



**An Bille um Cheartas Coiriúil (Formhaoirsiú Barántas
Cuardaigh), 2023**

Criminal Justice (Search Warrant Oversight) Bill 2023

Meabhrán Miniúcháin
Explanatory Memorandum



**AN BILLE UM CHEARTAS COIRIÚIL (FORMHAOIRSIÚ
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CRIMINAL JUSTICE (SEARCH WARRANT OVERSIGHT) BILL
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EXPLANATORY MEMORANDUM

Purpose of Bill

The purpose of this Bill is to ensure adequate oversight and independence in the granting of search warrants. The granting of a search warrant is an exercise in balancing the common good with the individual's rights. It is of fundamental importance that a process granting a warrant provides review and oversight by an independent decision maker. This Bill reforms the granting of such warrants to ensure maximum oversight and independence so as to best protect citizen's rights.

Background

Currently members of An Garda Síochána, who are an officer of the rank of superintendent or above, are able to issue search warrants. This removes the need for court approval and thus bypasses an important part of the legal protections provided to citizens. This Bill will remove that ability and require approval from a court for all search warrants.

Provisions of the Bill

Section 1 provides for interpretation of the Bill and provides clarity as to the measures in the Bill.

Section 2 provides for the removal of Garda powers under the Act of 1939.

Section 3 provides for the removal of Garda powers under the Act of 1925.

Section 4 provides for the removal of Garda powers under the Act of 1963.

Section 5 provides for the removal of Garda powers under the Act of 1977.

Section 6 provides for the short title and for matters relating to commencement of the legislation.

*Patrick Costello, TD,
Iúil, 2023.*