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UNANIMOUS SUPPORT BUILDS MOMENTUM FOR FURTHER REFORMS AS GOVERNOR CARNEY SIGNS FINES AND FEES BILLS INTO LAW

Wilmington, Delaware— On Monday, August 12, 2024, Governor Carney signed into law three bills that continue Delaware’s work in relieving financial burdens placed on people with justice-involvement. Senate Bills [282](#), [283](#), and [284](#), which were introduced by Senator Darius Brown and unanimously passed in the Delaware Senate and House, each eliminate fees or fee debt connected with Delaware’s criminal legal system. The [Campaign to End Debtors’ Prison](#) is proud to have advocated for the passage of these bills and is thankful to Senator Darius Brown and Rep. Sherry Dorsey-Walker for their sponsorship.

Currently, many of Delaware’s vital government services are funded through fees, or surcharges, imposed on people at the time of a conviction. Such fees are not intended to “punish,” and thus aren’t tailored to the person’s crime or circumstances— instead, they are flat surcharges or taxes charged to defendants.

As but one example, the DELJIS Fund Fee, will be eliminated soon through Senate Bill 283. When created in 2007, the DELJIS Fund Fee added a \$1 fee to every conviction in Delaware and was intended to raise \$260,000/year to supplement the budget of the Delaware Criminal Justice Information System, a database that is relied on daily by criminal justice system actors throughout the state, including police officers, judges, court clerks, public defenders, prosecutors, and employees of the Division of Motor Vehicles. In fiscal year 2022, the Fund brought in only \$116,000, less than half of its intended revenue.

“Senate Bill 283 shows how eliminating court fees like the DELJIS Fund Fee can not only benefit defendants who too often can’t afford them and face brutal consequences for such, but also stabilizes revenue for vital government services.” Meryem Dede, co-coordinator of the Campaign to End Debtors’ Prison explained. “We still have many more fees that need to be eliminated, but this was a great next step.”

In addition to the DELJIS Fund Fee, the newly-signed laws will also eliminate a rarely-imposed “Senior Trust Fund Fee,” the Substance Abuse Rehabilitation, Treatment, Education and Prevention Fund (“SARTEP”) Fee that was only imposed on people facing substance-abuse related charges, and the Interstate Transfer Fee that was charged to any Delaware probationer applying to transfer their probation out of state (an expense that among other things kept many from accessing treatment services). Senate Bill 284 also eliminates old debts from Public

Defender Fees and Probation Supervision Fees, which were both fees that had been eliminated in 2022. Even with the new laws, there are still many fees that justice-involved people will continue to face.

“These bills are another step in an effort to balance the burden put on people for mistakes. Those that have the least have a better chance of getting past their mistakes without being permanently in a whirlpool of debt.” said Michael Kaszeta, a member of the Campaign to End Debtors’ Prison.

The elimination of fees and debt in Senate Bills 282, 283, and 284 were recommended by the [Final Report of the Criminal Legal System Imposed Debt Study Group](#). The Study Group had been created by a [law in 2022](#) that had made a first step towards eliminating Delaware’s criminal legal system fees and counterproductive court debt collection practices. A broad set of stakeholders, including the Administrative Office of the Courts, the Attorney General’s Office, and the Office of Defense Services, unanimously endorsed the Study Group’s final report and recommended reforms. Still, many reforms from the report wait for legislation, including:

1. Waiving a person's court fines and fees if they are represented by a public defender or meet other criteria;
2. Directly funding other government services still currently funded from court fees; and
3. Setting parameters for the forgiveness of uncollectable debt.

Senate Bills 282, 283, and 284 had been part of a four-bill package that had also included [House Bill 391](#). Senate Bills 282, 283, and 284 received unanimous approval by legislators in the House and Senate. In contrast, House Bill 391 was received warmly in its first legislative committee, but was never thereafter scheduled for further hearings after failing to receive funding for its \$3.3 million fiscal note. House Bill 391 would have eliminated a \$10/conviction Court Security Fee that funds bailiffs in the state’s courts, a \$1/conviction Videophone Fund Fee that pays for the courts’ and prisons’ videoconferencing, and a fee that’s used to cover victim notification services.

The newly signed laws show that Delaware is on the right path, but simultaneously demonstrates that there’s more work to do.

[About the Campaign to End Debtors’ Prison](#)

The Campaign to End Debtors’ Prison is a coalition of Delaware community members working through Network Delaware to push for reform of the court fines and fees system, and seeking to eliminate poverty as an element of criminal punishment.