

CHAPTER 204
FORMERLY
HOUSE BILL NO. 133

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE
PERTAINING TO COMPENSATION FOR INNOCENT VICTIMS OF
CRIME.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
DELAWARE:

Section 1. Amend §9005 of Title 11 of the Delaware Code by adding a new subsection (9) to read as follows:

“(9) a. Notwithstanding the provisions of subsection (7) of this section or any other provisions of this chapter to the contrary, where:

1. further investigation into a previously reported crime is initiated by a law enforcement agency;

2. an offender appears in any judicial or administrative proceeding regarding a criminal charge, conviction, or sentence, including but not limited to a trial, appeal, post-conviction relief, mediation, penalty, parole or pardon hearing;

3. the offender is released from incarceration; or

4. the death penalty is imposed pursuant to §4209 of this Title; any victim or secondary victim of such crime committed by such offender may apply for reimbursement as set forth in paragraph b. of this subsection.

b. A victim or secondary victim may apply for reimbursement under the circumstances set forth in paragraph a. of this subsection for the following:

1. the cost of mental health counseling services, not to exceed fifty sessions;

2. reasonable expenses incurred due to attendance at criminal proceedings;

3. expenses for essential personal safety property, not to exceed \$1,500; provided that such costs are incurred within 1 year prior to, or within 2 years after, the opening of such investigation, the date of such judicial or administrative proceeding or the release or execution date of the offender.

c. Any payments made pursuant to this subsection are subject to the provisions of §9006 with regard to denial and reduction of claims, and to §9007 of this title with regard to payment.”.

Approved August 24, 2009