



AN BILLE UM DHLÍNSE CHOIRIÚIL, 1960
CRIMINAL JUSTICE BILL, 1960

EXPLANATORY MEMORANDUM

General

1. The Bill proposes to authorise the release on parole of convicted prisoners and criminal lunatics, to empower the Courts to remand in custody, otherwise than to prison, young persons charged with offences, to give additional powers in relation to the places of confinement of criminal lunatics, to discontinue the use of the term "Borstal" and to empower the Courts to sentence young offenders direct to St. Patricks, North Circular Road, Dublin, instead of to prison. St. Patricks, formerly known as the Borstal Institution, is an institution for youths sentenced to Borstal training and for such other convicted offenders under 21 as may be transferred there from prison by the Minister for Justice under section 3 of the Prevention of Crime Act, 1908.

2. *Section 1* of the Bill contains the definitions and does not call for special comment.

3. *Section 2* authorises the Minister for Justice to make rules providing for the temporary release of convicted prisoners from prisons or from St. Patricks.

4. *Section 3* authorises the release on parole of a criminal lunatic who, in the opinion of the person in charge of the mental institution concerned, is not dangerous to himself or to others. The consent of the Minister for Justice will be necessary for the grant of parole and for the conditions imposed on the parolee.

5. *Section 4* provides that any conditions attaching to the release on parole of a person must be communicated to him at the time of his release by notice in writing. He is required by *subsection (2)* of the section to comply with any such conditions.

6. *Section 5* authorises the Minister for Justice to suspend the currency of the sentence, if any, of a person released on parole in respect of the whole or part of the period of parole.

7. *Section 6* provides that a parolee who does not return on the expiration of parole or breaks a condition of parole is deemed to be unlawfully at large and is liable on summary conviction to imprisonment for a term not exceeding six months. The currency of the sentence of a person who is unlawfully at large for any period will be suspended for the whole of that period.

8. *Section 7* provides that a member of the Garda Síochána may arrest without warrant a person whom he suspects to be unlawfully at large and may take him to the place in which he is required in accordance with law to be detained.

9. *Section 8* extends the powers of the Minister for Justice in relation to the places in which criminal lunatics may be confined. At present persons who become insane in prison while on remand or awaiting trial must be sent to the local district mental hospital. Prisoners who become insane while serving a sentence must be sent either to the local district mental hospital or to the Central Mental Hospital, Dundrum. As there are now only three prisons (at Dublin, Portlaoise and Limerick) criminal lunatics in district mental hospitals have tended to become concentrated in the district

mental hospitals at these centres although in the case of some of the patients it would be more desirable to have them confined in district mental hospitals nearer to their homes and relatives. This section enables the Minister to transfer to *any* district mental hospital or to the Central Mental Hospital, Dundrum, any prisoner who becomes insane while in prison and to transfer any criminal lunatic from a district mental hospital to another district mental hospital or to the Central Mental Hospital, or from the Central Mental Hospital to a district mental hospital.

10. *Section 9* authorises the remand of a person between 17 and 21 years of age, with his or her consent, to a remand institution instead of to a prison. For example, it is proposed to approve of St. Mary Magdalen's Asylum, Seán McDermott Street, Dublin, as a remand institution for girls. *Subsection (2)* of the section prohibits the detention of a person in a remand institution conducted otherwise than in accordance with the religion to which the person belongs. Under *section 10* the Minister for Justice, when requested by the person in charge of a remand institution, may direct that the person in custody be transferred from the institution to another remand institution or to a prison or to St. Patricks, as the case may be. Persons remanded or transferred in accordance with these provisions are being deemed to be in lawful custody (*section 11*).

11. *Section 12* provides for the discontinuance of the term "Borstal" and for the substitution for the references to Borstal Institutions in any statute or statutory instrument of references to St. Patricks. "Borstal" derives from the name of an English village in which the experiment of training young offenders was first tried. Since the Borstal Institution was transferred in 1956 from Clonmel to Dublin it has been the practice to transfer to it virtually all youths committed on conviction to Mountjoy Prison with the result that the Institution is now a place of detention for male prisoners under 21 years of age, giving as much corrective training as practicable, rather than a Borstal Institution as such. The Institution has been known as "St. Patricks" since 1948.

12. *Section 13* empowers the Court to sentence young offenders to be detained in St. Patricks instead of in prison.

An Roinn Dlí agus Cirt.

Aibreán, 1960.