



DÁIL ÉIREANN

**AN BILLE PARÚIL, 2016
PAROLE BILL 2016**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE PARÚIL, 2016 —ROGHCHOISTE

PAROLE BILL 2016 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 5, line 13, to delete “1 June 2017.” and substitute the following:

“such day or days as may be fixed by order or orders made by the Minister, either generally or by reference to any particular purpose or provision, and different days may be so fixed for different purposes or different provisions.”.

—Jim O’Callaghan.

SECTION 2

2. In page 5, between lines 23 and 24, to insert the following:

““parole candidate” includes any individual who has made an application for parole;”.

—Clare Daly.

3. In page 5, line 24, to delete “*section 22*” and substitute “*section 22(1) and (2)*”.

—Clare Daly.

SECTION 4

4. In page 6, line 14, to delete “Act, shall” and substitute “Act shall”.

—Jim O’Callaghan.

SECTION 7

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

“(ii) to make recommendations regarding prisoner sentence management and issue orders regarding sentence management under *section 22(3)**.”.

—Clare Daly.

[**This is a reference to the subsection proposed to be inserted by amendment 72.*]

6. In page 8, line 14, to delete “generally.” and substitute the following:

“generally,

- (e) to make recommendations regarding the sentence management of prisoners and transfers to an open prison.”.

—Jim O’Callaghan.

[SECTION 8]

SECTION 8

7. In page 8, line 22, after “Courts” to insert “or is a practicing academic, barrister or solicitor of at least 10 years standing”.

—Jim O’Callaghan.

8. In page 8, line 28, to delete “or retired”.

—Mick Wallace.

9. In page 8, between lines 31 and 32, to insert the following:

“(i) a lay community representative, appointed following a transparent and objective recruitment process and selected by an independent body;”.

—Mick Wallace.

10. In page 8, to delete line 32 and substitute the following:

“(i) two persons appointed through a competitive selection process coordinated by the Public Appointments Service to have:”.

—Clare Daly.

11. In page 8, line 35, to delete “to have”.

—Jim O’Callaghan, Clare Daly.

12. In page 8, line 36, after “offenders;” to insert the following

“or

(iii) to be representative of the community in general.”.

—Jim O’Callaghan.

13. In page 8, between lines 36 and 37, to insert the following:

“(j) two persons appointed through a competitive selection process coordinated by the Public Appointments Service with knowledge and experience of working or volunteering in a support role with criminal offenders and discharged prisoners;”.

—Clare Daly.

14. In page 8, line 37, to delete “4 members” where it firstly occurs and substitute “6 members”.

—Jim O’Callaghan, Clare Daly.

15. In page 8, line 37, to delete “4 members” where it secondly occurs and substitute “6 members”.

—Jim O’Callaghan, Clare Daly.

16. In page 9, between lines 1 and 2, to insert the following:

“(3) (a) A selection competition shall be run by the Public Appointments Service in order to identify persons to be appointed pursuant to *subsection (2)(c), (d), (e), (f) and (g)*;

(b) The following criteria shall apply in respect of competitions for appointment

[SECTION 8]

under those subsections:

- (i) the competition for appointment pursuant to *subsection (2)(c)* shall be open only to individuals who are members of the College of Psychiatrists or such organisation or organisations as the Service considers to be representative of such medical practitioners;
- (ii) the competition for appointment pursuant to *subsection (2)(d)* shall be open only to individuals who are members of the Psychological Society of Ireland or such organisation or organisations as the Service considers to be representative of such psychologists;
- (iii) the competition for appointment pursuant to *subsection (2)(e)* shall be open only to individuals employed by the Irish Prison Service;
- (iv) the competition for appointment pursuant to *subsection (2)(f)* shall be open only to members of An Garda Síochána;
- (v) the competition for appointment pursuant to *subsection (2)(g)* shall be open only to individuals who have worked for at least 2 years as a probation or welfare officer.”.

—Clare Daly.

17. In page 9, to delete lines 8 to 17 and substitute the following:

“(c) *subsection (2)(c)* to (g) shall be appointed following a competitive selection process coordinated by the Public Appointments Service, subject to *subsection (3)**.”.

—Clare Daly.

[*This is a reference to the subsection proposed to be inserted by amendment 16.]

18. In page 9, line 14, after “(2)(e)” to insert “and (g)”.

—Jim O’Callaghan.

19. In page 9, to delete lines 18 and 19 and substitute the following:

“(4) Before selecting a person for appointment as a member, the Service shall be satisfied that the person has—”.

—Clare Daly.

20. In page 9, line 20, to delete “and”.

—Jim O’Callaghan.

21. In page 9, line 24, to delete “cultures.” and substitute the following:

“cultures,

(d) training or experience in interviewing techniques and proven analytical skills.”.

—Clare Daly.

[SECTION 9]

SECTION 9

22. In page 10, line 9, to delete “for” and substitute “from”.

—Jim O’Callaghan.

23. In page 10, lines 10 and 11, to delete “is adjudged bankrupt or makes a composition or arrangement with creditors or”.

—Jim O’Callaghan.

SECTION 10

24. In page 10, between lines 22 and 23, to insert the following:

“(3) The chairperson shall adhere to the principle of impartiality when appointing panel conveyors to a review or hearing.”.

—Mick Wallace.

SECTION 11

25. In page 11, line 17, to delete “sitting;” and substitute “sitting,”.

—Jim O’Callaghan.

SECTION 13

26. In page 11, line 35, to delete “3 or”.

—Clare Daly.

27. In page 11, lines 35 and 36, to delete “as the chairperson may in his or her discretion determine,”.

—Clare Daly.

28. In page 12, line 4, after “writing” to insert “, signed and dated”.

—Mick Wallace.

29. In page 12, between lines 4 and 5, to insert the following:

“(6) The decision must be provided directly to the prisoner within a reasonable timeframe.”.

—Mick Wallace.

SECTION 14

30. In page 12, line 29, to delete “or”.

—Jim O’Callaghan.

31. In page 12, line 30, to delete “or psychiatrist,” and substitute the following:

“, or

(viii) a psychiatrist or other medical practitioner.”.

—Jim O’Callaghan.

[SECTION 14]

32. In page 13, between lines 1 and 2, to insert the following:

- “(vi) the effect that the granting of parole may have on the prisoner’s family;
- (vii) the likelihood that being granted parole would facilitate or aid in the parole candidate’s reintegration into his or her family;”.

—Clare Daly.

33. In page 13, line 2, to delete “parole.” and substitute the following:

- “parole,
- (c) a parole panel shall have the power to procure from the Courts Service a transcript of the sentencing comments of a Judge in respect of a person seeking parole.”.

—Jim O’Callaghan.

34. In page 13, line 2, after “parole” to insert “or for transfer to an open prison”.

—Clare Daly.

35. In page 13, between lines 4 and 5, to insert the following:

- “(7) A psychologist, psychiatrist or other medical practitioner who prepares a report under *subparagraphs (vii) or (viii)* of subsection (5)(a)* of this section shall be entitled to seek and receive, for the purpose of preparing such a report, any medical notes on the parole candidate from any of the parole candidate’s medical practitioners unless the parole candidate refuses permission for such notes to be disclosed.”.

—Jim O’Callaghan.

[*This is a reference to the subparagraph proposed to be inserted by amendment 31.]

36. In page 13, line 15, after “hearing” to insert “if there is reason to do so”.

—Mick Wallace.

37. In page 13, line 25, to delete “proceedings” and substitute “hearing”.

—Jim O’Callaghan, Clare Daly.

38. In page 13, between lines 26 and 27, to insert the following:

- “(10) Any medical practitioner or psychologist who gives evidence to a parole panel shall be entitled—
 - (a) to give evidence on the medical or psychological condition of the parole candidate,
 - (b) to give evidence on the medical treatment of the parole candidate,
 - (c) to produce treatment notes concerning the parole candidate,
- unless the candidate refuses permission for such evidence to be given or notes to be disclosed.”.

—Jim O’Callaghan.

[SECTION 14]

39. In page 13, line 31, to delete “considered, necessary” and substitute “considered necessary.”.

—Jim O’Callaghan.

40. In page 14, line 14, to delete “proceedings” and substitute “hearing”.

—Jim O’Callaghan, Clare Daly.

SECTION 15

41. In page 14, lines 27 and 28, to delete all words from and including “but” in line 27 down to and including line 28 and substitute the following:

“and may involve an interview of the parole candidate in accordance with *section 14 (3)* if a panel believes this is appropriate.”.

—Jim O’Callaghan, Clare Daly.

42. In page 14, line 31, after “relates” to insert “and the parole candidate’s legal representative”.

—Mick Wallace.

43. In page 14, line 36, after “hearing” to insert “within 4 weeks of request”.

—Mick Wallace.

44. In page 14, to delete lines 38 to 40.

—Jim O’Callaghan.

45. In page 14, line 38, after “order” to insert “or an order under *section 22(3)**”.

—Clare Daly.

[*This is a reference to the subsection proposed to be inserted by amendment 72.]

46. In page 14, line 40, to delete “2 years” and substitute “1 year”.

—Clare Daly.

SECTION 16

47. In page 15, line 7, after “relates” to insert “and the parole candidate’s legal representative”.

—Mick Wallace.

48. In page 15, to delete lines 14 to 17 and substitute the following:

“(c) be present at all times during the hearing. Videolink should be used for victims, if for any reason the victim does not wish to be present,”.

—Mick Wallace.

49. In page 15, line 20, to delete “character.” and substitute the following:

“character,

(e) access training in interview skills and other relevant supports, which shall be provided by the Irish Prison Service.”.

—Mick Wallace.

[SECTION 16]

50. In page 15, line 21, after “order” to insert “or an order under *section 22(3)**”.

—Clare Daly.

[*This is a reference to the subsection proposed to be inserted by amendment 72.]

51. In page 15, line 23, to delete “2 years” and substitute “1 year”.

—Clare Daly, Mick Wallace.

SECTION 17

52. In page 15, between lines 23 and 24, to insert the following:

“17. (1) The Parole Board shall provide, on at least 3 occasions in a calendar year, one-day in-service training in interviewing techniques, relevant case law and legislation, risk assessment, decision making, and such other training as it sees fit.

(2) Attendance at 2 of these training sessions shall be obligatory for all Board members.”.

—Clare Daly.

SECTION 18

53. In page 16, to delete line 12.

—Clare Daly, Mick Wallace.

54. In page 16, line 14, after “process” to insert “including the plea entered”.

—Mick Wallace.

55. In page 16, line 23, to delete “victims.” and substitute the following:

“victims;

(d) the Board shall assess the extent to which the person whose parole is being considered has been rehabilitated and would, if granted parole, be capable of reintegrating into society.”.

—Jim O'Callaghan.

56. In page 16, line 23, to delete “victims.” and substitute the following:

“victims;

(d) the Board shall have regard to the extent to which the person whose parole is being considered has been rehabilitated.”.

—Clare Daly.

57. In page 16, line 23, to delete “victims.” and substitute the following:

“victims;

(d) the likelihood that any period of parole might aid and/or accelerate the person's reintegration into society as a law abiding person.”.

—Mick Wallace.

[SECTION 19]

SECTION 19

58. In page 16, line 30, after “person” to insert “or to make an order under *section 22(3)**”.

—Clare Daly.

[*This is a reference to the subsection proposed to be inserted by amendment 72.]

59. In page 16, to delete lines 32 and 33.

—Clare Daly, Mick Wallace.

60. In page 17, line 9, to delete “(Temporary Release of Prisoners) Act 2003” and substitute “Act 1960 as amended”.

—Jim O’Callaghan.

61. In page 17, line 21, after “treatment” to insert “, education or training”.

—Jim O’Callaghan, Clare Daly.

62. In page 17, line 26, to delete “person.” and substitute the following:

“person,

- (n) the plea made by the person seeking parole in respect of the offence for which he or she was sentenced.”.

—Jim O’Callaghan.

63. In page 17, line 26, to delete “person.” and substitute the following:

“person,

- (n) the likelihood that any period of parole might accelerate the person’s reintegration into his/her family.”.

—Clare Daly.

SECTION 20

64. In page 17, line 32, to delete “eight” and substitute “twelve”.

—Jim O’Callaghan.

65. In page 17, line 33, to delete “a person” and substitute “a person,”.

—Jim O’Callaghan.

66. In page 18, between lines 4 and 5, to insert the following:

- “(7) The Board must conduct a review for an eligible person within six months of the person’s eligibility date.”.

—Mick Wallace.

[SECTION 21]

SECTION 21

67. In page 18, between lines 4 and 5, to insert the following:

“Consideration for Parole

21. (1) An eligible person detained under a custodial sentence may apply to the Board to be considered for parole at any time subject to *subsection (2)* but not earlier than three months prior to that person’s parole eligibility date.
- (2) In the case of a second or subsequent application in relation to the same custodial sentence, an eligible person shall be entitled to bring a subsequent application after two years from the date of the most recent decision declining parole or within such shorter period as the Board may direct.
- (3) The Board may stipulate that any application shall be made in such form as may be prescribed.
- (4) The Board shall endeavour to consider any application as soon as reasonably practicable and shall schedule a review or hearing for that purpose at a time and place not more than six months after an application has been submitted.
- (5) The Board may make rules for the purpose of enabling this section to have full effect and such rules may contain such incidental, supplementary and consequential provisions as the Board considers to be necessary or expedient.”.

—Jim O’Callaghan.

[*Acceptance of this amendment involves the deletion of section 21 of the Bill.*]

68. In page 18, between lines 4 and 5, to insert the following:

“Consideration for Parole

21. (1) An eligible person detained under a custodial sentence may apply to the Board to be considered for parole at any time subject to *subsection (2)* but not earlier than three months prior to that person’s parole eligibility date.
- (2) The Board may stipulate that any application shall be made in such form as may be prescribed.
- (3) The Board shall endeavour to consider any application as soon as reasonably practicable and shall schedule a review or hearing for that purpose at a time and place not more than six months after an application has been submitted.
- (4) The Board may make rules for the purpose of enabling this section to have full effect and such rules may contain such incidental, supplementary and consequential provisions as the Board considers to be necessary or expedient.”.

—Clare Daly.

[**Acceptance of this amendment involves the deletion of section 21 of the Bill.*]

[SECTION 22]

SECTION 22

69. In page 18, to delete line 21, and substitute the following:

“(a) authorise the eligible person to whom it is addressed to be released from custody subject to the conditions set forth therein and to the provisions of this Act.”.

—Jim O’Callaghan.

70. In page 18, line 25, to delete “Without limiting *subsection (1) a*” and substitute “A”.

—Jim O’Callaghan.

71. In page 19, between lines 1 and 2, to insert the following:

“(3) A Parole Order shall be given to the Governor, or person for the time being performing the functions of Governor, of the prison concerned.

(4) The Governor, or person for the time being performing the functions of Governor, of the prison concerned to whom a Parole Order under this section is given shall comply with that Parole Order, and shall make and keep a record in writing of that Parole Order.

(5) The Board may specify conditions to which all eligible persons released pursuant to a Parole Order shall be subject or conditions to which specific persons shall be subject.”.

—Jim O’Callaghan.

72. In page 19, between lines 1 and 2, to insert the following:

“(3) (a) The Board may also issue orders regarding the sentence management of parole candidates, including an order for transfer to an open prison.

(b) Orders made under this subsection shall be subject to such conditions as the Board deems appropriate.”.

—Clare Daly.

SECTION 24

73. In page 19, line 20, to delete “or” where it firstly occurs.

—Jim O’Callaghan.

74. In page 19, line 29, to delete “(without limitation)”.

—Jim O’Callaghan.

75. In page 20, line 2, to delete “(if Board deems is practicable)” and substitute “, if the board deems it appropriate,”.

—Jim O’Callaghan.

76. In page 20, line 4, to delete “Failure” and substitute “Any failure”.

—Jim O’Callaghan.

[SECTION 25]

SECTION 25

77. In page 20, lines 14 to 17, to delete all words from and including “order—” in line 14 down to and including line 17 and substitute the following:

“order has committed a criminal offence.”.

—Clare Daly.

78. In page 20, line 17, after “has” to insert “seriously”.

—Mick Wallace.

79. In page 20, line 25, after “has” to insert “seriously”.

—Mick Wallace.

80. In page 20, line 35, to delete “parolee” and substitute “person who is on parole”.

—Jim O’Callaghan.

81. In page 20, line 37, after “order.” to insert the following:

“The hearing shall only consider the period that the person the subject of the parole order was released, including the behaviour and circumstances that led to suspension or revocation, and will not reinitiate the original parole process.”.

—Mick Wallace.

82. In page 21, line 17, to delete “2 years” and substitute “1 year”.

—Clare Daly.

83. In page 21, between lines 22 and 23, to insert the following:

- “(11) (a) Orders regarding sentence management made under *section 22(3)**, including an order for transfer to an open prison, may be revoked or suspended by the Governor of the relevant prison.
- (b) The Governor of the relevant prison shall inform the Board of a decision made under *paragraph (a)* no later than one week after that decision has been made.
- (c) The Governor of the relevant prison shall provide the Board with reasons, in writing, for a decision to revoke or suspend an order under *paragraph (a)*.”.

—Clare Daly.

[*This is a reference to the subsection proposed to be inserted by amendment 72.]

SECTION 26

84. In page 21, to delete lines 30 and 31 and substitute the following:

“(3) When *subsection (3)* does not apply, the Board may only exercise its powers under *subsection (1)* following a review or hearing.”.

—Clare Daly.

85. In page 21, to delete lines 37 to 39.

—Mick Wallace.

[SECTION 26]

86. In page 21, line 38, to delete “Board, shall” and substitute “Board shall,”.

—Jim O’Callaghan.

87. In page 21, line 38, to delete “within 21 days” and substitute “within 7 days”.

—Mick Wallace.

88. In page 21, line 39, to delete “parolee” and substitute “person who is on parole”.

—Jim O’Callaghan.

SECTION 27

89. In page 22, line 5, after “parole” to insert “and their legal representative”.

—Mick Wallace.

90. In page 22, line 9, after “prison” to insert “or institution”.

—Jim O’Callaghan.

91. In page 22, line 10, to delete “(if applicable)”.

—Jim O’Callaghan.

92. In page 23, between lines 7 and 8, to insert the following:

“(9) The Courts Service shall provide the Board with any Court documents requested by the Board and which evidence or record any recommendations of the Court that imposed sentence on the person seeking parole.”.

—Jim O’Callaghan, Clare Daly.

NEW SECTION

93. In page 23, after line 18, to insert the following:

“Amendment of section 23 of Criminal Justice Act 1951

29. The Criminal Justice Act 1951 is amended by the insertion of the following section after section 23A:

“**23B.**The Parole Board may commute any sentence of imprisonment imposed by a Court exercising criminal jurisdiction for the purpose of making a parole order in accordance with, and subject to such conditions as it may impose under, the *Parole Act 2017*.”.

—Jim O’Callaghan.

94. In page 23, after line 18, to insert the following:

“Amendment of section 2 of Criminal Justice Act 1960

30. Section 2 of the Criminal Justice Act 1960 is amended by—

(a) the substitution of the following paragraph for paragraph (a) of subsection (1):

“(a) for the purpose of assisting the Garda Síochána in the prevention,

[NEW SECTION]

detection or investigation of offences, or the apprehension of a person guilty of an offence or suspected of having committed an offence,”

- (b) the deletion of “concerned, or” from the end of paragraph (c) of subsection (1) and by the insertion of “concerned.”,
- (c) the deletion of paragraph (d) of subsection (1).”.

—Jim O’Callaghan.