



The Delaware Success Story

Delaware Reduces Number of Youth Sent to Adult Court on Robbery Charges

In 2005, the Delaware General Assembly unanimously approved a bill limiting the number of juveniles automatically transferred to adult court for robbery charges. Senate Bill 200 responded to two years of data collection and analysis which found that the majority of youth charged in adult court for robbery charges were eventually transferred back to the juvenile court, but only after spending long periods of time in detention. Robert Valihura, a Republican legislator formerly in the Delaware Assembly, led the charge for reform by bringing together fellow lawmakers, advocates, judges, prosecutors, public defenders, and other juvenile justice professionals in an effort to correct the injustice. Under the old law, all youth charged with first-degree robbery were under the original jurisdiction of the adult court. The 2005 bill changed this so that youth charged with first-degree robbery are only under the original jurisdiction of the adult court if the robbery involved the display of a deadly weapon or a serious injury was inflicted as part of the crime. This small statutory adjustment has had a significant impact on affected youth in the system and has saved taxpayers money by reducing the time those youth spend in pretrial detention.¹

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References

¹ S.B. 200, 143d Gen. Assem., Reg. Sess. (Dela. 2005)



SPONSOR: Sen. Vaughn & Rep. Valihura

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 200

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE CRIME OF ROBBERY.

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

1 Section 1. Amend section 921(2)a. of Title 10 of the Delaware Code by inserting between the phrases “robbery in the first
2 degree” and “, kidnapping in the first degree” as they appear in said paragraph, the following:

3 “(where such offense involves the display of what appears to be a deadly weapon or involves the representation by word or
4 conduct that the person was in possession or control of a deadly weapon or involves the infliction of serious physical injury upon
5 any person who was not a participant in the crime, and where the child has previously been adjudicated delinquent of 1 or more
6 offenses which would constitute a felony were he or she charged under the laws of this State)”.

7 Section 2. Amend section 1010(a)(1) of Title 10 of the Delaware Code by inserting between the phrases “robbery in the
8 first degree” and “or kidnapping in the first degree” as they appear in said paragraph, the following:

9 “(where such offense involves the display of what appears to be a deadly weapon or involves the representation by word or
10 conduct that the person was in possession or control of a deadly weapon or involves the infliction of serious physical injury upon
11 any person who was not a participant in the crime and where the child has previously been adjudicated delinquent of 1 or more
12 offenses which would constitute a felony were he or she charged under the laws of this State)”.

SYNOPSIS

Delaware law currently provides that any juvenile charged with the crime of Robbery in the First Degree will be prosecuted in the Superior Court unless the Superior Court or the Attorney General determines that the interest of justice would be best served by transferring the case to the Family Court. This Act will limit the Superior Court’s original jurisdiction over Robbery in the First Degree cases involving juvenile defendants to those crimes committed by a juvenile who had previously been adjudicated delinquent for a felony charge and who thereafter committed a robbery during which either a deadly weapon was displayed or serious injury was inflicted upon a person other than a participant in the crime.

Author: Senator Vaughn