



BERMUDA

CRIMINAL CODE AMENDMENT (NO. 2) ACT 2014

2014 : 4

WHEREAS it is expedient to amend the Criminal Code Act 1907 so as to provide for the conditions upon which a person may be released on licence;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Criminal Code Act 1907 (the "principal Act") may be cited as the Criminal Code Amendment (No. 2) Act 2014.

Inserts sections 70R and 70S

2 The principal Act is amended by inserting after section 70Q the following new sections—

"Conditions for parole

70R (1) A person released on licence under section 12 or section 13 of the Prisons Act 1979 is subject to the following conditions of parole—

- (a) the person shall not commit any offence against the laws of Bermuda during the period of the Parole Order;
- (b) the person shall appear before the Parole Board upon receipt of a notice—
 - (i) specifying the date, time and venue for the appearance delivered no later than 24 hours before the required appearance; or

- (ii) requiring his immediate appearance before the Board in the case of a specified emergency or risk of harm or loss;
- (c) the person shall be under the supervision of a supervising officer designated by the Director responsible for the administration of parole, and shall respond in a timely manner to any query relating to the observance of parole conditions and generally relating to the observance of the laws of Bermuda;
- (d) the person shall report to the supervising officer at the place, date and time stipulated by the supervising officer;
- (e) the person shall not deceive when giving, or fail to disclose, any information relating to compliance with parole conditions and generally relating to the observance of the laws of Bermuda as may be required by the supervising officer or the Parole Board;
- (f) the person shall, where applicable and employment is available, maintain regular employment with an employer specified in the Parole Order and shall obtain the permission of the supervising officer before making any changes to the employment;
- (g) the person shall—
 - (i) reside at an address specified in the Parole Order;
 - (ii) immediately report any loss of accommodation or the necessity to change accommodation to the supervising officer; and
 - (iii) obtain the permission of the supervising officer for any alternative accommodation at which he may wish to reside;
- (h) the person shall refrain from—
 - (i) associating with any person he knows or suspects to be involved in crime;
 - (ii) frequenting any place at which he knows or suspects that crime is committed; or
 - (iii) participating in activities that may lead to a crime being committed;
- (i) the person shall submit to being tested for controlled substances or intoxicants as the Parole Board or supervising officer may direct.

(2) In addition to the conditions set out in subsection (1), or in substitution of any of the conditions set out in subsection (1) where the Parole Board deem it appropriate, the Parole Board may, before or after the release on licence of a person—

- (a) specify in his licence any number of special conditions to be complied with, which may be determined by the needs and

circumstances of the particular person being released on licence and the requirements for public protection.

- (b) specify as a special condition in his licence a requirement for the person to refrain from—
 - (i) associating with a specific person or group of persons suspected of committing crime or of having influence on the person released on licence that is unsuitable for his rehabilitation and that may lead the person to commit a crime;
 - (ii) visiting or frequenting a specific place or specific places suspected to be a place or places where crime is or may be committed; or
 - (iii) participating in any specific activity that may lead to a crime being committed;
- (c) endorse in whole or in part a recommendation by the supervising officer for the person released on licence to attend a special programme and specify such attendance as a special condition in his licence.

(3) A person released on licence who fails to comply with a condition or special condition of parole may be recalled by the Parole Board under section 12(5) of the Prisons Act 1979 or may be arrested as provided under section 70S of this Act.

Liability to arrest for breach of parole conditions

70S (1) A person who has been released on licence may be arrested without warrant by a police officer and detained in a prison—

- (a) if that person has committed an offence;
- (b) if the police officer has reasonable grounds, based on information provided by the supervising officer, for suspecting that the person has breached any of the conditions of his parole and the supervising officer considers it to be in the public interest to recall the person;
- (c) if the police officer has reasonable grounds for suspecting that the person has breached any of the conditions of his parole and the breach puts public safety or order at immediate risk;
- (d) in the case of a person who is subject to—
 - (i) residential restrictions, if that person is jeopardising the safety of any person at his residence;
 - (ii) maintaining regular employment with a specified employer, if that person is jeopardising the safety of any person at the place of employment;

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- (e) in the case of a person who is subject to a special condition that requires his attendance at a programme—
 - (i) if that person is jeopardising the safety of any person on the programme, or the order of the programme; or
 - (ii) if that person has failed to remain with the programme for its duration;
- (f) if the police officer has reasonable grounds for suspecting that the person has failed to comply with an order—
 - (i) requiring the person to appear before the supervising officer or Parole Board on a stated day, time and place; or
 - (ii) recalling the person to a prison under section 12(5) of the Prisons Act 1979.

(2) Except in the case of subsection (1)(a), the arrest of a person under subsection (1) shall be treated as a recall of that person to prison in terms of section 12(5) of the Prisons Act 1979 and the person recalled shall be entitled to appear before the Parole Board in terms of section 12(5A) of the Prisons Act 1979 before the Parole Board makes a final decision regarding his recall.”

[Assent Date: 26 March 2014]

[Operative Date: 26 March 2014]