



SEANAD ÉIREANN

AN BILLE UM FHÁLTAIS Ó CHOIREACHT (LEASÚ), 2016 PROCEEDS OF CRIME (AMENDMENT) BILL 2016

LEASUITHE COISTE COMMITTEE AMENDMENTS

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AN BILLE UM FHÁLTAIS Ó CHOIREACHT (LEASÚ), 2016 —AN COISTE

PROCEEDS OF CRIME (AMENDMENT) BILL 2016 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 2

1. In page 3, between lines 15 and 16, to insert the following:

“ ‘community and drug related initiatives’ means voluntary and State funded programmes established to discourage people from taking drugs, or established to assist in the rehabilitation of drug users, or benefit communities affected by drug use;”.

—*Senator Niall Ó Donnghaile.*

SECTION 3

- *2. In page 4, line 32, to delete “direction” and substitute “authorisation”.
3. In page 4, between lines 36 and 37, to insert the following:

“(8) Where property is seized and detained under subsection (1) or (2), an application to the Court for an interim order or an interlocutory order in respect of the property shall be made by the bureau officer concerned as soon as he or she has enough evidence to make such an application.”.

—*Senators Ivana Bacik, Kevin Humphreys, Denis Landy, Gerald Nash, Aodhán Ó Riordáin.*

- *4. In page 5, line 5, to delete “less than €5,000” and substitute “not less than €5,000”.
- *5. In page 5, line 33, to delete “during the currency of or upon” and substitute “before”.

SECTION 6

6. In page 6, between lines 11 and 12, to insert the following:

“Amendment of section 4 of Principal Act

6. Section 4(5) of the Act of 1996 is amended by the substitution of “community and drug related initiatives identified by the Minister for Justice and Equality” for “the Exchequer by the Minister”.”.

—*Senator Niall Ó Donnghaile.*

[SECTION 6]

7. In page 6, between lines 11 and 12, to insert the following:

“Amendment of section 4 of Principal Act

6. Section 4 of the Principal Act is amended in subsection (1) by substituting “4 years” for “7 years”.”.

—*Senator Lorraine Clifford-Lee.*

8. In page 6, between lines 11 and 12, to insert the following:

“Amendment of section 4A of Principal Act

6. Section 4A of the Principal Act is amended in subsection (1)(a) by substituting “4 years” for “7 years”.”.

—*Senator Lorraine Clifford-Lee.*

9. In page 6, between lines 11 and 12, to insert the following:

“Application of proceeds of disposal order to combat economic and social disadvantage

6. Section 4 of the Principal Act is amended by the substitution of the following for subsection (5):

“(5) The Minister may sell or otherwise dispose of any property transferred to him or her under this section, and any proceeds of such a disposition and any moneys transferred to him or her under this section shall be applied by the Minister, for the benefit of the Exchequer, on programmes or projects to assist the personal, educational and social development of persons from communities suffering from economic or social disadvantage.”.”.

—*Senators Ivana Bacik, Kevin Humphreys, Denis Landy, Gerald Nash, Aodhán Ó Riordáin.*

SECTION 7

10. In page 6, between lines 14 and 15, to insert the following:

“Report by Minister

7. The Minister shall, within three months of the enactment of this Act, lay before both Houses of the Oireachtas a report on measures that will be undertaken to tackle proceeds of crime within the unregulated gambling industry.”.

—*Senators Gerard P. Craughwell, Victor Boyhan.*

11. In page 6, between lines 14 and 15, to insert the following:

“Certain payments not to be proceeds of crime

7. The Principal Act is amended by the insertion of the following section after section 15:

“Certain payments not to be proceeds of crime

- 15A.** (1) Subsection (2) applies if by any enactment to be passed it is provided that a person who pays or gives another person money or other consideration for the purpose of engaging in sexual activity with a prostitute is guilty of an offence, while the receipt of money or other consideration paid or given for such a purpose is not made an offence.
- (2) If this subsection applies, then the money or other consideration referred to in subsection (1) shall not, by reason only of the passing of an enactment providing as referred to in that subsection, be the proceeds of crime for the purposes of the Principal Act.”.”

—*Senators Ivana Bacik, Kevin Humphreys, Denis Landy, Gerald Nash, Aodhán Ó Riordáin.*