

American Bar Association President Commends SURJ

Addressing the Delaware State Bar Association on May 3, American Bar Association President Dennis Archer thanked SURJ members for their "work to eliminate mandatory minimum sentences in Delaware."

"Your work, along with that of the State Bar, has gone a long way toward restoring judicial discretion to sentencing for drug offenses."

ABA Commission Calls for Sentencing Reform

In the wake of a stirring address by U.S. Supreme Court Justice Anthony Kennedy in October 2003, the American Bar Association created a commission of legal experts to examine criminal justice reforms.

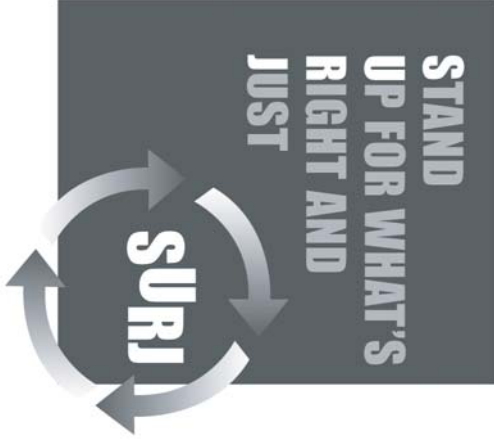
On June 23, 2004 the commission released its report, with three recommendations that also appear on SURJ's Agenda for Action 2004-2006, including:

- The repeal of mandatory minimum sentences;
- Additional study and funding for alternatives to incarceration for offenders who may benefit from treatment, and;
- Improved assistance programs for prisoners re-entering society.

In endorsing the commission's proposal in late June, Justice Kennedy stated ***"Being tough on crime should not be a substitution for thoughtful reflection or lead us into moral blindness."***

Action Track
Published by: SURJ (Stand Up for what's Right and Just)
100 West 10th Street, Suite 615 Wilmington, DE 19801
Phone: 302-426-9252 Fax: 302-426-9251 www.surj.org
Acting Director: Josh Templett
Board Chair: Dale E. Wolf
Editor/Writer: Sima Robbins and Josh Templett
Printing: DuPont Printing

Non Profit
U.S. Postage
PAID
Wilmington, DE
Permit No. 2003



Read On About

- SURJ Bids Farewell to Executive Director Tom Eichler
- Bill to End Mandatory Minimum Drug Sentences Introduced
- SURJ-Endorsed Bills Reducing Barriers to Reentry Signed into Law
- Special Commission Bill Stalled

SURJ Bids Farewell to Executive Director Tom Eichler



At the end of June, Tom Eichler left his three-year tenure as SURJ's executive director. He accepted a position with the Nemours Foundation, where he will put his intellect and heart to work on behalf of Delaware's children.

Tom's distinguished career in public service well equipped him to lead SURJ. He served three Delaware governors as Director of Environmental Control, Secretary of the Department of Health and Social Services, and Secretary of the Department of Services for Children, Youth and Their Families.

As SURJ's executive director, Tom worked with SURJ's Policy Committee and Board of Directors to plan SURJ's policy and legislative strategy. Tom was SURJ's liaison to countless criminal justice policy-makers and SURJ's face to legislators at Legislative Hall in Dover.

Tom's insight and tenacity helped him achieve many significant accomplishments at SURJ, including negotiating a difficult compromise among the Attorney General, the Sentencing Accountability Commission, and SURJ, which became last year's House Bill 210. HB 210 significantly decreased mandatory drug sentences, saved a significant number of prison beds, and contributed to an unprecedented lull in the growth of our state's incarcerated population.

All of us at SURJ have benefited from Tom's dedication, long hours, and determination. His leadership will have a lasting and positive effect on the quality of justice in our State.

SURJ Introduces Bill to End Mandatory Minimum Drug Sentences

In the final days of the 2004 legislative session, Rep. Pam Maier introduced SURJ's bill to repeal mandatory minimum drug sentences.

House Bill 517, introduced on Wednesday June 23, would eliminate Delaware's mandatory minimum drug laws, returning to judges the discretion to pronounce sentences appropriate to the cases before them, and giving them the opportunity to use alternatives to incarceration that make more sense economically and socially.

The bill, which was developed with extensive input from the community, attorneys and legislators, drew 20 sponsors and was reported from committee to the House Ready List within one day.

Unfortunately, the House Majority refused to place the bill on the House Agenda, effectively killing the legislation, despite much public interest and grassroots action

In its Sunday, June 27 editorial, the News Journal supported the bill, saying, ***"There's no evidence these laws [mandatory minimum drug sentences] make society safer.... Delaware judges are considered among the best in the country.... [HB 517]...is the perfect opportunity to restore fiscal intelligence and fairness."***

A Tuesday, June 29 editorial again called for support of the bill, mentioning it (and SURJ's other bill, HB 358) ***among four key pieces of legislation that deserved passage during this legislative session.***

SURJ is indebted to the volunteers in our grassroots network who, on short notice, completed several hundred phone calls to SURJ members and key legislators in support of the bill.

Thanks is owed as well to prime sponsor Rep. Pam Maier, who introduced HB 517 and ushered it through her House committee, and additional prime sponsors Rep. John Van Sant and Senators Liane Sorenson and Margaret Rose Henry.

SURJ has carved a clear path toward ending mandatory minimum drug sentences. We will continue our work when the legislature returns in January.

SURJ-Endorsed Bills Reducing Barriers to Reentry Signed into Law

Senate Bills 56 and 229 were both signed into law this legislative session, promising to eliminate two key barriers to the successful reentry of ex-offenders into their communities.

Senate Bill 56 decreases the loss of driving privileges due to a drug felony from three years to one year. The bill complements an earlier law, passed in 2002, which reduced the loss of driving privileges for some drug misdemeanors from one year to six months. The bill's primary sponsor is Sen. Margaret Rose Henry.

Senate Bill 229 removes the barrier to more than 30 licensed professions and occupations for people who have had felony convictions and are now trying to turn their lives around. The bill says that for a license to be denied to ex-felons, the past felony must be directly related to the targeted occupation, as determined by the relevant state licensing board. The bill's primary sponsor is Sen. Karen Peterson.

Special Commission Bill Passes House, Stalls in Senate

SURJ and its allies fought through the final days of the legislative session, trying to get the Senate Finance Committee to release House Bill 358 for a vote. As explained by SURJ Board members Carl Schnee and Rodman Ward in a May 10 letter-to-the-editor, HB 358 calls for "a comprehensive review of the procedures followed in Delaware's criminal justice system, including plea bargaining, sentencing, and corrections policies; and to make recommendations for reform, where necessary, paying special attention to justice, cost savings, and, most important, public safety."

HB 358 enjoyed the support of judges, legislators and attorneys, who saw it as a crucial step in addressing and amending the current shortcomings in Delaware's justice system. Joining the *News Journal's* call for the legislature to pass HB 358 were Delaware's Sentencing Accountability Commission ("SENTAC") and over a dozen community organizations. In addition, departing Delaware Supreme Court Chief Justice E. Norman Veasey encouraged lawmakers to pass House Bill 358 during his State of the Judiciary address April 6 at Legislative Hall, saying, ***"I think the concept of the commission is a good one and is consistent with the idea of a study I suggested last year."***

House Bill 358 enjoyed overwhelming support in the legislature as well. It was sponsored by 43 legislators and was unanimously passed by the House on April 8.

In a June 29 editorial, the News Journal wrote that House Bill 358 ***"...has bipartisan sponsorship. It ought to be passed."***

It is a shame that the Senate Finance committee refused to release the bill. Delaware has missed this opportunity to improve the quality and reduce the cost of justice in our state.

SURJ is grateful to the many forward-thinking legislators who sponsored the bill, led by House Speaker Terry Spence.