

STATES OF JERSEY



DRAFT CRIMINAL JUSTICE (LIFE SENTENCES) (JERSEY) LAW 201-(P.113/2014): AMENDMENT

**Lodged au Greffe on 11th July 2014
by the Chief Minister**

STATES GREFFE

DRAFT CRIMINAL JUSTICE (LIFE SENTENCES) (JERSEY) LAW 201-
(P.113/2014): AMENDMENT

1 PAGE 28, ARTICLE 22 –

Delete the words “, bail or a guilty plea”.

2 PAGE 28, ARTICLE 23 –

For the words “before this Law comes into force” substitute the words “before the date that this Law comes into force or to a person who, having been charged with an offence (regardless of the plea entered), has not been sentenced before that date”.

CHIEF MINISTER

REPORT

The purpose of this amendment is to remedy a potential ambiguity in Articles 22 and 23 of the draft Law.

The draft Article 22 as presently worded is a re-enactment of Article 14 of the Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005, which provided that nothing in the 2005 Law should restrict the application of any law relating to previous convictions, bail or a guilty plea.

Similarly, the draft Article 23 as presently worded replicates Article 18 of the 2005 Law, under which nothing was to be taken to prevent or limit the application of the 2005 Law to a person who committed an offence before that Law came into force.

It needs to be clear beyond any doubt that the requirement upon the Court under Article 14 of the draft Law, to order a minimum period of imprisonment in respect of an offence where the Court has sentenced an offender to a discretionary life sentence, applies irrespective of when the offence was committed, and irrespective of when the offender was charged with the offence. The re-enactment of the wording of Articles 14 and 18 of the 2005 Law, arguably, does not make that position clear. In order that it is absolutely clear, the effect of the amendment in relation to both draft Articles is that they would read as follows –

“22 *Law not to restrict application of other laws*

Nothing in this Law restricts the application of any law relating to previous convictions.

23 *Transitional provision – application to offences committed before this Law comes into force*

Nothing is to be taken to prevent or limit the application of this Law to a person who commits an offence before the date that this Law comes into force or to a person who, having been charged with an offence (regardless of the plea entered), has not been sentenced before that date.”

Financial and manpower implications

This amendment has no implications for the financial or manpower resources of the States.