



Smart Justice Wins in Delaware

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CONTACT:

Morgan Keller, ACLU-DE Communications Manager

Office: 302-654-5326 x109, Cell: 570-618-1383, mkeller@aclu-de.org

WILMINGTON, Del. — Smart Justice took center stage during the last week of this year’s legislative session—and ultimately stole the show.

On March 15, 2019, several legislators and newly-elected Attorney General Kathy Jennings [held a press conference to announce a sweeping package of 19 criminal justice reform bills](#). These bills represented an important shift in the way that elected officials were tackling criminal justice: moving away from “tough-on-crime” approaches, acknowledging and addressing the racial disparities in the system, doing more to keep juveniles out of the system, and creating more avenues for success when a person leaves prison.

The package of 19 bills represented the “boldest package of criminal justice reforms in modern Delaware history,” according to Attorney General Kathy Jennings—and she was right. That’s why the Delaware Campaign for Smart Justice, a campaign of the ACLU of Delaware, threw their support behind the package from day one.

The Campaign formed the Delaware Coalition for Smart Justice, an advocacy group filled with community stakeholders who were ready to take on the task of reviewing and advocating for the bills in the package that would have the most impact on our campaign goals.

A new force emerged from the campaign, too—the Game Changers, a community-based advocacy group made up of people directly impacted by the criminal justice system.

The Delaware Campaign for Smart Justice, the Coalition for Smart Justice, and Game Changers collectively worked throughout this year’s legislative session to advocate for the 19 bills in the criminal justice reform package, with special attention paid to those that would have the most impact – like adult expungement, sentencing reform, and reforming Delaware’s drug code.

When the 150th General Assembly went on break after a long day in session on Sunday, June 30, **11 of those 19 bills had passed the legislature**. Governor Carney has already signed two of those 11 bills and the remaining nine are on their way to his desk for review.

Here’s an overview of all 11 bills that passed:

- [HB 5: Concurrent Sentencing](#). Returns concurrent sentencing discretion to judges and leaving only 9 crimes that must still be sentenced consecutively.



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- [SS 1 for SB 37 w/ SA 1: Adult Expungement](#). Creates adult expungement opportunities for most misdemeanors and felonies after a 3-7 year waiting period (depending on the underlying crime) without another conviction.
- [SB 47 w/ SA 1: Drug Reform](#). Reduces sentencing disparities for convictions in the city by eliminating sentence enhancement for drug possession near a school, church, or public park, removes sentence aggravators for prior convictions, and changes the weight tiers for controlled substance offenses to reflect actual use patterns.
- [HB 124: HVAC and Plumbing License](#). Amends licensing bills to exclude fewer people with criminal histories from applying for and obtaining these licenses.
- [HB 7 w/ HA 1: Massage and Bodywork License](#). Amends licensing bills to exclude fewer people with criminal histories from applying for and obtaining this license.
- [SB 43: Electrician License](#). Amends licensing bills to exclude fewer people with criminal histories from applying for and obtaining the this license.
- [SB 44 w/ HA 1: Underage Alcohol](#). Changes underage possession and consumption of alcohol to a civil offense.
- [SB 45 w/ SA 1: Underage Marijuana](#). Changes the possession or consumption of marijuana by a person under the age of 21 to a civil violation.
- [SB 60 w/ HA 4: Underage Prostitution](#). No one under the age of 18 can be convicted of prostitution.
- [HB 102 w/ HA 1: Human Trafficking Expungement](#). Allows a person who was a human trafficking victim to expunge their record and overturn the conviction for any crime committed as a result of being a victim of human trafficking with no wait period.
- [SB 41: Family Court Age](#). Mandates that the age of offense, not age of arrest, dictates family court or superior court (i.e. treatment as a juvenile verses an adult).

In just one year, the Campaign for Smart Justice shifted the conversation away from the failed rhetoric of “tough on crime.” They’ve held our legislators accountable for keeping their promises to enact real, meaningful reform, and they’ve engaged a community of people who are ready to continue the fight until racially-charged mass incarceration in Delaware is a part of our history, not our present.

This kind of success would not have been possible without the efforts of everyone involved with the Campaign for Smart Justice, the Coalition for Smart Justice and the Game Changers. For a full list of those involved and to read more about this exciting win, please visit <https://www.aclu-de.org/en/news/smart-justice-wins-delaware>.

The Campaign for Smart Justice would also like to extend well-earned recognition to the elected officials who sponsored, worked on, and voted for these impactful bills. Attorney General Kathy Jennings, Senator Darius Brown, Senator Nicole Poore, and Representative Valerie Longhurst, among many others, led the charge for change this year—and the impact that will have on Delawareans’ lives will be felt for years to come. Thank you!

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