

# DÁIL ÉIREANN

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## AN BILLE UM CHEARTAS COIRIÚIL 2004 —ROGHCHOISTE

### CRIMINAL JUSTICE BILL 2004 —SELECT COMMITTEE

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*Leasuithe Breise*  
*Additional Amendments*

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#### SECTION 4

**22a.** In page 8, subsection (8)(a), line 13, after “practicable” to insert the following:

“, but any failure to so do shall not render invalid, retrospectively or otherwise, such a direction”.

—Jim O’Keeffe.

**22b.** In page 8, subsection (8)(b), line 15, to delete “it” and substitute “it.”.

—Jim O’Keeffe.

**23a.** In page 8, subsection (8)(b), lines 16 to 21, to delete all words from and including “shall” in line 16 down to and including “concerned” in line 21 and substitute the following:

“shall—

- (i) describe the place thereby designated as a crime scene,
- (ii) state the date and time when it is given,
- (iii) state the name and rank of the member giving it, and
- (iv) state that the member has reasonable grounds for believing that the direction is necessary to preserve, search for and collect the evidence concerned”.

—Jim O’Keeffe.

**23b.** In page 8, lines 22 to 36, to delete subsection (9) and substitute the following:

“(9) If a judge of the District Court is satisfied by information on oath of a member of the Garda Síochána not below the rank of superintendent that a direction under *subsection (3)* designating a place as a crime scene is in force, and—

- (a) there are reasonable grounds for believing that there is, or may be, evidence at the crime scene,
- (b) the continuance of the direction in force is necessary to preserve, search for and collect any such evidence, or
- (c) the investigation of the offence to which any such evidence relates is being conducted diligently and expeditiously,

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the judge may, subject to *subsection (10)*, make an order continuing the direction in force for such further period, not exceeding 48 hours, as may be specified in the order commencing upon the expiration of the period for which the direction is in force.”.

—Jim O’Keeffe.

**24a.** In page 8, subsection (11), line 39, to delete “application” and substitute “an application”.

—Jim O’Keeffe.

**26a.** In page 9, subsection (12), lines 12 to 15, to delete paragraph (b) and substitute the following:

“(b) the owner, if—

(i) it is not reasonably practicable to ascertain the identity or whereabouts of the occupier, or

(ii) the place is unoccupied,

unless it is not reasonably practicable to ascertain the identity or whereabouts of the owner.”.

—Jim O’Keeffe.

**26b.** In page 9, subsection (13), line 16, to delete “an”.

—Jim O’Keeffe.

**26c.** In page 9, subsection (14), line 25, after “place” to insert “which is”.

—Jim O’Keeffe.

SECTION 5

**31a.** In page 10, subsection (1), between lines 13 and 14, to insert the following:

“(2) Where a judge of the District Court issues a search warrant under subsection (1), he or she shall endorse or cause to be endorsed on such a warrant—

(a) the time and date of the issue of the warrant,

(b) the time and date on which the warrant shall expire, the period of validity of any warrant not to exceed one week,

(c) the named member to whom the warrant applies, and

(d) the maximum number of other members or persons who may accompany the named member, where a limit on such members or persons applies.”.

—Jim O’Keeffe.

**31b.** In page 10, subsection (1), between lines 13 and 14, to insert the following:

“(2) In issuing a warrant under subsection (1), a judge of the District Court shall—

(a) have jurisdiction to issue a warrant for any District,

(b) not be jurisdictionally limited to the District wherein he or she ordinarily sits, and

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- (c) not be obliged to be physically present in any District or in a District in respect of the jurisdiction of which he or she is issuing a warrant.”.

—Jim O’Keeffe.

**33a.** In page 10, to delete lines 14 to 23 and substitute the following:

“(2) A member not below the rank of superintendent may—

- (a) subject to subsection (3) and subsection (5),
- (b) if he or she is satisfied that there are reasonable grounds for suspecting that evidence of, or relating to, the commission of an arrestable offence is to be found in any place,

issue a warrant for the search of that place and any persons found at that place.”.

—Jim O’Keeffe.

**35a.** In page 10, lines 47 to 49, to delete all words from and including “within” in line 47 down to and including “warrant” in line 49 and substitute the following:

“within—

- (a) one week of the time of issue of the warrant, or
- (b) the time limit specified on the warrant,

whichever is the sooner”.

—Jim O’Keeffe.

**36a.** In page 11, subsection (1), between lines 17 and 18, to insert the following:

“(6) (a) Where—

- (i) a warrant is issued under subsection (1), and
- (ii) a search under such a warrant has been initiated,

members or persons accompanying the named member in searching the place referred to in the warrant shall be entitled to search that place for a period of not more than 7 days and the time limit for the execution of the warrant shall cease to apply, provided that—

- (I) the member named on the search warrant remains present during the search,
- (II) the continuance of the search is necessary to preserve, search for and collect evidence that is, in the opinion of the named member, necessary, and
- (III) the search is being conducted diligently and expeditiously.

- (b) Nothing in this subsection shall be used to permit a frivolous or vexatious search, or to unduly prolong an intrusion in a dwelling.”.

—Jim O’Keeffe.

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**36b.** In page 12, subsection (1), between lines 10 and 11, to insert the following:

“ ‘judge of the District Court’ means any judge of the District Court, irrespective of which District wherein he or she ordinarily sits;”.

—Jim O’Keeffe.

**36c.** In page 12, line 11, to delete “includes a dwelling” and substitute the following:

“means a physical location and includes—

- (a) a dwelling, residence, building or abode;
- (b) a vehicle, whether mechanically propelled or not;
- (c) a vessel, whether sea-going or not;
- (d) an aircraft, whether capable of operation or not;
- (e) a hovercraft; or
- (f) any other place whatsoever”.

—Jim O’Keeffe.

SECTION 6

**37a.** In page 12, subsection (1)(b), line 22, to delete “which” where it firstly occurs and substitute “which,”.

—Jim O’Keeffe.

**37b.** In page 12, subsection (1)(b), line 22, to delete “which” where it secondly occurs and substitute “which,”.

—Jim O’Keeffe.

**37c.** In page 12, subsection (1)(b), line 22, to delete “was” and substitute “has been”.

—Jim O’Keeffe.

**37d.** In page 12, subsection (1)(b), line 23, after “or” to insert “is expressly or impliedly”.

—Jim O’Keeffe.

**37e.** In page 12, subsection (1), line 24, to delete “anything” and substitute “any thing,”.

—Jim O’Keeffe.

**37f.** In page 12, subsection (1), line 29, to delete “commenced” and substitute “commenced,”.

—Jim O’Keeffe.

**39a.** In page 12, subsection (2), line 36, to delete “section” and substitute “section,”.

—Jim O’Keeffe.

**39b.** In page 12, subsection (2), line 38, to delete “or by” and substitute “, by or on behalf of,”.

—Jim O’Keeffe.

[ SECTION 8 ]

SECTION 8

- 43a.** In page 13, line 23, to delete “section” and substitute “section,”.  
—Jim O’Keeffe.
- 47a.** In page 13, line 28, to delete “station” and substitute “station,”.  
—Jim O’Keeffe.
- 54a.** In page 14, paragraph (d), line 11, to delete “twenty-four” and substitute “24”.  
—Jim O’Keeffe.

SECTION 9

- 56a.** In page 14, line 30, to delete “(2)” and substitute “(2),”.  
—Jim O’Keeffe.
- 57a.** In page 14, line 32, to delete “arrest” and substitute “arrest,”.  
—Jim O’Keeffe.
- 57b.** In page 14, line 33, to delete “arrested” where it firstly occurs and substitute “arrested,”.  
—Jim O’Keeffe.
- 57c.** In page 14, line 33, to delete “has” and substitute “has,”.  
—Jim O’Keeffe.
- 57d.** In page 14, between lines 38 and 39, to insert the following:  
“(b) in section 2 by the addition of following new subsection:  
“(11) Where a court hearing, seeking the extension of the period of detention of an arrested person, is in session at the expiration of the period of detention, the detention period shall be deemed not to have expired until the court hearing is concluded.”.”  
—Jim O’Keeffe.
- 58a.** In page 15, line 1, to delete “to” and substitute “to,”.  
—Jim O’Keeffe.
- 58b.** In page 15, line 1, to delete “in” and substitute “in,”.  
—Jim O’Keeffe.
- 58c.** In page 15, line 3, to delete “(2)” and substitute “(2),”.  
—Jim O’Keeffe.
- 59a.** In page 15, line 6, to delete “arrest” and substitute “arrest,”.  
—Jim O’Keeffe.
- 59b.** In page 15, line 6, to delete “has” and substitute “has,”.  
—Jim O’Keeffe.
- 59c.** In page 15, line 7, to delete “station” and substitute “station,”.  
—Jim O’Keeffe.

[ SECTION 10 ]

SECTION 10

**59d.** In page 15, lines 20 to 30, to delete paragraph (a) and substitute the following:

“(a) in subsection (2), by the deletion of subsection (2) and substitution with the following:

“(2) A member of an Garda Síochána may arrest a prisoner on the authority of a judge of the District Court who is satisfied, on information supplied on oath by a member of the Garda Síochána not below the rank of superintendent, that the following conditions are fulfilled:

- (a) there are reasonable grounds for suspecting that the prisoner has committed an offence or offences other than the offence or offences in connection with which he or she is imprisoned;
- (b) the arrest of the prisoner is necessary for the proper investigation of the offence or offences that he or she is suspected of having committed; and
- (c) where the prisoner has previously been arrested for the same offence or offences, whether prior to his or her imprisonment or under this section, further information has come to the knowledge of the Garda Síochána since that arrest as to the prisoner’s suspected participation in the offence or offences for which his or her arrest is sought.”.

—Jim O’Keeffe.

SECTION 11

**62a.** In page 15, subsection (1), line 41, after “conferred” to insert “on him or her”.

—Jim O’Keeffe.

**62b.** In page 15, subsection (1), line 46, to delete “is” and substitute “has been”.

—Jim O’Keeffe.

**64a.** In page 16, subsection (3), line 7, to delete “is” and substitute “has been”.

—Jim O’Keeffe.

SECTION 12

**67a.** In page 16, paragraph (b)(i), line 20, to delete “twelve” and substitute “12”.

—Jim O’Keeffe.

**67b.** In page 16, paragraph (b)(ii), line 23, to delete “twelve” and substitute “12”.

—Jim O’Keeffe.

SECTION 13

**70a.** In page 17, line 15, to delete “hair” and substitute “hair,”.

—Jim O’Keeffe.

**71a.** In page 17, line 16, to delete “hair” and substitute “hair,”.

—Jim O’Keeffe.

**71b.** In page 17, line 18, to delete “and” and substitute “and,”.

—Jim O’Keeffe.

**71c.** In page 17, paragraph (b), line 25, to delete “twelve months” and substitute “3 years”.

—Jim O’Keeffe.