



AN BILLE UM AN DLÍ COIRIÚIL (BANNAÍ), 1995
CRIMINAL LAW (BAIL) BILL, 1995

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

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ACTS REFERRED TO

Criminal Justice Act, 1960
Criminal Procedure Act, 1967
Misuse of Drugs Acts, 1977 to 1984

1960, No. 27
1967, No. 12



AN BILLE UM AN DLÍ COIRIÚIL (BANNAÍ), 1995
CRIMINAL LAW (BAIL) BILL, 1995

BILL

entitled

- 5 AN ACT TO REGULATE THE LAW REGARDING THE
ADMISSION OF AN ACCUSED PERSON TO BAIL AND
TO PROVIDE FOR THE DUTIES AND RESPONSIBILI-
TIES OF BAILSPERSONS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

- 10 1.—This Act may be cited as the Criminal Law (Bail) Act, 1995. Short title.

2.—In this Act—

Interpretation.

“bailsperson” means any person who lodges or pledges a sum of money and guarantees the compliance by an accused person with the terms of a bail order.

- 15 “bail order” means an order made under *section 5* of this Act.

3.—Where an accused person is before a Court in connection with an offence the Court may, subject to the provisions of Part III of the Criminal Procedure Act, 1967, remand the accused from time to time as occasion requires.

Power of Court to remand accused.

- 20 4.—Where a person is remanded on bail, under section 22 of the Criminal Procedure Act, 1967 or otherwise, the recognisance shall be conditional on the accused person’s appearance before the Court at the end of the period of remand and at every place and time to which during the course of the proceedings the hearing may be
25 adjourned.

Provisions relating to remand on bail.

- 5.—(1) Where a Court admits an accused person to bail the Court shall specify conditions (including conditions of the nature set out in *subsection (2)* of this section) as to the terms on which the accused person may be released on bail and those terms shall be incorporated
30 in the recognisance entered into by the accused person and the bailsperson if applicable.

Conditions of bail.

(2) The Court in admitting an accused person to bail may make an order as to any of the following matters—

- (a) the address at which the accused person must reside whilst on bail;
- (b) require the accused person to attend at a designated Garda Station between specified times on a daily, or less frequent, basis for the purpose of signing a book maintained at the station for the purpose of recording an accused person's attendance; 5
- (c) require the accused person to surrender his passport to a specified member of An Garda Síochána or, if the accused person does not hold a passport, to undertake not to apply for a passport whilst on bail. Notification of such undertaking shall be sent by the Court to the Department of Foreign Affairs; 10
- (d) prohibit the accused person from having any contact, directly or indirectly, with any of the non-Garda prosecution witnesses in the case; 15
- (e) prohibit the accused person from attending at any location, whether it be the home address, the workplace or any location at which the suggested victim of the crime is known to socialise, until the conclusion of the case; 20
- (f) prohibit the accused person from attending at any specified shop, financial institution or other business or any branch thereof until the conclusion of the case;
- (g) prohibit the accused person from attending at any specified business or residential area or address until the conclusion of the case; 25
- (h) require the accused person to attend at his residential address between the hours of 9 p.m. or, in the event of the accused person being below the age of seventeen years, 7 p.m. and 7 a.m. each day until the conclusion of the case; 30
- (i) require the accused person to enter into a bond to keep the peace and be of good behaviour and to abstain from any form of criminal activity (including the commission of any offence under section 3 of the Misuse of Drugs Acts, 1977 to 1984) for the duration of the recognisance; 35
- (j) require the accused person to attend at a designated location on specified days and times for the purpose of providing a urine sample which may be analysed in order to ascertain if the accused person has been in breach of paragraph (i) by consuming a controlled drug other than a drug prescribed by a registered medical practitioner as part of a recognised drug treatment programme. 40

Powers of arrest.

6.—Any member of An Garda Síochána who, with reasonable grounds, believes an accused person to be in breach of any term of the order admitting him to bail may, without warrant, arrest the accused person and bring him before the Court to which the case has been remanded as soon as is reasonably practicable. 45

- 7.—Where, as part of an order admitting an accused person to bail, a Court makes an order pursuant to *section 5 (2) (i) and (j)* the Court shall inform the accused person of the location of the nearest appropriate treatment centre for drug addiction and, if requested by the accused person, shall direct the appropriate member of the Probation and Welfare Service attached to that Court to make an appointment at that centre for the accused person.
- Duty of Court to supply certain information.
- 8.—The Criminal Procedure Act, 1967 is hereby amended by the substitution for section 27 of the following section:
- Amendment of Criminal Procedure Act, 1967.
- 10 “27.—(1) The Court shall in every case be satisfied as to the sufficiency of the persons proposed to be accepted as bailsperson and of that person’s ability and commitment to ensuring that the accused person will comply with all terms of the proposed order admitting him to bail.
- 15 (2) The bailsperson shall be responsible to the Court for the compliance by the accused person with the terms of the order admitting him to bail.
- 20 (3) The Court shall explain to a proposed bailsperson his duties and responsibilities as a bailsperson and the consequences for him of a breach by the accused person of a term of the order admitting him to bail.”.
- 25 9.—(1) Where a member of An Garda Síochána believes on reasonable grounds that an accused person is or has been in breach of a term of the order granting him bail he may in addition to the powers conferred by *section 6* bring an application before the Court to which the case has been next remanded for an order estreating the sum lodged or pledged by the bailsperson.
- 30 (2) The bailsperson shall receive at least seven days notice of such an application and shall have the right to be legally represented at the hearing of such an application.
- 35 (3) On the hearing of such an application the Court, if satisfied that a breach of the order admitting an accused person to bail has occurred, may order the estreatment of all or part of the sum lodged or pledged by the bailsperson.
- 40 10.—Any power conferred by rules made under section 2 of the Criminal Justice Act, 1960 to release temporarily a person serving a sentence of imprisonment shall not be exercised in the case of a person serving a sentence of imprisonment in respect of an offence committed whilst on bail unless for grave reasons of a humanitarian nature and any release so granted shall be only of such limited duration as is justified by those reasons.
- Conditions of temporary release from prison.

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(BANNAÍ), 1995

CRIMINAL LAW (BAIL) BILL, 1995

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do rialáil an dlí maidir le duine cúisithe a
ligean faoi bhannaí agus do dhéanamh socrú
i dtaobh dualgas agus freagrachtaí daoine a
théann i mbannaí.

BILL

(as initiated)

entitled

An Act to regulate the law regarding the
admission of an accused person to bail and
to provide for the duties and responsibilities
of bailpersons.

An Teachta Seán Ó Donnchú a thug isteach

Introduced by Deputy John O'Donoghue

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