



An Bille um Bannaí (Leasú), 2017
Bail (Amendment) Bill 2017

Mar a tionscnaíodh

As initiated



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BAIL (AMENDMENT) BILL 2017**

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ACT REFERRED TO

Bail Act 1997 (No. 16)



**AN BILLE UM BANNAÍ (LEASÚ), 2017
BAIL (AMENDMENT) BILL 2017**

Bill

entitled

An Act to amend the Bail Act 1997 and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act—

“Act of 1997” means the Bail Act 1997.

Amendment of section 2 of Act of 1997 10

2. Section 2 of the Act of 1997 is amended by—

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

“(1) Where an application for bail is made by a person charged with a serious offence, a Court shall refuse the application if the Court is satisfied that such refusal is reasonably considered necessary to prevent the commission of a serious offence by that person.” 15

(b) the substitution of the following subsection for subsection (2A):

“(2A) In addition to taking into account the matters referred to in subsection (2) in exercising its jurisdiction under subsection (1), where—

(a) an application for bail is made by a person charged with a serious offence which is a relevant offence, where the relevant offence is alleged to have been committed in a dwelling, and 20

(b) the circumstances specified in subsection (2b) exist in respect of the person making that application,

a Court, in exercising that jurisdiction, shall consider the existence of those circumstances as evidence that the person is likely to commit a relevant offence in a dwelling and shall refuse the application if satisfied that such refusal is reasonably considered necessary to prevent the commission of a relevant offence by that person.” 25

(c) deleting “, and” at the end of paragraph (b) of subsection (2B) and substituting “.”, and 30

(d) deleting paragraph (c) of subsection (2B).

Insertion of new section 6BA into Act of 1997

3. The following section is inserted after section 6B:

“6BA. (1) Subject to subsection (2), where a person (in this section referred to as “the person”) who— 5

(a) is charged with a relevant offence as provided for in subsection (2B) of section 2, and

(b) is admitted to bail on entering into a recognisance,

the Court shall make the recognisance subject to the following conditions: 10

(i) that the person’s movements while on bail are monitored electronically so that his or her compliance with the condition that he or she shall not commit an offence while on bail can be established, and

(ii) that for that purpose the person has an electronic monitoring device attached to his or her person, either continuously or for such periods as may be specified. 15

(2) The Court shall direct that the copy of the recognisance containing the conditions to which it is subject be given to—

(a) the person and any surety, 20

(b) the member in charge of the Garda Siochána Station for the place where the person is residing while the recognisance is in force, and

(c) the authorised person, if an authorised person is to be responsible for monitoring the person’s movements electronically.”.

Short title and commencement 25

4. (1) This Act may be cited as the Bail (Amendment) Act 2017.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 30

An Bille um Bannaí (Leasú), 2017

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Bannaí, 1997, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Teachta Séamus Ó Ceallacháin a thug isteach,
14 Nollaig, 2017*

Bail (Amendment) Bill 2017

BILL

(as initiated)

entitled

An Act to amend the Bail Act 1997, and to provide for related matters.

*Introduced by Deputy Jim O'Callaghan,
14th December, 2017*

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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