ARRANGEMENT OF SECTIONS

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1. Interpretation.

2. Special provision in relation to Offences against Emergency Workers whilst on duty.

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AN BILLE UM IONSAITHE AR OIBRITHE ÉIGEANDÁLA, 2012

ASSAULTS ON EMERGENCY WORKERS BILL 2012

BILL

entitled

AN ACT TO REVISE THE LAW RELATING TO NON-FATAL OFFENCES AGAINST THE PERSON BY IMPOSING SPECIFIC TERMS OF IMPRISONMENT ON PERSONS FOUND GUILTY OF ASSAULTING MEMBERS OF THE EMERGENCY SERVICES WHILST ON DUTY.

BE IT ENACTED BY THE OIREACHTAS ASfollows:

1.—In this Act—

“child” means any person under the age of 16 years;

“emergency worker” means:

15 (a) any member of the Garda Síochána as provided for in the Garda Síochána Act 2005;

(b) any employee of the Health Service Executive providing an ambulance service for the transportation of seriously ill people to hospital or between hospitals;

20 (c) any employee of a private ambulance transport service providing an ambulance service for the transportation of seriously ill people to hospital or between hospitals;

(d) any member of the Civil Defence Ambulance Corps;

(e) any employee of a Local Authority established under the Local Government Act 2001 and who are members of a fire crew travelling to or from the scene of a fire;

25 (f) any medical practitioner or nurse providing medical care in the Accident and Emergency ward of a public or private hospital;

“assault causing serious harm” has the meaning afforded to it by section 4 of the Non-Fatal Offences Against the Person Act 1997;

“threats to kill or cause serious harm” has the meaning afforded to it by section 5 of the Non-Fatal Offences Against the Person Act 1997;
“an injury of another caused by the piercing of the skin of that other with a syringe” has the meaning afforded to it by section 6 of the Non-Fatal Offences Against the Person Act 1997.

2.—This Bill applies to:

(a) an assault causing serious harm to an emergency worker whilst he or she is on duty;

(b) a threat to kill or cause serious harm to an emergency worker whilst he or she is on duty; or

(c) an injury to an emergency worker whilst he or she is on duty caused by the piercing of that emergency worker with a syringe.

3.—(1) Where a person (other than a child) is convicted of an offence to which section 2 applies, the Court shall in passing sentence specify as being a minimum period of imprisonment to be served by that person a period of not less than 5 years.

(2) Subsection (1) of this section shall not apply where the Court is satisfied where there is exceptional and specific circumstances relating to the offence, or the person convicted of the offence, which would make a sentence of not less than 5 years imprisonment unjust in all the circumstances and for this purpose the Court may have regard to any matters it considers appropriate, including—

(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

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

and

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

4.—This Act may be cited as the Assaults on Emergency Workers Act 2012 and shall come into operation one month after its passing.