



# **DÁIL ÉIREANN**

---

## **AN BILLE UM CHEARTAS COIRIÚIL (CIONTUITHE SPÍONTA), 2012 CRIMINAL JUSTICE (SPENT CONVICTIONS) BILL 2012**

### **LEASUITHE TUARASCÁLA REPORT AMENDMENTS**

---



# DÁIL ÉIREANN

---

## AN BILLE UM CHEARTAS COIRIÚIL (CIONTUITHE SPÍONTA), 2012 —AN TUARASCÁIL

### CRIMINAL JUSTICE (SPENT CONVICTIONS) BILL 2012 —REPORT

---

#### *Leasuithe Amendments*

---

1. In page 3, line 28, to delete “12 months” and substitute “48 months”.

—Pádraig Mac Lochlainn.

2. In page 4, to delete lines 2 to 30 and substitute the following:

“ “relevant custodial sentence”, in relation to a person convicted of an offence, means a sentence or sentences of imprisonment for a term of 48 months or less imposed by a court on the person in respect of the offence (whether or not a fine is also imposed on the person in respect of the offence) and includes—

- (a) a sentence that is imposed concurrently with another sentence or sentences of imprisonment provided that the longer, or the longest, of the sentences is 48 months or less,
- (b) a sentence that is imposed consecutively with another sentence or sentences of imprisonment provided that the total period of imprisonment is 48 months or less,
- (c) a sentence of imprisonment for a term of 48 months or less, the execution of a part of which is suspended for a period specified by the court,
- (d) a sentence of imprisonment for a term of 48 months or less, the execution of a part of which is suspended for a period specified by the court but which suspension is subsequently revoked in whole or part by the court,
- (e) a sentence of imprisonment for a term of 48 months or less, the execution of the whole of which is suspended for a period specified by the court but which suspension is subsequently revoked in whole or in part by the court, or
- (f) a sentence of imprisonment for a term of 48 months or less which is imposed on the person in relation to the offence following a revocation under section 8 or 11, as the case may be, of the Criminal Justice (Community Service) Act 1983 of a community service order in respect of the offence;”.

—Pádraig Mac Lochlainn.

3. In page 4, line 35, to delete “2 years” and substitute “48 months”.

—Pádraig Mac Lochlainn.

4. In page 6, to delete lines 19 and 20.

—Pádraig Mac Lochlainn.

5. In page 9, between lines 28 and 29, to insert the following:

“9.—Convictions obtained outside of the State, that would for the purposes of the provisions of this legislation be considered “spent” were they obtained within the State shall be considered spent convictions.”.

—Pádraig Mac Lochlainn.

6. In page 9, between lines 28 and 29, to insert the following:

“9.—Where in respect of a person who has a conviction which is, in accordance with this Act, regarded as a spent conviction, a state other than the State requests information in respect of a citizen’s criminal record, any conviction which is deemed to be spent shall not appear in the response of the State, save where there is a specific enquiry in relation to spent convictions.”.

—Olivia Mitchell.

7. In page 9, between lines 28 and 29, to insert the following:

“9.—Where in respect of a person who has a conviction which is, in accordance with this Act, regarded as a spent conviction, an employer within the State or elsewhere requests information in respect of a citizen’s criminal record, any conviction which is deemed to be spent shall not appear in the response of the State, save where there is a specific enquiry in relation to spent convictions.”.

—Olivia Mitchell.

8. In page 11, between lines 10 and 11, to insert the following:

“(2) In the vetting of persons who seek positions of employment relating to children or vulnerable persons is concerned, this Act should be read in conjunction with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. In all other cases, the Gardaí (or any other body with access to such information) should only disclose convictions which are unspent. Information relating to cautions, investigations without charge, and dismissals under the Probation Act 1907 should not be disclosed in any circumstances, with the exception of those covered by the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.”.

—Maureen O'Sullivan.

9. In page 11, between lines 23 and 24, to insert the following:

“14.—The Minister will appoint the Data Protection Commissioner to cover complaints made in relation to enforcement and investigative powers.”.

—Maureen O'Sullivan.

10. In page 16, line 16, column 3, to delete “2 years” and substitute “1 year”.

—Pádraig Mac Lochlainn.

11. In page 16, line 19, column 3, to delete “3 years” and substitute “2 years”.

—Pádraig Mac Lochlainn.