



**An Bille um Cheartas Coiriúil (Pianbhreitheanna
Príosúnachta Fionraithe), 2016**
**Criminal Justice (Suspended Sentences of
Imprisonment) Bill 2016**

Meabhrán Mínitheach agus Airgeadais
Explanatory and Financial Memorandum



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Purpose of the Bill

The main purpose of the Bill is to amend section 99 (Power to suspend sentence) of the Criminal Justice Act 2006 in relation to the activation of a suspended sentence in the event of the commission of another offence by a person who is subject to a suspended sentence. The amendments are designed to clarify the procedures to be followed by the courts in such cases. The need for this amending legislation arises from a High Court judgment of 19 April 2016 which found certain provisions of section 99 to be unconstitutional.

Provisions of the Bill

The Criminal Justice (Suspended Sentences of Imprisonment) Bill 2016 provides for amendments to section 99 (Power to suspend sentence) of the Criminal Justice Act 2006 with the following effect -

- Where a person who is subject to an order for a suspended sentence commits a subsequent “triggering” offence during the period of the suspended sentence and is convicted of that triggering offence either during or within a certain period of the suspended sentence, he or she will, following sentencing for the triggering offence, be returned to the court which imposed the order for the suspended sentence to have the matter of activation of the suspended sentence dealt with.
- Where a person is returned to the court which imposed the order for the suspended sentence, the court will revoke the order and activate the suspended sentence unless it considers, in all of the circumstances of the case, that it would be unjust to do so.
- Where a person appeals his or her conviction or sentence for a triggering offence, the court which imposed the order for the suspended sentence will not consider revocation of the order and will adjourn the proceedings until the appeal for the triggering offence has been determined.
- The sentences of imprisonment will be served consecutively, with the suspended sentence consecutive to the sentence for the triggering offence.
- Where a suspended sentence is activated in part, a new order may be made suspending the remaining part of the suspended sentence.

- Where a suspended sentence is imposed by a court on appeal from another court, the court from which the appeal was taken will consider revocation of the suspended sentence.

Financial implications

It is not expected that the amending provisions contained in this Bill will result in any additional costs to the Exchequer.

*An Roinn Dlí agus Cirt agus Comhionannais,
Iúil, 2016.*