

CHAPTER 277
FORMERLY
SENATE BILL NO. 177

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO REGISTRATION OF SEXUAL OFFENDERS.

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

Section 1. Amend § 4122 Title 11, of the Delaware Code as follows:

§ 4122 Transition provisions.

(c) Any sex offender redesignated to a Risk Assessment Tier pursuant to this section shall have the right to request that the Superior Court review and finally determine such designation. The request shall be made in writing and delivered to the Superior Court within 10 days of the receipt by the offender of the notice described in subsection (b) of this section. The Superior Court shall promptly forward a copy of the request to the Attorney General. Failure of the offender to deliver the request to the Superior Court within the time limits specified shall constitute a waiver of the offender's right to review.

(d) Following receipt of timely notice by the Superior Court, it shall hold a hearing to determine the appropriateness of the Attorney General's new Risk Assessment Tier designation. The person and the Attorney General shall have the right to be heard at the hearing. This hearing shall not be held unless written notice of the hearing is provided to the Attorney General at least 30 days prior to the scheduled hearing date. A copy of the application for review shall be provided to the Attorney General along with written notice of the hearing date.

(e) Whenever an offender fails to elect a hearing in a timely fashion, the Attorney General shall forward notice of the redesignated Risk Assessment Tier to the Superintendent of the Delaware State Police and to the chief law enforcement officer of the jurisdiction where the person is residing at the time of the redesignation. In the event the person requests a hearing, at the conclusion of the hearing, the Attorney General shall forward a notice of the redesignated Risk Assessment Tier to the Superintendent of the Delaware State Police and to the chief law enforcement officer of the jurisdiction where the person is residing at the time of the redesignation. The Superintendent of the Delaware State Police shall enter information pertaining to any redesignation pursuant to this section into the DELJIS computer system.

(f) Upon Risk Assessment Tier redesignation pursuant to this section, §§ 4120 and 4121 of this title shall apply. Until redesignation, §§ 4120 and 4336 of this title shall remain in full force and effect.

Approved June 27, 2018