

2017-07-26

OBJECTS AND REASONS

This Bill would amend the *Criminal Records (Rehabilitation of Offenders) Act*, Cap. 127A to change the rehabilitation periods and provide for related matters.

Arrangement of Sections

1. Short title
2. Repeal and replacement of section 18 of Cap. 127A
3. Amendment of section 19 of Cap. 127A
4. Amendment of First Schedule to Cap. 127A

SCHEDULE

BARBADOS

A Bill entitled

An Act to amend the *Criminal Records (Rehabilitation of Offenders) Act*,
Cap. 127A to change the rehabilitation periods and provide for related matters.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Criminal Records (Rehabilitation of Offenders) (Amendment) Bill, 2017*.

Repeal and replacement of section 18 of Cap. 127A

2. *Section 18 of the Criminal Records (Rehabilitation of Offenders) Act, Cap. 127A, in this Act referred to as the principal Act, is deleted and the following is substituted:*

“Board to inform applicant in writing

18.(1) The Board shall inform, in writing, every person making an application under section 13 or section 19 whether the application is approved or rejected.

(2) Where the Board rejects an application referred to in subsection (1), the Board shall provide written reasons for its decision.”.

Amendment of section 19 of Cap. 127A

3. *Section 19 of the principal Act is amended by deleting the words “2 years” and substituting the words “one year”.*

Amendment of First Schedule to Cap. 127A

4. *The First Schedule to the principal Act is amended by deleting Part I of that Schedule and substituting Part I contained in the Schedule to this Act.*

SCHEDULE*(Section 4)***“PART I***(Section 5)***REHABILITATION PERIODS**

Column 1 Sentence	Column 2 Rehabilitation Period
A sentence of imprisonment for a term not exceeding one year	3 years
A sentence of imprisonment for a term exceeding one year but not exceeding 3 years	5 years
A sentence of imprisonment for a term exceeding 3 years but not exceeding 7 years	10 years
A non-custodial sentence	1 year

”.

Read three times and passed the House of Assembly this
day of _____, 2017.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2017.

President

EXPLANATORY MEMORANDUM

The *Criminal Law (Rehabilitation of Offenders) (Amendment) Bill, 2017* amends the *Criminal Law (Rehabilitation of Offenders) Act, Cap. 127A* to make provision for a reduction in the rehabilitation periods, to require the Board to provide reasons for rejecting an application for expungement of a spent conviction and to reduce the period of time within which an applicant may re-apply, following the rejection of an application for expungement of a spent conviction.

- Clause 1:** provides the short title of the Act.
- Clause 2:** repeals and replaces section 18 of the principal Act to explicitly require the Board to provide reasons for its rejection of an application for expungement from the record of a spent conviction.
- Clause 3:** amends section 19 of the principal Act to reduce the period of time within which an applicant may re-apply to the Board, following the rejection of an application for expungement from the record of a spent conviction.
- Clause 4:** amends Part I of the First Schedule to the principal Act to reduce the rehabilitation periods.