



**SEANAD ÉIREANN**

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**AN BILLE UM CHEARTAS COIRIÚIL (TRÉIMHSÍ  
ATHSHLÁNÚCHÁIN), 2018  
CRIMINAL JUSTICE (REHABILITATIVE PERIODS) BILL  
2018**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

## AN BILLE UM CHEARTAS COIRIÚIL (TRÉIMHSÍ ATHDHLÁNÚCHÁIN), 2018 —AN COISTE

### CRIMINAL JUSTICE (REHABILITATIVE PERIODS) BILL 2018 —COMMITTEE STAGE

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

#### SECTION 1

1. In page 5, lines 14 and 15, to delete “*sections 1, 3, 4, 5 and 6 and the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016*” and substitute “*section 2, Part 2 and the Act of 2016*”.

—*Senator Lynn Ruane.*

2. In page 5, line 17, to delete “*section 7*” and substitute “*Part 3*”.

—*Senator Lynn Ruane.*

3. In page 5, line 19, after “2018” to insert “and shall be construed together as one”.

—*Senator Lynn Ruane.*

4. In page 5, between lines 19 and 20, to insert the following:

“(4) This subsection, *Part 4\** and the Employment Equality Acts 1998 to 2015 may be cited together as the Employment Equality Acts 1998 to 2019 and shall be construed together as one.

—*Senator Lynn Ruane.*

[*\*This is the correct reference if amendment No. 25 is accepted.*]

5. In page 5, between lines 19 and 20, to insert the following:

(4) This subsection, *Part 5\** and the Children Acts 2001 to 2015 may be cited together as the Children Acts 2001 to 2019 and shall be construed together as one.”.

—*Senator Lynn Ruane.*

[*\*This is the correct reference if amendment No. 26 is accepted.*]

[SECTION 2]

SECTION 2

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

**“Definition**

2. In this Act, “Act of 2016” means the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.”.

—*Senator Lynn Ruane.*

[*Acceptance of this amendment involves the deletion of section 2 of the Bill.*]

SECTION 3

*Section opposed.*

—*Senator Lynn Ruane.*

SECTION 5

7. In page 6, line 28, to delete “24 years” and substitute “25 years”.

—*Senator Lynn Ruane.*

8. In page 6, line 29, to delete “committed and over” and substitute “committed,”.

—*Senator Lynn Ruane.*

9. In page 6, line 34, to delete “24 years” and substitute “25 years”.

—*Senator Lynn Ruane.*

10. In page 6, line 34, to delete “committed” and substitute “committed,”.

—*Senator Lynn Ruane.*

11. In page 7, line 1, to delete “24 years” and substitute “25 years”.

—*Senator Lynn Ruane.*

12. In page 7, line 2, to delete “committed and over” and substitute “committed,”.

—*Senator Lynn Ruane.*

13. In page 7, line 7, to delete “24 years” and substitute “25 years”.

—*Senator Lynn Ruane.*

14. In page 7, lines 7 and 8, to delete “committed and over” and substitute “committed,”.

—*Senator Lynn Ruane.*

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

“(5) Notwithstanding subsections (1) to (4), the relevant period in respect of a relevant sentence imposed on a person for an offence under section 3 of the Misuse of Drugs Act 1977 shall be the lesser of the following:

- (a) the period determined in accordance with subsections (1) to (4);

[SECTION 5]

(b) the period of 3 years.”.

—*Senator Lynn Ruane.*

16. In page 7, line 12, to delete “(5) The relevant” and substitute “(6) The relevant”.

—*Senator Lynn Ruane.*

SECTION 6

17. In page 7, to delete lines 36 to 41, and in page 6, to delete lines 1 to 5 and substitute the following:

“and

(b) by deleting subsections (3) and (5).”.

—*Senator Lynn Ruane.*

SECTION 7

18. In page 8, between lines 5 and 6, to insert the following:

**“Report on operation of Act**

7. The Act of 2016 is amended in Part 2 by inserting the following after section 13:

“13A. The Minister shall—

(a) not later than 2 years after this section comes into operation, commence a review of the operation of this Act, and

(b) not later than 12 months after the commencement of the review, make a report to each House of the Oireachtas of the findings made on the review and of the conclusions drawn from the findings.”.

—*Senator Lynn Ruane.*

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

**“Definition (Part 3)**

7. In this Part “Act of 2012” means the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.”.

—*Senator Lynn Ruane.*

20. In page 8, line 10, to delete “National Vetting Bureau (Children and Vulnerable Persons) Act 2012” and substitute “Act of 2012”.

—*Senator Lynn Ruane.*

21. In page 8, to delete lines 12 and 13 and substitute the following:

“(a) in subsection (1)—

(i) by substituting “a relevant court” for “the District Court”,

(ii) by inserting the following paragraph after paragraph (a):

[SECTION 7]

“(aa) the penalty imposed by the court in respect of the conviction concerned is a relevant sentence;

and

(iii) by substituting the following paragraph for paragraph (c):

(c) the relevant period that applies shall have ended;”.

—*Senator Lynn Ruane.*

22. In page 8, to delete lines 14 to 25 and substitute the following:

“(b) by deleting subsections (2) and (4),”.

—*Senator Lynn Ruane.*

23. In page 8, to delete lines 26 to 33 and substitute the following:

“(c) in subsection (5)—

(i) in the definition of “effective date of conviction”, by substituting “a relevant court” for “the District Court”, and

(ii) in the definition of “excluded offence” by substituting “2016;” for “2016.”, and by inserting the following definitions after the definition of “excluded offence”:

“ ‘relevant court’ means the District Court or the Circuit Court;

‘relevant period’ in relation to a relevant sentence of a court imposed on a person, means the period that applies under section 4A of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 in respect of the sentence and includes any extension of that period under section 4B of that Act;

‘relevant sentence’ has the meaning given to it in Part 2 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.”,

and

(d) by deleting subsection (6).”.

—*Senator Lynn Ruane.*

NEW SECTION

24. In page 8, after line 33, to insert the following:

**“Amendment of Schedule 3 to Act of 2012**

8. Schedule 3 to the Act of 2012 is amended in paragraph 16 by substituting “an offence under” for “a first offence under”.

—*Senator Lynn Ruane.*

[NEW SECTION]

25. In page 8, after line 33, to insert the following:

“PART 4

AMENDMENT TO EMPLOYMENT EQUALITY ACT 1998

**Discriminatory treatment of persons with spent convictions or findings of guilt**

8. The Employment Equality Act 1998 is amended by inserting the following section after section 14A:

“14B. (1) For the purposes of this Act, where an employer treats a person less favourably by reason of a spent conviction, the less favourable treatment constitutes discrimination by the employer in relation to the person’s access to, or conditions of, employment.

(2) For the purposes of subsection (1), a person is treated less favourably by reason of a spent conviction where each of the following applies:

(a) the person is an employee or prospective employee of the employer concerned;

(b) the person is a person to whom a spent conviction relates;

(c) the employer does either of the following:

(i) in the case of a prospective employee, requires the prospective employee to disclose a spent conviction or any circumstances ancillary to the conviction in the course of an application or interview for the employment concerned;

(ii) in the case of either an employee or a prospective employee, treats the person concerned less favourably for failure to disclose a spent conviction or any circumstances ancillary to the conviction in the course of an application or interview for the employment concerned.

(3) In relation to discrimination under subsection (1), nothing in this section shall render unlawful any act done in compliance with Part 3 of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

(4) In this section ‘spent conviction’ means—

(a) a conviction which is spent by virtue of section 5 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016,

(b) a finding of guilt to which section 258 of the Children Act 2001 applies, or

(c) a conviction made against a person under the law of another state or territory, which would, if the conviction concerned occurred in

[NEW SECTION]

the State, be a conviction to which paragraph (a) or (b) applies.”.”.

—*Senator Lynn Ruane.*

26. In page 8, after line 33, to insert the following:

“PART 5

AMENDMENT TO CHILDREN ACT 2001

**Amendment of section 258 (non-disclosure of certain findings of guilt) of Children Act 2001**

8. Section 258 of the Children Act 2001 is amended in subsection (1)—

- (a) in paragraph (c) by substituting “one year” for “three years”, and
- (b) by substituting “one-year period” for “three-year period” in both places occurring.”.

—*Senator Lynn Ruane.*

SCHEDULE

27. In page 9, to delete lines 6 to 12 and substitute the following:

“

Reference number	Relevant Sentence imposed	Duration of relevant period for persons aged 25 years and over	Duration of relevant period for persons who have reached the age of 18 years but have not yet reached the age of 25 years

”.

—*Senator Lynn Ruane.*

28. In page 10, to delete lines 3 to 9 and substitute the following:

“

Reference number	Sentence imposed	Duration of relevant period for persons aged 25 years and above	Duration of relevant period for persons who have reached the age of 18 years but have not yet reached the age of 25 years

”.

—*Senator Lynn Ruane.*



[TITLE]

TITLE

29. In page 5, line 8, after “spent,” to insert “to make consequential amendments to other Acts, to amend the Employment Equality Act 1998”.

—*Senator Lynn Ruane.*