



BERMUDA

ELECTRONIC MONITORING ACT 2011

2011 : 50

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WHEREAS it is expedient to widen the circumstances in which persons on bail may be required to wear electronic monitoring equipment, and to provide for the wearing of such a device to be one of the conditions of a probation order;

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 may be cited as the Electronic Monitoring Act 2011.

Amends section 3 of Bail Act 2005

2 Section 3(2) of the Bail Act 2005 is amended by inserting the following definition in its proper alphabetical position—

“ “electronic monitoring equipment” means any equipment or device designated by the Minister responsible for Justice under section 4 as suitable to be used for monitoring the movements and location of a person on whose body it is fitted;”.

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Amends section 4 of Bail Act 2005

3 Section 4 of the Bail Act 2005 is amended—

(a) in subsection (4)—

(i) by inserting the following paragraph next after paragraph (c)—

“(ca) he wears electronic monitoring equipment that will enable his movements and location to be monitored;” and

(ii) by deleting “(b) or (c)” and substituting “(b), (c) or (ca)”;

(b) by inserting the following subsections next after subsection (7)—

“(7A) The Minister responsible for Justice shall designate electronic monitoring equipment suitable to be used for monitoring the movements and locations of a person on whom it is fitted, for the purposes of this Act, by Order published in the Gazette.

“(7B) An Order made under subsection (7A) shall be subject to the negative resolution procedure.”.

Amends section 5A of Bail Act 2005

4 Section 5A(4)(h) of the Bail Act 2005 is repealed and the following paragraph is substituted —

“(h) a requirement to wear electronic monitoring equipment that will enable his movements and locations to be monitored.”.

Inserts section 14A into the Bail Act 2005

5 The Bail Act 2005 is amended by inserting the following section next after section 14—

“Offences against electronic monitoring equipment

14A (1) A person who—

(a) unlawfully interferes with the operation of any electronic monitoring equipment; or

(b) wilfully or unlawfully destroys or damages electronic monitoring equipment,

commits an offence and is liable on summary conviction to a fine of \$4,000 or to imprisonment for two years.

(2) Where the operation of electronic monitoring equipment fitted on a person is unlawfully interfered with or the equipment is wilfully or unlawfully destroyed or damaged, the burden shall be on the person on whom it is fitted to prove that he is not responsible for the interference, destruction or damage. ”.

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Amends section 70B of the Criminal Code Act 1907

6 Section 70B of the Criminal Code Act 1907 is amended by inserting the following paragraph next after paragraph (h)—

“(ha) wears electronic monitoring equipment that will enable his movements and locations to be monitored; ”.

[Assent Date: 21 December 2011]

[Operative Date: 21 December 2011]