

STATES OF JERSEY



DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) LAW 2014 (APPOINTED DAY) ACT 201-

**Lodged au Greffe on 27th September 2016
by the Minister for Home Affairs**

STATES GREFFE



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REPORT

Introduction

In July 2014, the States Assembly debated and adopted the Criminal Justice (Young Offenders) (Jersey) Law 2014 (the “2014 Law”) which is intended to replace the existing Criminal Justice (Young Offenders) (Jersey) Law 1994 (the “1994 Law”). Then, in May 2016, prior to the 2014 Law being brought into force, the States debated and adopted the Criminal Justice (Young Offenders) (No. 2) (Jersey) Law 201- (“the No. 2 Law”), bringing forward a number of changes to the 2014 Law (which was not yet enacted).

The prime reason for introducing the 2014 Law was to make provision for a Placement Panel whose function is to determine and review the place of custody for young offenders, and to set out that children and young people may be detained in Greenfield Secure Unit, as opposed to only being able to serve their sentence in Jersey in either the Young Offenders’ Institute (“YOI”) or H.M.P. La Moye.

The No. 2 Law brings forward a number of changes to the 2014 Law, as set out in the detailed report accompanying [P.33/2016](#). The changes are across 4 key areas –

(1) The treatment of 17-year-olds:

Under the No. 2 Law, a 17-year-old will be treated the same as a 16-year-old except in relation to driving offences, when they will be treated the same as an 18-year-old.

(2) Detention of children who commit a serious offence:

Under the No. 2 Law a child can be detained for committing murder or a serious offence. A young person can be detained for committing murder, a serious offence or a lesser offence. This retains the position set out in the existing 1994 Law.

(3) The role of the Placement Panel with regard to children and young people:

Under the No. 2 Law the Panel will have the power to determine the appropriate placement in relation to –

- a child on remand, or a child detained for a serious offence or for murder; and
- a young person on remand or detained for a lesser offence, a serious offence or for murder.

- (4) The status of children and young people who are detained or on remand:

Under the No. 2 Law, all children and young persons detained in Jersey will be treated as 'Looked after Children' in all settings (i.e. regardless of whether they are in Greenfields, the YOI or H.M.P. La Moye) and will be cared for under the authority of the Minister for Health and Social Services, as opposed to the Minister for Home Affairs.

Commencement

The Criminal Justice (Young Offenders) (Jersey) Law 2014 (Appointed Day) Act 201- sets out that the 2014 Law (as amended by the No. 2 Law) will come into effect 7 days after this Act is made.

Financial and manpower implications

It is not anticipated that there will be any requirement for additional resources associated with the adoption of the Appointed Day Act. The costs associated with the establishment of the Placement Panel (for example; recruitment costs) and running of the Placement Panel (for example; out-of-pocket expenses) will be met from within existing resources.

Explanatory Note

This Act brings into force the Criminal Justice (Young Offenders) (Jersey) Law 2014 7 days after the date that this Act is made.



Jersey

**DRAFT CRIMINAL JUSTICE (YOUNG
OFFENDERS) (JERSEY) LAW 2014 (APPOINTED
DAY) ACT 201-**

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 33 of the Criminal Justice (Young Offenders) (Jersey) Law 2014¹, have made the following Act –

1 Commencement of Law

The Criminal Justice (Young Offenders) (Jersey) Law 2014² shall come into force 7 days after the date that this Act is made.

2 Citation

This Act may be cited as the Criminal Justice (Young Offenders) (Jersey) Law 2014 (Appointed Day) Act 201-.

¹ *L.27/2014*
² *L.27/2014*