



An Bille um Cheartas Coiriúil (Ord Poiblí) (Leasú), 2019
Criminal Justice (Public Order) (Amendment) Bill 2019

Meabhrán Mínitheach
Explanatory Memorandum



**AN BILLE UM CHEARTAS COIRIÚIL (ORD POIBLÍ) (LEASÚ),
2019
CRIMINAL JUSTICE (PUBLIC ORDER) (AMENDMENT) BILL
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EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of this Bill is to provide for the introduction of a mandatory prison sentence of 12 months, on summary conviction, in respect of an assault on a member of the emergency services. The Bill provides that on conviction on indictment the mandatory prison sentence is increased to 2 years and may extend to a term of 7 years imprisonment at the court's discretion.

The Bill also provides for the introduction of an offence of ramming an emergency services vehicle. A mandatory prison sentence of 12 months, on summary conviction, is provided in respect of this offence, which increases to 2 years on conviction on indictment and is extendible to a 10 year term at the court's discretion.

Provisions of the Bill

Section 1 defines the term "Act of 1994" as meaning the Criminal Justice (Public Order) Act 1994.

Section 2

Car ramming is not a specific offence in Ireland, though aspects of this conduct are punishable under other provisions of legislation. *Section 2* of the Bill provides for the introduction of an offence of ramming an emergency services vehicle and provides for the imposition of a mandatory prison sentence upon conviction. It does so by inserting a new provision into the Criminal Justice (Public Order) Act 1994. This new provision is based on Crimes Amendment (Ramming of Police Vehicles) Bill 2017 which applies in the Australian state of Victoria.

Section 2 inserts a new section 18A into the Criminal Justice (Public Order) Act 1994. The proposed new section 18A contains five subsections. The new subsection (1) makes it an offence for a person to ram an emergency services vehicle using another vehicle. The term "emergency services vehicle" is defined in subsection (4).

The new subsection (2) makes it an offence to cause an emergency services vehicle to be rammed using another vehicle.

The new subsection (3) provides for the penalties that can be imposed on conviction of an offence under subsection (1) or (2). On summary conviction a minimum term of 12 months imprisonment must be imposed. On conviction on indictment, a minimum term of 2 years imprisonment

must be imposed and this may be extended to a term of up to 10 years at the discretion of the court. A fine may be imposed in addition to a term of imprisonment.

The new subsection (4) makes it clear that a person may be found guilty of an offence under subsection (1) or (2) irrespective of whether any person was in or near the emergency services vehicle concerned at the time when it was rammed. A person may be found guilty irrespective of whether anyone was injured in the ramming. It also states that a person may be found guilty regardless of whether the offending person was in the offending vehicle or not. Lastly, it makes clear that a person may be found guilty irrespective of whether the emergency services vehicle in question was marked or unmarked as being such a vehicle.

The new subsection (5) defines two terms which are in the new section 18A. Firstly it defines the term “emergency services vehicle” and it also states that the term “peace officer” is defined by reference to section 19 of the 1994 Act.

Section 3 of the Bill provides for the introduction of a mandatory sentence for an assault on an emergency services worker – in this Bill referred to as a “peace officer”. A “peace officer” has been defined in section 19(6) of the 1994 Act as referring to a member of the Garda Síochána, a prison officer, a member of the fire brigade, ambulance personnel, or a member of the Defence Forces.

Section 3(a) of the Bill amends section 19 of the Criminal Justice (Public Order) Act 1994 by providing for the insertion of a new subsection (1A). The new subsection (1A) makes it an offence for a person to cause harm or serious harm to a peace officer.

Section 3(b) of the Bill amends section 19 of the 1994 Act by inserting a new subsection (2A). The new subsection (2A) provides for the introduction of a mandatory prison sentence of 12 months, on summary conviction, in respect of an assault on a peace officer. The new subsection (2A) also provides that on conviction on indictment the mandatory prison sentence is increased to 2 years, and may extend to a term of 7 years imprisonment at the court’s discretion. A fine may be imposed in addition to a term of imprisonment.

Section 3(c) of the Bill inserts two new definitions into section 19(6) of the 1994 Act. The new definitions relate to the term “harm” and “serious harm” which form the basis of the proposed new offence which is introduced under subsection (1) of this Bill.

Section 4(1) provides for the short title of this Act which is the Criminal Justice (Public Order) (Amendment) Act 2018. *Section 4(2)* provides for the collective citation of this Act with other related Acts.

Senators Robbie Gallagher, Lorraine Clifford-Lee and Diarmuid Wilson. Feabhra, 2019.