

CHAPTER 187
FORMERLY
HOUSE BILL NO. 203

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCE CALCULATION AND EARNED COMPLIANCE CREDITS.

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

Section 1. Amend Section 4381, Title 11 of the Delaware Code as follows:

§ 4381. Earned good time.

(d) "Good time" may be earned by participation in education, rehabilitation, work, or other programs as designated by the Commissioner. Good time may be awarded for satisfactory participation in approved programs at a rate of up to 5 days per calendar month. For offenders sentenced on or after August 8, 2012, up to 60 days of additional good time may be awarded for successful completion of an approved program designed to reduce recidivism.

(e) No more than a total of 160 days of "good time" may be earned in any 1 year consisting of 365 days actually served. Good time credits shall be applied such that the resulting release date is not prior to the effective completion date of the offender's approved program. For offenders serving multiple sentences, good time shall be credited to the consolidated time being served, rather than individually to each sentence.

Section 2. Amend Section 4383, Title 11 of the Delaware Code as follows:

(a) Any periods of probation sentenced to or released to probation on or after August 8, 2012, may be reduced by earned compliance credit under the provisions of this chapter and rules and regulations adopted by the Department of Correction.

(b) Persons under supervision may earn up to 30 days of credit for 30 days of compliance with conditions of supervision, not to exceed half of their probationary period.

Earned compliance credit will be forfeited upon conviction of a new crime and may be forfeited upon revocation of probation.

(c) For any offender released on or after August 8, 2012, a period of conditional release shall be served concurrently with the probationary period.

(d) Earned compliance credit shall not be available to reduce any period of probation:

(1) imposed for any sex offense as defined in § 761 of this title; or

(2) imposed for any violent felony in this title as designated by § 4201(c) of this title; or

(3) imposed for any offense set forth in the Delaware Code if the period of probation is imposed to ensure the collection of any restitution ordered and the individual is sentenced to Accountability Level I – Restitution Only; or

(4) imposed for such other categories of offenses as set forth in the rules and regulations adopted by the Department of Correction.

Section 3. Amend Section 4348, Title 11 of the Delaware Code as follows:

§ 4348. Release upon merit and good behavior credits.

A person released on or after August 8, 2012, having served that person's term or terms in incarceration, less such merit and good behavior credits as have been earned, shall, upon release, be deemed as released on probation until the expiration of the maximum term or terms for which the person is sentenced. A person may waive the right to conditional release, in which case the person shall serve the remainder of the term or terms in prison. Such waiver shall be in writing.

Approved January 30, 2014