



**AN BILLE UM CHEARTAS COIRIÚIL (PRÍOSÚNÚ
NEAMHDHLEATHACH FORTHROMAITHE), 2012
CRIMINAL JUSTICE (AGGRAVATED FALSE
IMPRISONMENT) BILL 2012**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Non-Fatal Offences against the Person Act 1997.
 2. Interpretation.
 3. Penalties.
 4. Short title.
-

ACTS REFERRED TO

Criminal Justice Act 2006

2006, No. 26

Non-Fatal Offences against the Person Act 1997

1997, No. 26



**AN BILLE UM CHEARTAS COIRIÚIL (PRÍOSÚNÚ
NEAMHDHLEATHACH FORTHROMAITHE), 2012**
**CRIMINAL JUSTICE (AGGRAVATED FALSE
IMPRISONMENT) BILL 2012**

BILL

entitled

5
10 AN ACT TO AMEND THE PROVISIONS OF THE NON-
FATAL OFFENCES AGAINST THE PERSON ACT 1997 TO
PROVIDE FOR THE CREATION OF THE STATUTORY
OFFENCE OF AGGRAVATED FALSE IMPRISONMENT.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The Non-Fatal Offences against the Person Act 1997 is hereby amended by the insertion after section 15 of the following new section:

Amendment of
Non-Fatal Offences
against the Person
Act 1997.

15 “Offence of aggravated
false imprisonment.”
20 15A.—Any member or members of a criminal
organisation who, by themselves or aided by persons
unknown, participates or assists in, aggravated
false imprisonment for the purposes of
knowingly committing or facilitating the offence of
theft is guilty of an offence contrary to this
section.”.

2.—In this Act—

Interpretation.

25 “aggravated false imprisonment” (commonly referred to as tiger
kidnapping) means the false imprisonment of a person or persons
for the purposes of coercing another (hereinafter referred to as “the
victim”) to commit or assist in, the commission of the offence of
theft by holding the falsely imprisoned person or persons hostage as
collateral until such time as the victim has met the demands of a
criminal organisation;

30 “coercion” has the same meaning as that in section 9 of the Non-
Fatal Offences against the Person Act 1997;

“criminal organisation” has the same meaning as that in section 70
of the Criminal Justice Act 2006;

35 “false imprisonment” has the same meaning as that in section 15 of
the Non-Fatal Offences against the Person Act 1997.

Penalties.

3.—(1) A person or persons guilty of an offence under section 15A of the Non-Fatal Offences against the Person Act 1997 shall be liable—

(a) on summary conviction to a fine of €1,500 or a term of imprisonment not exceeding 12 months, or to both, 5

(b) on conviction on indictment to—

(i) imprisonment for life or such shorter period as the court may, subject to *subsections (1)(c) and (2)* of this section, determine, and

(ii) at the court's discretion, to a fine of such amount as the court considers appropriate, 10

(c) where a person is convicted of an offence under this section, the court shall, in imposing sentence, specify as the minimum term of imprisonment to be served by that person, a period of not less than 10 years. 15

(2) *Paragraph (c) of subsection (1)* shall not apply where the court is satisfied that there are exceptional and specific circumstances relating to the offence, or the person convicted of the offence, which would make a sentence of not less than 10 years imprisonment unjust in all the circumstances and for this purpose the court may have regard to any matters it considers appropriate, including— 20

(a) whether that person pleaded guilty to the offence and, if so—

(i) the stage at which he indicated the intention to plead guilty, and 25

(ii) the circumstances in which the indication was given, and

(b) whether that person materially assisted in the investigation of the offence including—

(i) admission that a criminal organisation exists, and 30

(ii) identification of other members of the criminal organisation.

(3) Where a person is convicted of a second or subsequent offence of aggravated false imprisonment, the court shall, in imposing sentence, specify a term of not less than 10 years as the minimum term of imprisonment to be served by the person. 35

Short title.

4.—This Act may be cited as the Criminal Justice (Aggravated False Imprisonment) Act 2012.