



NEWS:

Legislators, DOJ, and Police Backing Drug Law Reforms

MARCH 17, 2017 – In partnership with the Delaware Department of Justice (DOJ), a bipartisan group of lawmakers introduced legislation Thursday to reform Delaware's criminal drug laws.

DOJ officials maintain the proposals, if enacted, will make the state's criminal drug laws easier to apply; eliminate potential disparate impacts on offenders in urban areas; and increase penalties for repeat drug dealers.

Reducing Complicated Drug Code Factors

Delaware's existing criminal drug laws impose penalties that are generated by a complicated calculus of five different weight classes, six different "aggravating factors," and multiple types of "prior qualifying offenses."

The proposed changes will collapse the five weight classes into three, and eliminate several of the aggravating factors, creating a framework that is easier to apply and does not contain a number of internal inconsistencies that exist in the current law.

"Prosecutors and law enforcement officers have been saying for some time that a more straightforward, coherent criminal drug code was needed in order to ensure fair and proportional sentences," said Delaware Attorney General Matt Denn.

In supporting the measure, Delaware Police Chiefs' Council Executive Director Jeffrey Horvath said his group believes it is "a positive step in simplifying the current drug code."

Eliminating Disparities

The revised drug code will also eliminate potential disparities in the existing drug laws between city residents and those who live in suburban and rural areas. Currently, the penalties for drug crimes may be aggravated -- and minimum mandatory sentences may be triggered -- when those crimes occur within 1,000 feet of a park or a place of worship. Because churches and parks are heavily concentrated in urban areas, these aggravating factors can create disproportionate penalties for municipal residents. The proposed legislation would eliminate proximity to parks and places of worship as aggravating factors.



State Rep.
Danny Short

Amplified Penalties for Repeat Drug Dealers

The proposed legislation also seeks to impose heightened criminal penalties on drug dealers who re-offend after being previously convicted of similar crimes.

Supporters of the proposal note that while other provisions of the criminal code include enhanced penalties for serious, repeat offenders, the drug code lacks such a feature.

Providing Uniformity in the Presentation of Evidence in Drug Cases

Finally, the legislation provides certainty for prosecutors in the application of a 2015 Delaware Superior Court opinion that approved of the use of "hyper-geometric sampling" in making initial ("prima facie") determinations in criminal cases as to whether a quantity of drugs seized in a criminal case is, presumptively, all of the same type as a portion that was sampled.

Sponsors of the two bills include: Sen. Margaret Rose Henry, Rep. John "Larry" Mitchell, State House Minority Leader Danny Short, Senate Minority Whip Greg Lavelle, Speaker of the House Pete Schwartzkopf, Sen. John Walsh, Sen. Bruce Ennis, House Minority Whip Deborah Hudson, Rep. Earl Jaques and Rep. Helene Keeley.

"These changes will make our drug laws more coherent and streamlined," Rep. Short said. "Once implemented, these prudent modifications will improve the application of criminal justice in Delaware."

The Delaware State Fraternal Order of Police is also supporting the bills.

This article edited from a DOJ news release. To read the entire item, [click here](#).