



STATE OF DELAWARE  
SENTENCING ACCOUNTABILITY  
COMMISSION

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Hon. Alan G. Davis  
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Hon. William C. Carpenter, Jr.  
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Martin W. Johnson, III  
Hon. Brendan J. O'Neill  
Hon. Perry Phelps  
Col. Nathaniel McQueen  
Dr. James Wilson

MINUTES OF MEETING

April 20, 2018 2:00 pm  
DOC Administration Building, Room 300  
245 McKee Rd., Dover, Delaware 19901

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**1. Introduction**

Judge Carpenter opened the meeting at about 2:04pm. Minutes of the November 17, 2017 Meeting were approved.

**2. Legislative Review**

The Commissioners were briefed on the following legislation:

- HB 305 (juvenile adjudication for drug offense may not be used to enhance sentence for adult drug conviction): Sean Lugg addressed the opposition of DOJ & law enforcement; Brendan O'Neill spoke in favor. **A motion was made for SENTAC to support the bill. The Commissioners voted and there was a consensus to write a letter on behalf of SENTAC in favor of this bill.**
- HB 328 (drone bill): Judge Carpenter noted that the middle provision might be problematic due to questionable mens rea; Sean Lugg added that together with the provisions of 1335, that should not be a concern. No action taken.
- HB 361 (gang participation and criminal youth gang): Reflects present prosecution practice. After discussion no action taken.

HB 204 (pretrial release bill passed and signed by Gov) J. Davis gave a summary of this first piece of Delaware's Pretrial Modernization legislation. The second piece includes a Constitutional Amendment and a piece of legislation that is expected to be introduced shortly.

- Senate Bill 130 (revitalizing the Board of Parole): Judge Carpenter explained the history of Delaware's decision to do away with parole. **A motion was made and unanimously passed for SENTAC to oppose the bill.**

**3. Update on Proposed New Criminal Code.**

Judge Carpenter gave a brief update. The proposed new criminal code is being put in bill form. If passed, the law would likely not go into effect until 18 months later. The bill will need a fiscal note attached to it. Implementation of the law would involve a great amount of work including new sentencing guidelines.

**4. Costs of Incarceration Article**

Tim Willard, Esq. suggested this item for the agenda. The article is about the Philadelphia District Attorney Larry Krasner proposing that the costs of the sentence requested by the prosecution be put on the record. Sean Lugg commented that Delaware is attempting to work on the areas of Reentry and alternatives to incarceration with the Justice Reinvestment Act. Commissioner Phelps commented that unless we are closing a building, we are not saving money. Article provided for informational purposes.

**5. Compliance with 21 Del.Code 4177(d)(9) by defendants who are at Level 4 WR**

Previously a question was raised about whether offenders sentenced on 3<sup>rd</sup>+ DUIs (level 5 or 4) could go out on treatment. Jim Elder checked on this and verified that they are permitted unless they are currently under disciplinary sanctions or something similar.

**6. SAC Update**

Spencer Price, the new SAC Director, gave a brief update on SAC. They are working on annual reports for police, adult and juvenile recidivism, and shootings. They are also being asked to do legislative review. Spencer asks that the Commissioners let him know if they need anything from SAC.

**7. Update on Judge Graves Retirement.**

Judge Ferris Wharton has been appointed by the Chief Justice to take the place of retired Judge Graves on the Commission.

**8. Public Comment**

None.

**9. Adjournment**

The meeting was adjourned at approximately 3:05pm.