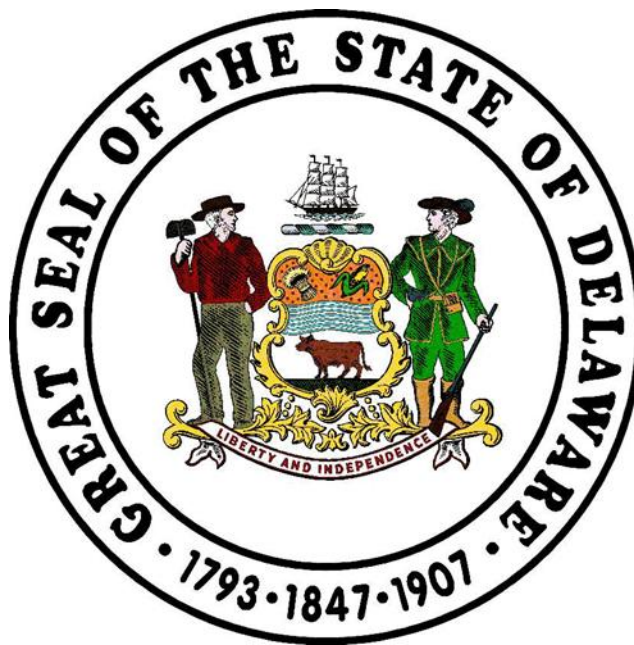


DELAWARE COMPASSIONATE RELEASE

An Analysis of Department of Correction and Court Data
Related to Title 11 § 4217 Compassionate Releases from
January 2026 to June 2026



September 2026

Prepared by the
Statistical Analysis Center
Delaware Criminal Justice Council

DELAWARE COMPASSIONATE RELEASE

An Analysis of Department of Correction and Court Data
Related to Title 11 § 4217 Compassionate Releases from
January 2026 to June 2026

Delaware Criminal Justice Council
Christian Kervick, Executive Director

Statistical Analysis Center
Philisa Weidlein-Crist, Director

Author:
Philisa Weidlein-Crist, Director

State of Delaware Document Control Number 100703-26-09-01

Visit our website: [Recidivism Publications - The Statistical Analysis Center \(SAC\) - State of Delaware](#)

Table of Contents

Executive Summary.....	4
Methodology.....	4
Cohort Characteristics.....	5
Types of Compassionate Release Requests	7
Compassionate Release Request Outcomes.....	9
Serious Medical Illness and Infirmary Experiences by Persons Incarcerated at DOC.....	12
Conclusions and Limitations	14
Appendix A: Compassionate Release Legislation.....	15

List of Tables

Table 1. Court Cohort for Compassionate Release from January to June 2026 by County Filed	5
Table 2. Court Cohort for Compassionate Release from January to June 2026 by Facility, Race and Sex ...	5
Table 3. Court Cohort for Compassionate Release from January to June 2026 by Race, Sex and Age	5
Table 4. DOC Cohort for Compassionate Release Eligible Persons January 2026	6
Table 5. DOC Cohort for Compassionate Release Eligible Persons January 2026	6
Table 6. Type of Compassionate Release Motion Filed with the Courts by Facility	7
Table 7. Type of Compassionate Release Motion Filed with the Courts by Race and Sex of Defendant	7
Table 8. Type of Compassionate Release Motion Filed with the Courts by Race and Age at Filing	7
Table 9. Good Cause Reason for Compassionate Release Request by Defendant at DOC by Facility	8
Table 10. Good Cause Reason for Compassionate Release Request by Defendant at DOC by Race and Sex	8
Table 11. Good Cause Reason for Compassionate Release Request by Defendant at DOC by Age	8
Table 12. Court Motion Outcomes for Compassionate Release Requests Received	9
Table 13. Outcome Decisions for Compassionate Release Requests to DOC	9
Table 14. Supported/Recommended Compassionate Release Requests from DOC to the Courts	10
Table 15. Supported/Recommended Compassionate Release Requests from DOC to the Courts	10
Table 16. Defendants Not Supported/Recommended by DOC for Compassionate Release by Race, Sex and Facility	10
Table 17. Defendants Not Supported/Recommended by DOC for Compassionate Release by Race, Sex and Age	11
Table 18. Number of Persons by Month and Facility who Received One on One Medical Care at DOC ...	12
Table 19. Number of Unique Persons who Received One on One Medical Care at DOC	12
Table 20. Number of Unique Persons who Received One on One Medical Care at DOC	13

Executive Summary

The Delaware Statistical Analysis Center (the Center) is statutorily obligated to provide a report by October 1st of each year regarding Compassionate Release filings and releases per Title 11 § 4217 (i). This requirement is part of legislation signed by the Governor on July 14, 2025 in the 153rd Delaware General Assembly, Senate Substitute No. 1 for Senate Bill 10 as amended by House Amendment No. 3 and known as the “Richard ‘Mouse’ Smith Compassionate Release Act.” A copy of the legislation along with the reporting requirements can be found in Appendix A of this report. This inaugural report will cover the first six months the legislation was in effect, January 2026 to June 2026.

Methodology

For this analysis, the Center received data from both the Delaware Courts and the Delaware Department of Correction (DOC). The Courts provided filings made to the court for Compassionate Releases per Title 11 § 4217 from January 2026 to June 2026 by county filed. The Center retrieved demographic information and facility information on the persons represented in the Court filings from the Delaware Criminal Justice Information System (CJIS). The Department of Correction provided information on defendants eligible for Compassionate Releases per Title 11 § 4217 from January 2026 to June 2026. In addition, DOC provided information regarding medical illness requiring one to one medical care and persons who spent more than 30 days in an outside hospital from January 2026 to June 2026.

Cohort Characteristics

The Courts provided information by name and case number on 72 Compassionate Release filings with the Court between January 1, 2026 and June 30, 2026. Of these 72 filings, 59 unique persons are represented. The demographic information for these 59 persons along with county filed and facility breakouts can be found in Tables 1-3. The majority of persons filed in New Castle County (74.6%) and were at JTVCC when the person filed for Compassionate Release (55.9%). Almost 97% of those who filed were men, with Black Males representing 71.1% of the persons who filed for Compassionate Release with the Courts.

Table 1. Court Cohort for Compassionate Release from January to June 2026 by County Filed

County Filed	Total
New Castle	44
Kent	8
Sussex	7
Total	59

Table 2. Court Cohort for Compassionate Release from January to June 2026 by Facility, Race and Sex

Facility	Male		Female	Total
	Black	White	Black	
BWCI			2	2
HRYCI	10	4		14
JTVCC	27	6		33
SCI	4	3		7
Other ¹	1	2		3
Total	42	15	2	59

Table 3. Court Cohort for Compassionate Release from January to June 2026 by Race, Sex and Age

Age at Filing	Black Male	White Male	Black Female	Total
<=25	2			2
26-30	3			3
31-35	6	2		8
36-40	8			8
41-45	6	3	1	10
46-50	3	1	1	5
51-55	4	4		8
56-60	4			4
61-65	3	3		6
>=66	3	2		5
Total	42	15	2	59

¹ Other includes 1 Sussex Community Corrections Center (SCCC), 1 Community Corrections Treatment Center (CCTC) and 1 Compact Case (CC).

DOC provided information on 238 Compassionate Release eligible requests representing 233 unique persons. DOC also provided demographic information on each request including sex, race, age and facility. The demographics for these 233 persons along with facility breakouts are displayed in Tables 4 and 5.

Table 4. DOC Cohort for Compassionate Release Eligible Persons January 2026 to June 2026 by Facility, Race and Sex

Facility	Male			Female		Total
	Black	White	Other	Black	White	
BWCI				4	4	8
HRYCI	18	14				32
JTVCC	80	35	1			116
SCI	35	34				69
CC ²	4	4				8
<i>Total</i>	<i>137</i>	<i>87</i>	<i>1</i>	<i>4</i>	<i>4</i>	<i>233</i>

Table 5. DOC Cohort for Compassionate Release Eligible Persons January 2026 to June 2026 by Age, Race and Sex

Age	Male			Female		Total
	Black	White	Other	Black	White	
<=25	5	4				9
26-30	7	5				12
31-35	13	5			1	19
36-40	18	8				26
41-45	13	8	1		1	23
46-50	21	7		1		29
51-55	18	7		2		27
56-60	6	6			1	13
61-65	18	21		1		40
66-70	10	10				20
71-75	5	2			1	8
76-80	2	4				6
>=81	1					1
<i>Total</i>	<i>137</i>	<i>87</i>	<i>1</i>	<i>4</i>	<i>4</i>	<i>233</i>

² CC is Compact Case

Types of Compassionate Release Requests

Per Title 11 § 4217, Compassionate Release motions with the Court can be made for Medical or Rehabilitation reasons. Tables 6-8 display the type of motion filed by those who filed with the Court. Compassionate Release requests can be made on 'Good Cause' basis for Medical or Rehabilitative reasons to DOC. Tables 9-11 display the type of request filed by those from DOC.

Table 6. Type of Compassionate Release Motion Filed with the Courts by Facility

Facility when Filed	Motion Type	
	Rehabilitation	Medical
BWCI	2	
HRYCI	7	7
JTVCC	26	7
SCI	6	1
Other	2	1
<i>Total</i>	<i>43</i>	<i>16</i>

Table 7. Type of Compassionate Release Motion Filed with the Courts by Race and Sex of Defendant

Motion Type	Male		Female	<i>Total</i>
	Black	White	Black	
Medical	12	4		16
Rehabilitation	30	11	2	43

Table 8. Type of Compassionate Release Motion Filed with the Courts by Race and Age at Filing

Age at Filing	Motion Type		Total
	Medical	Rehabilitation	
<=25		2	2
26-30	1	2	3
31-35		8	8
36-40	2	6	8
41-45	2	8	10
46-50	1	4	5
51-55	4	4	8
56-60	1	3	4
61-65	2	4	6
>=66	3	2	5
<i>Total</i>	<i>16</i>	<i>43</i>	<i>59</i>

Table 9. Good Cause Reason for Compassionate Release Request by Defendant at DOC by Facility

Facility	Good Cause Reason			Total
	Rehabilitative	Medical	Both	
BWCI	8			8
HRYCI	29	3		32
JTVCC	105	10	1	116
SCI	67		2	69
CC	8			8
Total	217	13	3	233

Table 10. Good Cause Reason for Compassionate Release Request by Defendant at DOC by Race and Sex

Good Cause Reason	Male			Female		Total
	Black	White	Other	Black	White	
Rehabilitative	124	84	1	4	4	217
Medical	11	2				13
Both	2	1				3

Table 11. Good Cause Reason for Compassionate Release Request by Defendant at DOC by Age

Age	Good Cause Reason			Total
	Rehabilitative	Medical	Both	
<=25	9			9
26-30	12			12
31-35	17	2		19
36-40	26			26
41-45	21	2		23
46-50	27	1	1	29
51-55	24	3		27
56-60	11	2		13
61-65	37	2	1	40
66-70	20			20
71-75	7	1		8
76-80	5		1	6
>=81	1			1
Total	217	13	3	233

Compassionate Release Request Outcomes

Of the 59 persons who filed a motion for a Compassionate Release with the Courts between January 2026 and June 2026, one person was granted a Compassionate Release request. The person was a 78 year-old Black Male at JTVCC. The defendant was released within 2 days of the Granted motion. Table 12 displays the outcome of the Court motions filed for Compassionate Release between January and June 20226.

*Table 12. Court Motion Outcomes for Compassionate Release Requests Received
January 2026 to June 2026*

Motion Decision	Race and Sex of Defendant			Total
	Black Male	White Male	Black Female	
Granted	1			1
Denied	3	2		5
Dismissed	16	6	1	23
Withdrawn	2	1		3
No Decision	20	6	1	27

Of the 233 eligible Compassionate Release requests from DOC, DOC recommended 23 people be released including 11 submitted to the Courts by DOC for release. Two people were released from Level V who were recommended by DOC on Rehabilitative Good Cause and submitted by DOC to the Courts for recommended release. One Black Male from HRYCI and one White Male from SCI both between 36 and 45 years old were released from Level V. Table 13 displays the outcome decisions of Compassionate Release requests made to DOC between January and June 2026. Tables 14 and 15 show the 11 applications submitted to the Courts by DOC for supported/recommended Compassionate Release. Tables 16 and 17 display the defendants Unsupported/Not Recommended by DOC for Compassionate Release.

*Table 13. Outcome Decisions for Compassionate Release Requests to DOC
January 2026 to June 2026*

Decision	Good Cause Basis		
	Rehabilitative	Medical	Both
Supported/Recommended	23		
Unsupported/Not Recommended	69	13	2
Maxed Out Level V/Cancelled	6		
Maxed Out Level V/Unprocessed	12		
Unprocessed by Facility	16		
Pending	91		1
<i>Total</i>	<i>217</i>	<i>13</i>	<i>3</i>

*Table 14. Supported/Recommended Compassionate Release Requests from DOC to the Courts
by Race, Sex and Facility*

Facility	Male		Female	Total
	Black	White	Black	
BWCI			1	1
HRYCI	2			2
JTVCC	3	1		4
SCI	3	1		4
Total	8	2	1	11

*Table 15. Supported/Recommended Compassionate Release Requests from DOC to the Courts
by Race, Sex and Age*

Age	Male		Female
	Black	White	Black
26-30	1		
31-35	1		
36-40	2		
41-45		1	
46-50			
51-55	1		1
56-60	1		
61-65	2		
66-70			
71-75		1	
76-80			
>=81			
Total	8	2	1

Table 16. Defendants Not Supported/Recommended by DOC for Compassionate Release by Race, Sex and Facility

Facility	Male		Female		Total
	Black	White	Black	White	
BWCI			3	2	5
HRYCI	7	4			11
JTVCC	34	13			47
SCI	6	14			20
CC		1			1
Total	47	32	3	2	84

Table 17. Defendants Not Supported/Recommended by DOC for Compassionate Release by Race, Sex and Age

Age	Male		Female		Total
	Black	White	Black	White	
<=25	3				3
26-30	4				4
31-35	5				5
36-40	1	3			4
41-45	2	3			5
46-50	8	3	1		12
51-55	5	1	1		7
56-60	3	3		1	7
61-65	8	11	1		20
66-70	4	5			9
71-75	3	1		1	5
76-80	1	2			3
>=81	0				0
Total	47	32	3	2	84

Of the 84 persons Not Supported/Recommended by DOC for Compassionate Release, 58 of those on rehabilitative good cause requests were not recommended because of “Behavior Management Concerns or Lacking favorable rehabilitative progress including non-compliance with Institution rules and Responsibilities, lack of consistency in demonstrating rehabilitation through institutional compliance, program participation, maintaining positive behavior.” Another 7 were not recommended because of not participating in required and/or recommended programming for rehabilitative success. The remaining 6 rehabilitative good cause requests were not supported/recommended because of the impact on the victim, victim’s family, time served remaining, and need for continued correctional treatment. All 13 of the medical good cause requests were not supported/recommended because of “The person’s diagnosis and likelihood of recovery is stable and maintained with current treatment plan and individuals compliance with treatment, the ability of the Department to meet the medical needs of the person is satisfactory, the impact that the person’s continued incarceration has on the general provision of medical care within the department is not a burden or a hardship.”

Serious Medical Illness and Infirmary Experiences by Persons Incarcerated at DOC

In addition to information regarding Compassionate Release requests to the Courts and DOC, Title 11 § 4217 (i) reporting requirements require information on serious medical illness requiring one on one medical care in DOC facilities and the number of persons who spent one month or more in a hospital outside of a DOC facility. Table 18 displays the number of people by month and facility requiring one on one medical care within a DOC facility. Tables 19 and 20 display the demographic information for the 34 individuals who received one on one care in a DOC facility between January 2026 and June 2026. Lastly, there were two people who spent 1 month or more in a hospital outside of a DOC facility. Both of those people were White Males, one at HRYCI and one at SCI and both aged 60 years or older.

Table 18. Number of Persons by Month and Facility who Received One on One Medical Care at DOC

Month and Year	BWCI	HRYCI	JTVCC	SCI	Total
Jan 2026	1	2	17	2	22
Feb 2026	1	4	16	3	24
Mar 2026	1	2	17	2	22
Apr 2026	1	2	22	3	28
May 2026	1	2	19	3	25
Jun 2026	2	2	17	3	24

Table 19. Number of Unique Persons who Received One on One Medical Care at DOC by Race, Sex and Facility

Facility	Male		Female	
	Black	White	Black	White
BWCI			1	1
HRYCI	4			
JTVCC	6	18		
SCI	2	2		

*Table 20. Number of Unique Persons who Received One on One Medical Care at DOC
by Race, Sex and Age*

Age	Male		Female	
	Black	White	Black	White
<=55	2		1	
56-60	1	3		
61-65	1	2		
66-70	3	6		
71-75	2	2		1
76-80	2	2		
>=81	1	5		

Conclusions and Limitations

The Center analyzed 59 persons (72 filings) from the Courts and 233 persons (238 requests) from DOC who filed a motion or requested a Compassionate Release request per Title 11 § 4217. Of those requests, one Court filing was granted and the person was released within 2 days of the granted motion. Of the DOC requests, 2 persons with supported/recommended requests were released from Level V and submitted to the Court for recommended release on the good cause of rehabilitation.

The analysis in this report is limited to the data provided by both the Courts and the Department of Correction.

Appendix A: Compassionate Release Legislation

LAWS OF DELAWARE
VOLUME 85
CHAPTER 76
153rd GENERAL ASSEMBLY
FORMERLY
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 10
AS AMENDED BY
HOUSE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 11 AND TITLE 29 OF THE DELAWARE CODE RELATING TO
MODIFICATION OF SENTENCES OF INCARCERATION.

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

Section 1. This Act may be cited at the “Richard ‘Mouse’ Smith Compassionate Release Act”.

Section 2. Amend § 4217, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4217. Jurisdiction over sentence retained. retained; sentence modification process .

(a) (1) For purposes of this section, “person” means an individual serving an aggregate sentence of incarceration at Level V in excess of 1 year.

(2) In any case where the trial court has imposed if a court imposes an aggregate sentence of incarceration at Level V in excess of 1 year, the court shall retain retains jurisdiction over the person to modify the sentence to reduce the level of custody or time to be served under the provisions of this section. served under this section.

(3) A person may apply for a sentence modification under this section if any of the following apply:

a. The application for a sentence modification is based solely on the person’s serious medical illness or infirmity.

b. The person is 60 years of age or older, has served at least 15 years of the originally imposed Level V sentence, and the application for sentence modification is based solely on the person’s rehabilitation.

c. The person has served at least 25 years of the originally imposed Level V sentence and the application for sentence modification is based solely on the person’s rehabilitation.

(4) A person who is eligible to apply for a sentence modification under paragraph (a)(3) of this section may apply for the sentence modification even if the person is sentenced to a statutorily mandated term of incarceration at Level V that is imposed for a conviction of an offense under this or another title.

(5) Except as provided in paragraphs (a)(3) and (a)(4) of this section, a person is not eligible for a sentence modification under this section if any of the following apply:

a. The person is serving a sentence of incarceration at Level V imposed for a conviction of a Title 11 violent felony under § 4201(c) of this title and has not yet served ½ of the originally imposed Level V sentence.

b. The person is serving a statutorily mandated term of incarceration at Level V for a conviction of any offense under this title and has not yet served all of the statutorily mandated portion of the Level V sentence.

(b) (1) The court may modify the person's sentence solely on the basis of an application filed by the Department of Correction for good cause shown which certifies that the if the court finds all of the following:

a. The court is authorized under subsection (a) of this section to consider the person for a sentence modification.

b. Good cause for a sentence modification.

c. The release of the defendant shall person does not constitute a substantial risk to any of the following:

1. the community or The community.

2. A victim of, or witness to, an offense that is the subject of the sentence modification.

3. the defendant's The person's own self.

(2) An application for sentence modification may be filed under this section by any of the following:

a. The person, or the person's attorney, as provided under paragraph (a)(3) or (a)(5) of this section.

b. The Department of Correction ("Department"), the person, or the person's attorney, as provided under subsection (d) of this section.

c. The Department, the person, or the person's attorney, at any time other than as provided under subsection (d) of this section, if the basis for the application is the person's serious medical illness or infirmity.

(3)a. Except as provided under paragraph (b)(3)b. of this section, an application must include a copy of the Department's written statement required under paragraph (d)(2)b. or (d)(3)a. of this section.

b. An application filed under paragraph (a)(3)a. of this section is not required to include a copy of the Department's written statement required under paragraph (d)(2)b. or (d)(3)a. of this section.

(4) The court's review of an application for sentence modification filed under this section shall include the court's review of the facts of an offense that is the subject of the sentence modification, including the underlying circumstances and nature of the offense, the felony classification of the offense, the length of the underlying sentence, and the court's finding as to all of the following:

a. The person's present likelihood of posing, and ability to pose, a substantial risk to any of the following:

1. The community.

2. A victim of, or witness to, an offense that is the subject of the sentence modification.

3. The person's own self.

b. For an application for a sentence modification based on rehabilitation, the person's participation in programs during incarceration, including drug or alcohol counseling or treatment, education, or employment.

c. For an application for a sentence modification based on serious medical illness or infirmity, all of the following:

1. The person's diagnosis and likelihood of recovery.

2. The ability of the Department to meet the medical needs of the person.

3. The impact that the person's continued incarceration may have on the general provision of medical care within the Department.

(5) The court shall state on the record the court's findings under paragraphs (b)(1) and (b)(4) of this section and the court's rationale for granting or denying the application for sentence modification.

(6) The court may summarily dismiss an application for a sentence modification for any of the following reasons:

a. If the person is not eligible for a sentence modification under subsection (a) of this section.

b. If the person submits a subsequent application before the expiration of the period determined by the court under paragraph (e)(4) or (e)(5) of this section.

c. If the person's application does not include a copy of the Department's written statement, as required under paragraph (b)(3) of this section.

d. If the court determines summary dismissal is warranted.

(7) A person applying for sentence modification under this section has the right to counsel.

a. On the Department's completion of the eligibility review under paragraph (d)(1) of this section, the Department shall provide the person with information regarding the person's right to counsel under this section.

b. The person may retain a private attorney at the person's expense.

c. The person may request that the Court refer the person to the Office of Defense Services for representation. The Court shall refer the person to the Office of Defense Services if the Court does not summarily dismiss the person's application under paragraph (b)(6) of this section.

d. The person may proceed without an attorney only as provided under court rules.

(8) The Department shall provide the person, or the person's attorney of record, with access to any information in the possession of the Department reasonably necessary for the person's application for a sentence modification.

(9) The person, or the person's attorney of record, may supplement or amend an application for a sentence modification filed by the Department or the person.

(10) A party filing an application for sentence modification under this section must provide a copy of the application to the Department of Justice.

(11) The court may adopt rules to implement this section. The rules should provide for a person to proceed without an attorney with permission of the court.

(c) For purposes of this section:

(1) Good cause under this section shall include, but not be limited to, “Good cause” includes rehabilitation of the offender, person, serious medical illness or infirmity of the offender person, and prison overcrowding.

(2) “Prison overcrowding” means the number of individuals who are incarcerated exceeds the operating capacity of a correctional facility that can be reasonably accommodated based on design, staffing, available programs, and services.

(3) “Rehabilitation” means the process of restoring a person to a useful and constructive place in society especially through some form of vocational, correctional, or therapeutic training.

(4) “Serious medical illness or infirmity” includes all of the following:

a. Cognitively incapacitated. As used in this paragraph (c)(4)a., “cognitively incapacitated” means suffering from a cognitive condition, such as dementia, that greatly impairs activities of daily living such as feeding, toileting, dressing, and bathing and renders incarceration of a person non-punitive and non-rehabilitative.

b. Permanently physically incapacitated. As used in this paragraph (c)(4)b., “permanently physically incapacitated” means suffering from any of the following:

1. A physical condition caused by injury, disease, or illness, such as a persistent vegetative state, that, to a reasonable degree of medical certainty, permanently and irreversibly physically incapacitates the person to the extent that the person needs help with most activities of daily living, such as feeding, toileting, dressing, and bathing, or that no significant physical activity is possible.

2. An incurable, progressive condition that substantially diminishes the person’s capacity to function in a correctional setting.

c. Severely ill. As used in this paragraph (c)(4)c., “severely ill” means suffering from a significant and permanent or chronic physical or mental condition that meets all of the following:

1. Requires extensive medical or behavioral health treatment with little to no possibility of recovery.

2. Significantly impairs rehabilitation.

d. Terminally ill. As used in this paragraph (c)(4)d., “terminally ill” means suffering from a condition caused by disease, illness, or injury, except self-inflicted injury, which, to a reasonable

degree of medical certainty will lead to profound functional, cognitive, or physical decline, and likely will result in death within 18 months.

(d)(1) Any application filed by the Department of Correction under this section shall be filed with the Board of Parole. The Board of Parole shall have the authority to promulgate reasonable regulations concerning the form and content of said applications. The Board of Parole may require the Department of Correction to provide it with any information in the possession of the Department reasonably necessary for the Board to assess such applications. For each person, the Department shall biennially determine all of the following:

a. If the person may apply for a sentence modification under paragraph (a)(3) of this section or is not ineligible for a sentence modification under paragraph (a)(5) of this section.

b. Whether the Department recommends the person for a sentence modification. For the Department to recommend a person for a sentence modification, the Department must find the requirements of paragraphs (b)(1)b. and (b)(1)c. of this section are met.

(2) Following the receipt of any application for modification filed by the Department of Correction which conforms with any regulations and requirements of the Board of Parole promulgated pursuant to paragraph (d)(1) of this section, the Board of Parole shall hold a hearing under the provisions of § 4350(a) of this title for the purpose of making a recommendation to the trial court as to the approval or disapproval of the application. This hearing shall not be held unless written notice of the hearing is provided to the Attorney General's office at least 30 days prior to scheduled hearing date. A copy of the Department of Correction's application for modification shall be provided to the Attorney General's office along with written notice of the hearing date. If the Department recommends a sentence modification, the Department, with the consent of the person, shall do all of the following:

a. File an application for sentence modification with the court.

b. Include with the application filed under paragraph (d)(2)a. of this section a written statement of the satisfied requirements of this section that form the Department's basis for recommending the sentence modification.

c. Provide notice of the application filed under paragraph (d)(2)a. of this section to the person, the person's attorney of record, and, if the attorney of record is unavailable to receive notice, the Office of Defense Services.

(3) Following the hearing described in paragraph (d)(2) of this section, the Board of Parole may reject an application for modification if it determines that the defendant constitutes a substantial risk to the community, or if it determines that the application is not based on good

cause. Notwithstanding any provisions of this section to the contrary, any application rejected pursuant to this paragraph shall not be forwarded to the Superior Court, and any offender who is the subject of such rejected application shall not be the subject of a subsequent application for modification for at least 1 year, except in the case of serious medical illness or infirmity of said offender. If the Department does not recommend a sentence modification, the Department shall do all of the following:

a. State in writing the Department's reasons for not recommending a sentence modification, including the unsatisfied requirements of this section that form the Department's basis for not recommending the sentence modification.

b. Provide the writing required under paragraph (d)(3)a. of this section to the person, the person's attorney of record, and, if the attorney of record is unavailable to receive notice, the Office of Defense Services.

(4) Only in those cases where the Board by a majority vote recommends a modification of the sentence shall the application be submitted to the Court for consideration. If the Department provides notice under paragraph (d)(3) of this section, the person or the person's attorney may file an application for sentence modification with the court on a form provided by the court if the person meets the eligibility criteria established under paragraph (a)(3) or (a)(5) of this section. The person or the person's attorney shall attach a copy of the Department's reasons for not recommending a sentence modification.

(e) (1) Upon On receipt of the recommendation of the Board of Parole, an application for sentence modification, the court may in its discretion grant or deny the application for modification of sentence. or may request additional information. The Court may request additional information, but need not hold further hearings on the application.

(2) If the application for sentence modification is based on the person's serious medical illness or infirmity, the court may require the Department to submit a medical release plan for the person. The medical release plan may include all of the following:

a. The proposed course of treatment.

b. The proposed site for treatment and post-treatment care.

c. The insurance program in place, which must include the person's eligibility for enrollment in commercial insurance, Medicare, or Medicaid, or the person's access to other adequate financial resources to cover the cost of care after release, including those under existing partnerships with agencies or organizations .

d. Any other information requested by the court.

(3) The Court shall not act upon the application court may not grant the application for sentence modification without first providing the Attorney General's office Department of Justice and the victim of an offense that is the subject of the application with a reasonable period of time to be heard on the matter. heard, in writing or in person, on the application.

(4) Should the Court deny the application because of a determination that the defendant Except as provided under paragraph (e)(5) of this section, if the court denies an application for sentence modification because the court finds the person constitutes a substantial risk to the community, under paragraph (b)(1)c. of this section, or because it determines the court finds that the application lacks good cause, the defendant person who is the subject of the denied application shall may not be the subject of a subsequent application for sentence modification for at least 1 year, except in the case of serious medical illness or infirmity of the defendant. a period determined by the court not to exceed 3 years from the date of the denial.

(5) If the court denies an application for sentence modification based on a person's serious medical illness or infirmity, the person may submit a subsequent application if at least 60 days have passed since the date of the court's denial and if the application demonstrates a material change in the person's circumstances.

(f) Notwithstanding any provision of this section to the contrary, in the case of any offender who is serving a sentence of incarceration at Level V imposed pursuant to a conviction for any crime, the Court may order that said offender shall be ineligible for sentence modification pursuant to this section until a specified portion of said Level V sentence has been served, except that no offender who is serving a sentence of incarceration at Level V imposed pursuant to a conviction for a violent felony in Title 11 shall be eligible for sentence modification pursuant to this section until the offender has served at least $\frac{1}{2}$ of the originally imposed Level V sentence, and no offender who is serving a statutory mandatory term of incarceration at Level V imposed pursuant to a conviction for any offense set forth in Title 11 shall be eligible for sentence modification pursuant to this section during the mandatory portion of said sentence. Nothing in this paragraph shall preclude a sentence modification pursuant to this section which is based solely upon serious medical illness or infirmity of the offender.
[Transferred to subsection (a) of this section.]

(g) Nothing contained in this section shall be This section may not be construed to limit the court's ability to modify a sentence within the scope of the trial court's duly promulgated adopted rules.

(h) For purposes of this section, "rehabilitation" is defined as the process of restoring an individual to a useful and constructive place in society especially through some form of vocational, correctional, or therapeutic retraining. The Department shall adopt regulations to

implement this section. The Department may not impose additional restrictions, exclusions, or eligibility requirements for persons seeking sentence modification under this section.

(i) Reporting requirements.

(1) The Statistical Analysis Center shall annually prepare a report containing all of the following information provided to the Statistical Analysis Center by the following state agencies:

a. From the Department, aggregated information including all of the following:

1. The number of persons who the Department determines under paragraph (d)(1)a. of this section are eligible for a sentence modification, with demographic data including race or ethnicity, gender, age, and correctional facility.

2. The number of applications submitted to the court by the Department under paragraph (d)(2) of this section and the basis for the application, with demographic data including race or ethnicity, gender, age, and correctional facility.

3. The number of persons for whom the Department did not recommend a sentence modification under paragraph (d)(3) of this section and a general reason for the Department's decision, with demographic data including race or ethnicity, gender, age, and correctional facility.

4. The number of persons released from Level V custody under this section and the good cause on which the application is based, with demographic data including race or ethnicity, gender, age, and correctional facility.

5. Information on serious medical illness and infirmity experienced by persons incarcerated at the Department's correctional facilities, including all of the following:

A. The number of persons currently receiving full-time one-on-one medical care or assistance with activities of daily living within the Department's correctional facilities and whether that care is provided by a medical practitioner or another individual, along with the facilities at which the persons are incarcerated.

B. The number of persons who spent more than 1 month in outside hospital care during the previous year and the persons' home correctional facility.

C. Demographic data, including race or ethnicity, gender, age, and correctional facility, for each person under paragraphs (i)(1)a.5.A. and (i)(1)a.5.B of this section.

b.1. From the courts, all of the following:

A. The number of persons granted a sentence modification under this section.

B. The number of persons denied a sentence modification on the merits under this section.

C. The number of persons whose application for sentence modification is summarily dismissed under paragraph (b)(6) of this section.

2. The Statistical Analysis Center shall report the data provided by the courts and use the data provided by the courts to report aggregated demographic data including race or ethnicity, gender, age, and correctional facility, and the good cause on which each application is based.

(2) The Statistical Analysis Center shall annually publish the report on the Statistical Analysis Center's website and submit the report to all of the following not later than October 1 of each year:

a. The Chair of the Senate Corrections & Public Safety Committee.

b. The Chair of the House of Representatives Corrections Committee.

c. The Chief Justice.

d. The Attorney General.

e. The Chief Defender.

f. The Director of the Division of Legislative Services.

g. The State Archivist.

h. The Governor.

Section 3. Amend § 4204, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4204. Authorized disposition of convicted offenders.

(k)(1) Except as provided in this subsection, notwithstanding any statute, rule, regulation or guideline to the contrary, the court may direct as a condition to a sentence of imprisonment to be served at Level V or otherwise that all or a specified portion of said sentence shall be served without benefit of any form of early release, good time, furlough, work release, supervised custody or any other form of reduction or diminution of sentence.

(2) For the purposes of this subsection, statutes which authorize early release, good time, furlough, work release, supervised custody, or reduction or diminution of sentence include but

are not limited to §§ 4205(h) and (i), 4206(g) and (h), 4217, 4381, 6533, 6533A [repealed] and 6537-6539 of this title. title, but do not include § 4217 of this title.

(3) The provisions of this subsection shall be applicable only to sentences of imprisonment at Level V for 1 year or less, or to sentences of imprisonment at Level V which are equal to the statutory maximum Level V sentence available for the crime or offense.

Section 4. Amend § 4346, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4346. Eligibility for parole.

(e) Whenever the physical or mental condition of any person confined in any institution demands treatment which the Department cannot furnish, the Department may, if such action seems necessary for the well-being of such person, recommend If good cause for release on the grounds of serious medical illness or infirmity would exist under § 4217 of this title, the Department shall recommend, or the person seeking release may request, that the person's case be considered by the Board of Parole at a regular or special meeting. When such the case is so considered, the Board of Parole, if satisfied that removal from the institution is necessary for the well-being of such person, good cause exists and that the release of the person does not constitute a substantial risk under § 4217(b)(1)c. of this title, may order the release of such the person on parole without regard to the time already served by such the person. The Board of Parole shall parole in such case only when arrangements have been made for the treatment of the person in some institution. The Board of Parole may impose any conditions of parole in such case, on the person and may revoke such the person's parole without hearing at any time and for any cause, cause and order the return of the person to the Department.

Section 5. Amend § 6531, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6531. Treatment and rehabilitation programs.

(e) Inmates required to participate in compulsory programs of drug or alcohol counseling or treatment established by the Department pursuant to this section shall not be eligible for parole nor shall the Department apply for modification of sentence until successfully completing such programs. Inmates An inmate's refusal to participate in compulsory programs of drug or alcohol counseling or treatment established by the Department does not prohibit an application for sentence modification under § 4217 of this title or eligibility for parole under § 4346(e) of this title, but may be considered by the court under § 4217(b) of this title. An inmate refusing to participate in such compulsory programs shall further be of drug or alcohol

counseling or treatment established by the Department is subject to such other disciplinary measures as the Commissioner shall may establish by regulation.

Section 6. Amend § 6531A, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6531A. Education programs.

(e) Inmates required to participate in compulsory programs of education as established under this section shall not be eligible for parole nor shall the Department of Correction apply for a modification of sentence until successfully obtaining a high school diploma or G.E.D. Inmates An inmate's refusal to participate in compulsory programs of education established under this section does not prohibit an application for sentence modification under § 4217 of this title or eligibility for parole under § 4346(e) of this title, but may be considered by the court under § 4217(b) of this title. An inmate refusing to participate in such compulsory programs of education established under this section shall be is subject to such disciplinary measures as the Commissioner of Correction shall may establish by regulation.

Section 7. Amend § 6532, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6532. Work by inmates.

(j) Inmates An inmate's refusal to participate in compulsory programs of employment established by the Department does not prohibit an application for sentence modification under § 4217 of this title or eligibility for parole under § 4346(e) of this title, but may be considered by the court under § 4217(b) of this title. An inmate refusing to participate in compulsory programs of employment established by the Department pursuant to this program shall not be eligible for parole nor shall the Department apply for modification of sentence, and shall further be under this section is subject to such other disciplinary measures as the Commissioner may establish by regulation.

Section 8. Amend § 4604, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4604. Representation of indigent persons.

When representing an indigent person, the Office of Defense Services shall: shall do all of the following:

(1) Counsel and defend the indigent person, whether held in custody without commitment or charged with a criminal offense, at every stage of the proceedings following arrest; and arrest.

(2) Prosecute any appeals or other remedies before or after conviction that the Chief Defender considers to be in the interest of justice. justice or as authorized by statute.

Section 9. This Act takes effect 180 days after the Act's enactment into law.

Approved July 14, 2025