

# SEANAD ÉIREANN

## AN BILLE UM FHORÉIGEAN BAILE, 2017 —AN COISTE

### DOMESTIC VIOLENCE BILL 2017 —COMMITTEE STAGE

*Leasuithe Breise  
Additional Amendments*

*\*Government amendments are denoted by an asterisk*

#### SECTION 36

**\*47a.** In page 32, between lines 3 and 4, to insert the following:

#### **“Offence of coercive control**

- 36.** (1) A person commits an offence where he or she knowingly and persistently engages in behaviour that—
- (a) is controlling or coercive,
  - (b) has a serious effect on a relevant person, and
  - (c) a reasonable person would consider likely to have a serious effect on a relevant person.
- (2) For the purposes of *subsection (1)*, a person’s behaviour has a serious effect on a relevant person if the behaviour causes the relevant person—
- (a) to fear that violence will be used against him or her, or
  - (b) serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities.
- (3) A person who commits an offence under *subsection (1)* is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, and
  - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.
- (4) In this section, a person is a “relevant person” in respect of another person if he or she—
- (a) is the spouse or civil partner of that other person, or
  - (b) is not the spouse or civil partner of that other person and is not related to that other person within a prohibited degree of relationship but is or was in an intimate and committed relationship with that other person.”

[SECTION 36]

\*47b. In page 32, between lines 3 and 4, to insert the following:

**“Relationship between defendant and victim as aggravating factor in sentencing for certain offences**

37. (1) Where a court is determining the sentence to be imposed on a person for a relevant offence, the fact that the offence was committed by the person against a relevant person shall be treated, for the purpose of determining the sentence, as an aggravating factor.

(2) Subject to *subsection (3)*, where *subsection (1)* applies the court shall impose a sentence which is greater than that which would have been imposed if the person against whom the offence was committed was not a relevant person.

(3) *Subsection (2)* shall not apply where the court considers that there are exceptional circumstances justifying it not applying that subsection.

(4) The sentence imposed as a result of the application of *subsection (2)* shall not be greater than the maximum sentence permissible for the relevant offence concerned.

(5) In this section—

“Act of 1990” means the Criminal Law (Rape) (Amendment) Act 1990;

“relevant offence” means—

(a) an offence under sections 2 to 15 of the Non-Fatal Offences Against the Person Act 1997,

(b) any offence which involves violence or a threat of violence to a person other than an offence—

(i) referred to in paragraph (a), or

(ii) under *section 36#*,

(c) rape,

(d) rape under section 4 of the Act of 1990,

(e) sexual assault within the meaning of section 2 of the Act of 1990,

(f) aggravated sexual assault within the meaning of section 3 of the Act of 1990,

(g) an offence consisting of attempting or conspiring to commit, or aiding or abetting, counselling or procuring or inciting the commission of, an offence referred to in *paragraphs (a) to (f)*.

(6) In this section, a person is a “relevant person” in respect of another person if he or she—

(a) is the spouse or civil partner of that other person, or

(b) is not the spouse or civil partner of that other person and is not related to that other person within a prohibited degree of relationship but is or was in an intimate and committed relationship with that other person.”.

[SECTION 36]

[#*This is a reference to the section proposed to be inserted by amendment 47a.*]