clean Slate Act
- Public Health Credit Bill (HB 37)

Fines, Fees and Drivers' License Suspension

Problem: The consequences of being unable to pay fines and fees in Delaware include being subject to search and arrest at any time, drivers' license suspension, and includes more fees to cancel warrants and reinstate the license. *In 2017, 44,889 failure to pay warrants were issued for people who did not pay fines/fees for a non-felony offense.*

Solution: (1) Allow the courts to consider ability to pay before assessing fines and fees and (2) end the automatic suspension of drivers' and issuance of warrants for arrest where someone is unable to pay.

Sentencing Reform

Problem: Too many people are spending unnecessary years in prison and treating drug crimes as a violent crime has been a major driver of the incarcerated population.

Solution: (1) Expand opportunities for sentencing modification and early release and (2) remove all drug crimes from the violent felony list.

Probation Reform

Problem: Delaware has the 8th highest rate of probation in the nation and 10 percent of the prison population are incarcerated for violations of probation (*pre-COVID-19*). Conditions of probation lead to a revolving door to incarceration.

Solution: (1) Continue policies that were made in response to COVID-19 that have changed the system for the better, (2) Eliminate probation for minor convictions, (3) customize probation terms to meet individual needs, (4) End incarcerations for rule violations and (5) Limit probation terms to one year.

Police Accountability and Transparency

Problem: Delaware's laws mandate that police misconduct and discipline is investigated internally and by other police officers. Police misconduct and discipline records are also kept private.

Solution: Make changes to the code that make police misconduct records public and that also enable processes for use of force database, data collection of patterns of misconduct, and citizen review boards.

Clean Slate Act

Problem: The current expungement process is complex and costly, remaining a barrier for many people.

Solution: Create an automatic expungement process.

Public Health Credit Bill (HB 37)

Problem: Incarcerated people remain a vulnerable population to the catastrophic effects of COVID-19 in communal-living facilities. 12 incarcerated people have died due to COVID-19. Over 1800 incarcerated people and over 600 staff have tested positive for COVID-19.

Solution: Support and pass HB 37 that will allow incarcerated people to earn up to 1 year off their sentence.

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