



DÁIL ÉIREANN

AN BILLE UM AN DLÍ COIRIÚIL (GEALTACHT) 2002 CRIMINAL LAW (INSANITY) BILL 2002

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM AN DLÍ COIRIÚIL (GEALTACHT) 2002 —ROGHCHOISTE

CRIMINAL LAW (INSANITY) BILL 2002 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 4, subsection (1), to delete lines 1 to 4.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

2. In page 4, subsection (1), line 5, to delete “barrister or a solicitor” and substitute “practising barrister or a practising solicitor”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

3. In page 4, subsection (1), line 7, to delete “disease” and substitute “other disease or medical condition”.
—Joe Costello.

4. In page 4, subsection (1), line 8, after “intoxication” to insert the following:
“or any condition induced by a state of intoxication, or an altered state of mind which arises from intoxication”.
—Gerard Murphy.

5. In page 4, subsection (1), between lines 8 and 9, to insert the following:
“ ‘mental illness’ means a condition that seriously impairs, either temporarily or permanently, the mental functions of a person and is characterised by the presence in the person of any one or more of the following symptoms:

- (a) delusions;
- (b) hallucinations;
- (c) serious disorder of thought form;
- (d) a severe disturbance of mood;
- (e) sustained or repeated irrational behaviour indicating the presence of any one or more of the symptoms referred to in paragraphs (a) to (d);”.

—Gerard Murphy.

[SECTION 1]

6. In page 4, subsection (1), between lines 10 and 11, to insert the following:

“ ‘patient’ means a person detained in a designated centre pursuant to this Act;”.

—Gerard Murphy.

7. In page 4, lines 18 to 29, to delete subsection (2).

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 2

8. In page 4, before section 2, to insert the following new section:

“Orders and
regulations.

2.—Every Order (other than under *section 9* or *23(2)*) or regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the Order or regulation is passed by either such House within the next twenty one days on which that House has sat after the Order or regulation is laid before it, the Order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”.

—Joe Costello.

9. In page 4, subsection (2), line 36, after “Children” to insert “by order”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

10. In page 5, lines 1 to 3, to delete subsection (3).

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 3

11. In page 5, between lines 13 and 14, to insert the following subsection:

“(2) An accused person is presumed to be fit to be tried unless the contrary is shown.”.

—Gerard Murphy.

12. In page 5, subsection (2), line 16, to delete “so as to” and substitute the following:

“such that he or she cannot do all of the following”.

—Gerard Murphy.

13. In page 6, subsection (4)(a), line 3, to delete “court” and substitute “Court”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 3]

14. In page 6, subsection (4), lines 10 to 18, to delete paragraph (c) and substitute the following:

“(c) If the determination under paragraph (b) is that the accused person is fit to be tried, the person shall be sent back by the court of trial to the District Court to enable that court to exercise its functions under the Criminal Procedure Act 1967.”.

—Joe Costello.

15. In page 6, subsection (4)(c), lines 13 and 14, to delete “District”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

16. In page 6, subsection (6)(a), line 48, to delete “, (4)”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 4

17. In page 8, between lines 6 and 7, to insert the following subsection:

“(2) Where a person has been found guilty of an offence, but prior to passing sentence the court becomes of opinion that the person is suffering from a mental disorder, the court having imposed a sentence may recommend that the sentence shall be served in a specified designated centre until such time as the person is no longer in need of in-patient care and treatment and shall thereafter be served in a prison or place of detention, and the Minister shall have regard to such a recommendation.”.

—Joe Costello.

18. In page 8, subsection (3)(b), line 30, to delete “section” and substitute “subsection”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

19. In page 8, subsection (4)(b), line 44, to delete “section 5” and substitute “section 5(1)(c)”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 7

20. In page 10, subsection (4), line 27, after “effect” to insert the following:

“and, in that case the provisions of section 3(5)(c) shall apply”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 7]

21. In page 11, subsection (9), line 17, after “effect” to insert the following:
“and, in that case the provisions of *section 3(5)(c)* shall apply”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 8

22. In page 11, subsection (1), line 27, to delete “3(4)(d),”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 11

23. In page 13, subsection (4)(b), line 15, to delete “tribunal” and substitute
“Review Board”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

24. In page 13, subsection (6), line 39, after “determined” to insert “by
regulations made”.
—Joe Costello.

25. In page 13, subsection (6)(a), line 44, after “the” where it secondly occurs to
insert “Review”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

26. In page 13, subsection (6)(b), line 48, to delete “or” where it firstly occurs and
substitute “and”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

27. In page 13, subsection (6)(c), line 51, to delete “or” where it firstly occurs and
substitute “and”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

28. In page 14, subsection (6)(e), line 10, to delete “for Justice, Equality and Law
Reform”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

29. In page 14, subsection (6)(h), line 23, after “oath” to insert “, affirmation”.
—Joe Costello.

30. In page 14, subsection (6)(i), line 28, after “oath” to insert “, affirmation”.
—Joe Costello.

[*SECTION 11*]

- 31.** In page 14, subsection (6)(j), line 32, after “oath” to insert “, affirmation”.
—Joe Costello.
- 32.** In page 14, subsection (6)(k), line 33, after “oath” to insert “or affirmation”.
—Joe Costello.

SECTION 12

- 33.** In page 15, subsection (1), lines 8 to 10, to delete paragraph (a).
—Gerard Murphy.
- 34.** In page 15, subsection (2), line 19, after “director” to insert the following:
“of the designated centre where the patient is detained”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 35.** In page 15, subsection (5), lines 53 and 54, to delete “for the patient’s disposal” and substitute “in relation to the patient”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 36.** In page 16, subsection (7), line 13, to delete “and” and substitute “or”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 37.** In page 16, subsection (7), lines 15 and 16, to delete “as to how the patient should be dealt with” and substitute “in relation to the patient”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 38.** In page 16, subsection (8)(b), line 43, to delete “treatment or care” and substitute “care or treatment”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 39.** In page 16, subsection (8)(b), lines 44 and 45, to delete “for the patient’s disposal” and substitute “in relation to the patient”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 40.** In page 17, subsection (9), line 2, to delete “for the patient’s disposal” and substitute “in relation to the patient”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 13]

SECTION 13

41. In page 17, subsection (2), line 19, after “the” where it thirdly occurs to insert “other”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

42. In page 18, between lines 7 and 8, to insert the following subsection:

“(10) The State shall be liable for any injury, loss or damage caused by a patient while on temporary release under this section.”.

—Gerard Murphy.

SECTION 14

43. In page 19, subsection (6)(a), line 21, to delete “statement” and substitute “certification”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

44. In page 19, subsection (6)(b), line 23, to delete “statement” and substitute “certification”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 17

45. In page 21, subsection (1), line 10, to delete “the mental condition” and substitute “a mental disorder”.

—Joe Costello.

46. In page 21, subsection (1), line 12, to delete “of arraignment for the offence” and substitute the following:

“of the accused being asked how he or she wishes to plead to the charge”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 23

47. In page 23, before section 23, to insert the following new section:

23.—The Freedom of Information Act 1997, is amended in paragraph 1(5) of the First Schedule, by the insertion of the following:

‘(b) the Mental Health Review Board,’.

—Gerard Murphy.

“Amendment of
Freedom of
Information Act
1997.

[*SECTION 23*]

- 48.** In page 23, subsection (1), line 24, to delete “Insanity” and substitute “Mental Disorder”.

—Joe Costello.

TITLE

- 49.** In page 3, line 15, after “A” to insert the following:

“BODY TO BE KNOWN AS AN BORD ATHBHREITHNITHE MEABHAIR-SHLÁINTE (AN DLÍ COIRIÚIL), OR, IN THE ENGLISH LANGUAGE, THE”.

—Joe Costello.