



The League of Women Voters of Delaware Urges Release of HB 305

The League of Women Voters of Delaware urges the House Judiciary Committee to release HB 305 and to work for its speedy enactment.

HB 305 would eliminate the “look-back” provisions of sentencing guidelines. For once, the synopsis lays out in detail how the current system works, making it clear what’s wrong with this provision.

The look-backs mandates that a juvenile drug offense be used in sentencing an adult. Specific, lengthy sentences that seem, on their face, unreasonably harsh are the result. There are also minimum mandatory provisions that the League has long opposed.

There is no other part of the criminal code that uses a juvenile adjudication as a statutory sentence enhancement in an adult conviction. Why here?

HB 305 would correct this inexplicable provision. It removes that portion of the Code that allows a juvenile adjudication to be used as a second “prior qualifying conviction.”

Prosecutors may still apply the sentencing enhancement for the single qualifying adult conviction that meets the criteria set out in that section, and may use the enhancement for two prior convictions where both convictions occurred when the defendant was an adult.

HB 306 gives discretion to judges allowing them to consider the defendant’s juvenile record as a factor in determining the appropriate sentence but without specifying the exact added enhancement. And, where a juvenile was tried and sentenced as an adult, that conviction may still be used for the sentencing enhancement.

The League of Women Voters strongly supports judicial discretion and elimination of mandatory minimum sentences. Further, we believe this is simply a common-sense bill. We urge its release.