

**REPORT OF THE JOINT SELECT COMMITTEE APPOINTED TO CONSIDER
AND REPORT ON THE BILLS SHORTLY ENTITLED, “THE CRIMINAL JUSTICE
(ADMINISTRATION) (AMENDMENT) ACT, 2023; THE OFFENCES AGAINST
THE PERSON (AMENDMENT) ACT, 2023; AND THE CHILD CARE AND
PROTECTION (AMENDMENT) ACT, 2023”**

**1. ESTABLISHMENT, COMPOSITION AND TERMS OF REFERENCE OF
THE COMMITTEE**

Members are reminded that on the 19th day of April, 2023, the Honourable Edmund Bartlett, Minister of Tourism and Leader of the House, having obtained suspension of the Standing Orders, moved:

BE IT RESOLVED that, notwithstanding Standing Order No. 76(1), this Honourable House appoint a Select Committee comprising the following Members:

The Honourable Delroy Chuck, KC, MP
The Honourable Fayval Williams, MP
Ms Kerensia Morrison, MP
Mr Donovan Williams, MP
Ms Tamika Davis, MP
Dr Angela Brown Burke, MP
Ms Derise Daley, MP

to sit jointly with a similar Committee to be appointed by the Honourable Senate to consider and report on the Bills shortly entitled:

- a. *the Criminal Justice (Administration) (Amendment) Act, 2023;*
- b. *the Offences Against the Person (Amendment) Act, 2023; and*
- c. *the Child Care and Protection (Amendment) Act, 2023*

Members are further reminded that on the 21st day of April, 2023, the Honourable Senator Aubyn Hill, Minister of Industry, Investment and Commerce and Acting Leader of Government Business, having obtained suspension of the Standing Orders, moved:

BE IT RESOLVED that, notwithstanding Standing Order No. 73(1), this Honourable Senate appoint a Select Committee comprising the following Members:

Senator Ransford Braham, CD, KC
Senator Sherene Golding Campbell
Senator Kavan Gayle, CD
Senator Dr Sapphire Longmore
Senator Donna Scott Mottley
Senator Lambert Brown, CD
Senator Sophia Frazer Binns

to sit jointly with a similar Committee appointed by the Honourable House of Representatives to consider and report its findings to this Honourable Senate on the Bills shortly entitled:

- a. *the Criminal Justice (Administration) (Amendment) Act, 2023;*
- b. *the Offences Against the Person (Amendment) Act, 2023; and*
- c. *the Child Care and Protection (Amendment) Act, 2023*

Members are also reminded that on the 30th day of June, 2023, the Honourable Senator Kamina Johnson Smith, Minister of Foreign Affairs and Foreign Trade and Leader of Government Business, having obtained suspension of the Standing Orders, moved:

BE IT RESOLVED with reference to the Resolution approved by this Honourable Senate on the 21st day of April, 2023, appointing a Joint Select Committee to consider and report on the Bills shortly entitled, “The Criminal Justice (Administration) (Amendment) Act, 2023”, “The Offences Against the Person (Amendment) Act, 2023”, and “The Child Care and Protection (Amendment) Act, 2023” that the name Senator Dr Sapphire Longmore be deleted and the name Senator Charles Sinclair be substituted therefor.

Members are also reminded that on the 1st day of November, 2023, a motion was moved in the House of Representatives, enabling the Committee to hold virtual and hybrid meetings.

2. OVERVIEW

The Memoranda of Objects and Reasons for the Bills provide that legislative amendments are necessary as a response to the country’s murder rate. It is being proposed that there be an increase in the mandatory minimum sentence for murder in specific legislation such as *the Criminal Justice (Administration) Act*; *the Offences Against the Person Act*; and *the Child Care and Protection Act*. In relation to the *Criminal Justice (Administration) Act*, it is being proposed that section 42E(3) of the Act be amended to provide that for murder falling within section 2(2) of the *Offences Against the Person Act*, the reduced sentence that may be imposed on a guilty plea by a defendant should not be less than thirty years. It is further proposed that section 42F of the Act be amended to provide that for the offence of murder, a term of life imprisonment shall be fifty years for the purposes of calculating a reduced sentence pursuant to Part 1A of the Act, upon a plea of guilt by the defendant. With regard to the *Offences Against the Person Act*, it is being proposed that the mandatory penalty specific to murder under section 3(1)(b) of the Act be increased, and that the minimum periods in section 3(1C) of the Act that must be served before an offender is eligible for parole should be increased. It is also proposed that section 78 of the *Child Care and Protection Act* be amended to specify that a child who is sentenced to a term of life imprisonment for murder should serve not less than twenty years before being eligible for parole. The proposed changes are outlined in the Bills shortly entitled, “*the Criminal Justice (Administration) (Amendment) Act, 2023*”; “*the Offences Against the Person (Amendment) Act, 2023*”; and “*the Child Care and Protection (Amendment) Act, 2023*”.

We enquired about the proposed mandatory minimum sentence for murder in other jurisdictions, and were advised of South Africa, the United Kingdom, Canada and the District of Columbia, Washington D.C. in the United States of America, which have a range of sentencing periods depending on the category of murder committed.

In examining the aforementioned Bills, your Committee took a consultative approach by inviting specific entities to make submissions on same. We also placed notices in the Sunday Observer and the Sunday Gleaner on the 28th day of May, 2023, soliciting the views of the public. The notice was also placed on the Parliament's social media platforms on 19th day of May, 2023.

We commenced our first meeting on the 17th day of May, 2023, and held our last meeting on the 28th day of November, 2023. We held a total of twelve meetings, two of which were hybrid.

We heard and received oral and written submissions from the following entities:

1. The Office of the Director of Public Prosecutions (ODPP)
2. The Jamaican Bar Association
3. The Office of the Children's Advocate (OCA)
4. The United Nations Children's Fund (UNICEF)
5. The Faculty of Law, The University of the West Indies, Mona
6. Child Watch Legal/Hear the Children's Cry
7. Jamaica Youth Advocacy Network
8. Jamaicans for Justice
9. Jamaican Psychological Society
10. Jamaica Psychiatric Association
11. The Office of the Public Defender

The following Ministries and Departments aided your Committee in its work:

1. The Ministry of Justice (MOJ)
2. The Ministry of Education and Youth (MOEY)
3. The Attorney-General's Chambers (AGC)
4. The Legal Reform Department (LRD)
5. The Office of the Parliamentary Counsel (OPC)

The OCA was also invited to the meetings of your Committee to be a part of the technical team to provide insight on matters discussed.

Your Committee now presents its findings and recommendations.

3. FINDINGS AND RECOMMENDATIONS

General findings

During your Committee's deliberations, we noted and discussed the following issues:

Statistical data on murder: cases before the courts, age distribution and sentencing

Data from the Court Administration Division (CAD) revealed that for the years 2017 to 2022, the number of new murder cases entered before the courts each year was as follows: 2017 (280); 2018 (388); 2019 (313); 2020 (360); 2021 (329); and 2022 (342). In terms of murder

cases disposed in the Home Circuit Court by year, we noted the following: 2017 (123), 2018 (106), 2019 (81), 2020 (66), 2021 (83), and 2022 (83). We were advised that based on the available sample data, guns, knives and machetes were the dominant weapons used over the period to carry out murders, and an estimated 17.50% of murders before the courts were in furtherance of or associated with another crime.

In respect of the age distribution of persons accused of murder from 2016 to 2022, persons within the age group of eighteen to twenty-six years accounted for the greatest proportion of murder cases at 40.38%, followed by persons within the age group of twenty-seven to thirty-five years, which accounted for 33.29% of murders. Persons ages sixty-one years old and over were the least accused of murder and the percentage for them stood at 1.69%. Minors accounted for 3.02% of persons accused of murder for the period.

The CAD advised that from a representative sample of murder cases disposed of in the Circuit Courts from 2018 to 2022, the mean length of sentences ranged from twenty-five to thirty years. The ODPP provided your Committee with a sentencing table from 1993 to 2023 of murder cases, which revealed that when high sentences were imposed by the courts, they were frequently reduced. It was further observed that when a sentence of death was appealed, it was usually reduced to a life sentence with parole. The highest life sentence that was imposed for a murder case that was appealed was forty-five years with an eligibility for parole. Members of your Committee were advised that less than 2% of sentences handed down for the period 2017 to 2022 were for more than twenty-five years before parole. The CAD noted that from sample data, it was estimated that the rate of recidivism was 19%, which was based on data of accused persons who were linked to other crimes previously brought before the courts. Your Committee was informed that an estimated 9% to 12% of murder cases brought before the Circuit Courts over the period were associated with revenge and reprisal killings. The CAD informed your Committee that 18% of cases with conviction rates were as a result of DNA evidence.

Incarceration and sentencing of children

We observed during our deliberations that stakeholders placed more emphasis on the proposed mandatory minimum sentence for minors who commit murder than the mandatory minimum being proposed for adults who commit murder, and the need to have effective rehabilitation in place for children. Having considered the high level of crime in the country, we questioned the appropriate number of years a child who committed murder should be sentenced for. We were informed that there was no concrete number of years a child should serve in prison before being rehabilitated, but by global comparison, most countries outlined in legislation a maximum term of imprisonment for juveniles who have committed serious crimes such as murder. It was revealed that the most common period globally was ten years. One stakeholder suggested that the proposed mandatory minimum sentence of twenty years should be the penalty imposed for children who have committed capital murder, and the sentencing of a child for other types of murders should be left to the discretion of a judge. We noted that the provision of the Bill shortly entitled, “the Child Care and Protection (Amendment) Act, 2023”, only provides for the narrow categories of offences in section

78(1) of the Act which would ordinarily attract a sentence of death, but for which such sentence of death cannot be pronounced or recorded because the offender was under the age of eighteen years at the time the offence was committed. Section 78 of the *Child Care and Protection Act* provides that no sentence of death could be imposed upon a child, but a child could be liable to be imprisoned for life. The OPC noted that the provisions of the Bill being considered did not differentiate between capital and non-capital murder, and a child under the age of fourteen years would be considered under section 78(5) of the *Child Care and Protection Act*. We observed that the sentencing of children aged twelve to under fourteen years would be considered in the provisions of the principal Act and would be subject to the discretion of the court.

The CDA informed your Committee that forty-seven minors aged eleven to seventeen years were charged with murder from January 2017 to June 30, 2023, five being children between the ages of eleven to fourteen years and forty-two being children ages fifteen to seventeen years. At our meeting held on October 18, 2023, we were advised by the Department of Correctional Services (DCS) that fewer than ten wards at the Hill Top Juvenile Correctional Centre and two wards at the South Camp Juvenile Remand and Correctional Centre had been convicted of murder. These were children between the ages of fifteen to seventeen years. We questioned the number of juveniles who were awaiting trial for murder at the Metcalfe Street Secure Juvenile Remand Centre and were told that seven children were awaiting trial for murder and the admission trend had been consistent over the last five years, except for 2023 which accounted for a decrease. We learned that when wards reached their eighteenth birthday, they would be transferred to an adult correctional or remand centre and the case file of the ward would be closed upon reaching this age. We took note of the fact that rehabilitative interventions would not continue when wards leave the juvenile correctional centres and enter adult correctional centres to serve the remainder of their sentence. **We recommend that rehabilitative interventions should be continuous for wards who leave the juvenile correctional centres and enter adult correctional centres since this would assist them in reintegrating into society.**

We enquired about the range of sentences for juveniles convicted of murder. Although we did not receive a definitive response regarding the range of sentences, we learnt that sentencing depended on the judges' discretion.

One stakeholder argued that the prefrontal cortex of the brain, which is responsible for cognitive behaviour, was not fully developed in teenagers. It was argued that this led to impulsive actions and behaviours and predisposed teenagers to impulse control problems, poor reasoning and outcomes. The view was expressed that consideration be given to an assessment of a child's unique circumstances, which includes taking into account the child's level of cognitive development, ability to understand the consequences of his or her actions, his or her background, the extent to which he or she could be influenced or induced by adults or others into a criminal act, the individual child's rehabilitative potential and the prospects for ensuring that he or she become a constructive member of society through positive interventions. We noted in our discussion with representatives from the DCS that wards had

similar social backgrounds such as being from single-parent households and having a lack of parental guidance.

We questioned if provisions were available for children who had mental-health issues at the juvenile correctional centres and were advised that a medical assessment was conducted on all children once they entered the facilities. We were advised that approximately 27% of children in custody were impacted by mental-health disorders, and out of a population of 202 juveniles, 54 children had psychosocial issues and 54 were on anti-psychotic medication. We noted that there were medical doctors, psychologists and psychiatrists who were assigned and scheduled to be at the juvenile facilities at different times. We further noted that psychiatrists were assigned and paid based on the needs of the facilities.

Rehabilitation at correctional facilities

We observed that there was a common trend in the submissions regarding the need for rehabilitation of the accused. One stakeholder expressed the view that a statistical analysis was required to determine and justify that long detention was necessary to effect the rehabilitation of youth offenders. On this basis, it was suggested that rehabilitation would have to be at the core in respect of sentencing. One stakeholder reasoned that global research has shown that confinement most often resulted in higher rates of re-arrest and re-incarceration compared with probation and other community alternatives to confinement. Some stakeholders pointed out that many incarcerated youths were maltreated by more hardened inmates in prisons and were also exposed to becoming hardened criminals. It was suggested that the Government should continue to invest in a strong and differentiated child justice system by taking into account international standards and best practices with focus on evidence-based violence prevention, restorative justice and rehabilitation programmes, and that there should be investment in services for children and their families in order to address the root causes of crime. It was also felt that imprisonment should be complemented by other orders that promote a child's rehabilitation such as mandatory counselling. One stakeholder suggested that more time and effort should be invested in programmes where at-risk youth might be positively engaged prior to joining criminal gangs and participating in criminal activities. It was felt by the stakeholder that youth who were solicited into criminal activities and imprisoned should be reintegrated into society with skills to become gainfully employed or educated, which could reduce the likelihood of them remaining complacent and being reintroduced to crime.

We enquired into the rehabilitative programmes that were available at the correctional facilities. The DCS advised us that whilst rehabilitative programmes were mandatory for juveniles, they were not mandatory for adults. We were alarmed that 83% of wards at the juvenile correctional centres were illiterate and children were not placed in academic groups according to their age but according to their academic levels. In particular, 50% of wards at the South Camp Juvenile Remand and Correctional Centre who were on remand and correctional orders had been expelled or suspended from schools and had not been in a school environment for one to three years before entering the facility. Despite this, we learnt of the different vocational programmes offered to juveniles at the four juvenile correctional

facilities, two of which were certified through the Human Employment and Resource Training Trust/National Training Agency (HEART/NSTA) Trust, that is, the Baker and Breakfast Cookery Programme and the Cosmetology Programme. Academic programmes and life skills programmes were also taught to children. We were informed that the programmes offered to wards were not structured to last for the period of time they were sentenced for but were continuous courses that were offered for six weeks or twelve to fifteen weeks. We questioned if the HEART/NSTA Trust programmes for wards were designed to allow them to move from the entry level to other programme levels. We were advised that the juvenile correctional institutions were not purpose built and were not suitable for HEART/NSTA Trust trainers, which meant that wards could only receive training at the basic level. We were informed that if new correctional facilities were in place, it would mean that the DCS would be able to “build out” according to the standards of the HEART/NSTA Trust to ensure that wards were advanced at different programme levels offered. **We recommend that steps be taken to address the issue, and that as an interim measure, provisions be made to allow wards to continue HEART/NSTA Trust programmes at the different levels when they complete their sentence at the juvenile correctional centres.**

We enquired whether there was any area of priority that should be addressed at juvenile correctional centres and was advised by UNICEF that a key area of challenge in many countries was improving investment in social workers. This was confirmed when the DCS advised us that at one of the juvenile correctional centres, four social workers were required to be on staff but only two were currently employed. This means that the ratio for social workers to wards would be disproportionate, leaving some wards unable to adequately receive the intervention needed for their reintegration into society. We were told that social workers were important to assess children and assist them to address their risk factors. It was therefore suggested that more investment be made in social workers, psychologists and educators to better assist youth to be reintegrated into society. **We concur with the sentiments and recommend that there be an increase in workers that are needed in different areas to assist youth in their rehabilitation whilst they are incarcerated.**

Although we did not discuss the rehabilitation of adults at the adult correctional centres, we were generally of the view that any rehabilitative programme offered to adults should be robust to ensure that they were adequately rehabilitated. We believe that this could avoid them being more of a danger to society when they leave than when they enter the system.

Conditions at the correctional facilities

Members of your Committee expressed concerns about the conditions of the prisons and are aware that the St. Catherine Adult Correctional Centre and the Tower Street Adult Correctional Centre were over 100 years old and were not reflective of what a modern prison should be. One Member of your Committee pointed out that the conditions at the correctional centres dehumanized inmates and the fear and vulnerability of persons when they were initially apprehended would be replaced with a “braggadocio” attitude whilst they are incarcerated. **We are of the view that new correctional facilities are needed to address the conditions of the prisons, but improvements could be made to the facilities as a**

short-term measure. We recommend that the Parliamentary Committee with oversight of the specific issue examine the country's correctional institutions in depth.

Coercion of a child by an adult to commit murder

We are cognisant of the fact that children could be coerced in many ways to commit criminal acts. We questioned if an adult who coerced a child to commit capital murder could be sentenced to a higher penalty. We were advised that the adult would be indicted as being an accessory before the fact to murder or the adult could be indicted for murder if it were clear that s/he was *particeps criminis* in a "common design" to kill. It was revealed that although the adult could be indicted for capital murder, s/he would not be subject to the full extent of the law in respect of sentencing because the adult would not have been the person to commit the act. It was further revealed to us that prosecutors would be obliged to indict in the absence of evidence in relation to coercion, and the concept of duress in relation to murder was not a defence in law. It was suggested that an examination of section 42K of *the Criminal Justice (Administration) (Amendment) Act 2015* be done to address the matter. One stakeholder noted that since a child could give evidence against an adult, clarity was required by policy makers in relation to section 20 of *the Plea Negotiations and Agreements Act* and the mandatory minimum sentencing regime for children. The Children's Advocate explained to Members of your Committee that under *the Criminal Justice (Administration) Act*, if a minor was charged with an adult, the child would not be sentenced under *the Child Care and Protection Act*, which meant that there are instances when an adult sentence could be attached to minors depending on how the matter was prosecuted. **We recommend that provision be made in legislation to punish adults who used children to commit heinous crimes.**

Concerns relating to plea negotiations under the Criminal Justice (Administration) Act

We noted that an accused could benefit from a discount in his or her sentence upon a plea of guilty under the *Criminal Justice (Administration) Act* or the *Plea Negotiations and Agreements Act*. We were advised that an accused would not be able to benefit from a discount in his or her sentence upon a plea of guilty for capital murder under *the Criminal Justice (Administration) Act* and only persons who committed non-capital murder could benefit from same. One Member of your Committee posited that the problem with sentence reduction under *the Criminal Justice (Administration) Act* was that the views of the victims or the family and friends of the victims were rarely taken into account, if ever. The view was expressed that there were many cases where the family of the victims would be aggrieved that the final sentence for an offender was too lenient. It was suggested that the *Plea Negotiations and Agreements Act* should be utilized more since guilty pleas would be followed by an agreed sentence with the defence, the prosecution and the court, and the likelihood of an appeal or concerns against the sentence imposed by the court would be avoided.

Specific findings

The Bill shortly entitled, "the Offences Against the Person (Amendment) Act, 2023"

Members of your Committee were advised that the circumstances that give rise to capital murder were found in section 2(1)(a) to (f), section 2(1A) and section 3(1A) of the *Offences*

Against the Person Act. We noted that the possible sentence for capital murder is either a sentence to death or to imprisonment for life and a judge can grant a life sentence without parole. Your Committee noted that the current life sentence for capital murder is a period not less than twenty years before becoming eligible for parole, and the proposal was to increase the same to a minimum of fifty years. We support the proposal since capital murder is the most egregious type of murder and the sentence for same should reflect the seriousness of the offence. We took note of the fact that the current penalty for non-capital murder is imprisonment for life or a term not being less than fifteen years, and there were a range of circumstances in which non-capital murder was committed such as in domestic situations. It was revealed that mitigating circumstances such as diminished responsibility or provocation could be factors considered to lessen the charge of murder to manslaughter. We took note that an accused person had to serve fifteen years before becoming eligible for parole if a life sentence was imposed. It was revealed that if a fixed term of not less than fifteen years imprisonment was imposed, the accused was required to serve at least ten years before becoming eligible for parole. The Bill proposes that, with respect to non-capital murder, a life sentence should be increased from a minimum of fifteen years to a minimum of forty years imprisonment before becoming eligible for parole with the alternative fixed term sentence of imprisonment increasing from a minimum of fifteen years to a period being not less than forty-five years with the accused being required to serve at least thirty-five years before becoming eligible for parole. The majority of the Committee agreed that the alternative fixed term sentence of imprisonment should be increased from a minimum of fifteen years to a period being not less than thirty years with the accused being required to serve at least twenty years before becoming eligible for parole. After extensive discussion on the matter, **we recommend that no change is necessary for the proposed amendments to section 3(1C)(a) and section 3(1C)(b)(i) of the principal Act, as reflected in the Bill. We, however, recommend that the following amendments be considered in relation to section 3 of the principal Act, that is:**

- (a) in subsection (1)(b), delete the word “fifteen” and substitute therefor the word “thirty”; and**
- (d) in subsection (1C)(b)(ii), delete the word “ten” and substitute therefor the word “twenty”.**

The Bill shortly entitled, “the Criminal Justice (Administration) (Amendment) Act, 2023”

Considering that your Committee recommends that pursuant to section 3(1)(b) of the *Offences Against the Person Act*, the court shall impose a sentence to imprisonment for life or such other term as it considers appropriate, but not less than thirty years for non-capital murder, we are of the view that section 42E(3) of the principal Act, which provides for the prescribed minimum penalty, should remain unchanged. **We therefore recommend that clause 2 of the Bill should be deleted and clause 3 be renumbered accordingly.**

The Bill shortly entitled, “the Child Care and Protection (Amendment) Act, 2023”

We noted that the provisions of the Bill in relation to capital murder did not apply to children under fourteen years but children over fourteen years. Your Committee agreed that section 78(5) of the principal Act, which provides that a child who is under fourteen years who

commits capital and non-capital murder should not be sentenced for a period exceeding twenty-five years, should remain unchanged. Members of your Committee were however divided regarding the proposed number of years that should be recommended for children aged fourteen to seventeen years who commit capital and non-capital murder¹. For capital murder, four Members of your Committee agreed that a child fourteen to seventeen years should be sentenced to imprisonment for life or to a term of not less than fifty years and not being eligible to parole before serving twenty years. One Member proposed that a child should be liable to be sentenced to a term of not less than fifty years and not being eligible for parole before thirty years. Two Members of your Committee were undecided regarding the minimum number of years to be proposed for the sentencing of children who commit capital murder. **It was recommended that the Bill should be amended to reflect the changes proposed by the majority of Members at the meeting, that is, a child between the ages of fourteen to seventeen years who is convicted of capital murder should be liable to be sentenced to imprisonment for life or to a term of not less than fifty years and not being eligible for parole before serving twenty years.**

For a conviction in relation to non-capital murder, it is recommended that a child who has attained the age of fourteen years shall be liable to be sentenced to imprisonment for life or such other term not less than thirty years but serving not less than fifteen years before becoming eligible for parole. Five Members of your Committee suggested that a child should serve a period of not less than fifteen years before becoming eligible for parole. However, of the five Members, one Member suggested that the determinate life sentence that should be served by a child should be twenty-five years whilst the other four Members suggested that the determinate life sentence that should be served should be thirty years. Two Members of your Committee suggested that a child should serve a period of not less than ten years before becoming eligible for parole and did not recommend a determinate life sentence that should be served. **It was recommended that the provisions of the Bill be amended to reflect the recommendation of the majority of Members at the meeting, that is, the court may specify a period of not less than fifteen years that a child should serve before becoming eligible for parole and that the determinate sentence that should be served should not be less than thirty years.**

OTHER RECOMMENDATIONS

The AGC advised us of a discrepancy regarding the provisions that were examined by the Committee in relation to the sentencing of children and section 78(4) of the *Child Care and Protection Act*, which provides that a child shall not be sentenced to imprisonment, with or without hard labour, for any offence. Rather, it was noted that the terminology of sentencing a child 'to be detained' is used in the *Child Care and Protection Act*. **We recommend that the appropriate Ministry undertake research to address the anomaly.**

¹ At the meeting held November 7, 2023, the Committee made its decision regarding the proposed sentences that should be imposed for children who commit capital and non-capital murder. Of the eight Members of the Committee who were in attendance at the meeting, one Member was not present at the time when the decision was made.

Having considered the fact that some firearms offences were increased to fifteen years in the new *Firearms (Prohibition, Restriction and Regulation) Act, 2022*, **we recommend that the penalties in other laws should be reviewed and updated.**

Your Committee recommends that for capital offences other than murder, a child who has attained the age of fourteen years should be liable to be sentenced to imprisonment for life or a fixed term not exceeding forty years.

4. ACKNOWLEDGEMENTS

Your Committee wishes to express its gratitude to the entities that made oral and written contributions on the Bills. Special thanks are also extended to the technical team from the MOJ; the MOEY; the OPC; the AGC; the LRD; and the OCA.

Your Committee wishes to express thanks to the media, which ably reported on the proceedings of the meetings. Your Committee also wishes to thank the Clerk and the staff of the Houses of Parliament for their support and courtesies extended during the meetings.

*Houses of Parliament
November, 2023*

APPENDIX I
RECOMMENDED AMENDMENTS MADE BY THE JOINT SELECT COMMITTEE
ON THE FOLLOWING BILLS:

THE CRIMINAL JUSTICE (ADMINISTRATION) (AMENDMENT) BILL

Provision	Amendment
Clause 2	Delete the clause and renumber clause 3 accordingly.
Memorandum of Objects and Reasons	Delete the second paragraph and substitute therefor the following – “ A decision has therefore been taken to amend the Criminal Justice (Administration) Act, in section 42F, to provide that, where the offence is murder, a term of life imprisonment shall be deemed to be a term of fifty years for the purposes of calculating a reduction of sentence pursuant to Part 1A of the Act, upon a plea of guilty by the defendant.”.

THE OFFENCES AGAINST THE PERSON (AMENDMENT) BILL

Provision	Amendment
Clause 2	1. In paragraph (a), delete the word “forty-five” and substitute therefor the word “thirty”. 2. In paragraph (d), delete the word “thirty-five” and substitute therefor the word “twenty”.

THE CHILD CARE AND PROTECTION (AMENDMENT) BILL

Provision

Amendment

Long Title	Insert next after the words “AN ACT to” the word “Further”.
Clause 1	Insert next after the word “(Amendment)” the words “(No. 2)”.
Clause 2	<p>Delete the clause and substitute therefor the following -</p> <p>“Repeal and replacement of section 78 of principal Act.</p> <p>2. Section 78 of the principal Act is repealed and the following substituted therefor -</p> <p>“Restriction on punishment.</p> <p>78. - (1) Except as provided in this section, a child shall not be -</p> <ul style="list-style-type: none">(a) sentenced to imprisonment, with or without hard labour, for any offence; or(b) committed to an adult correctional centre in default of payment of any fine, damages or costs. <p>(2) Sentence of death shall not be pronounced or recorded against -</p> <ul style="list-style-type: none">(a) a child convicted of an offence; or(b) any other person convicted of an offence, if it appears to the court that at the time when the offence was committed the person was under the age of eighteen years. <p>(3) In any case where a sentence of death could have, but for subsection (2), been imposed, then, notwith-</p>

standing the Parole Act and section 3
of the Offences Against the Person
Act –

(a) if the offence is murder and –

(i) the offender is a person
referred to in subsection
(2)(b) –

(A) the offender
shall be liable
to be sentenced
to imprison-
ment for life or
for such other
term of not
less than fifty
years as the
court considers
appropriate;
and

(B) on sentencing
the offender,
the court may
specify a
period of not
less than
twenty years
which the
offender
should serve
before
becoming
eligible for
parole;

(ii) the offender is under
the age of fourteen years,
the offender shall,
subject to subsection (4),
be dealt with in any

manner provided by
section 76; or

(iii) the offender is a child
who has attained the age
of fourteen years –

(A) the offender
shall be liable
to be sentenced
to imprisonment for life or
such other
term of not
less than fifty
years as the
court considers
appropriate;
and

(B) on sentencing
the offender,
the court may
specify a
period of not
less than
twenty years
which the
offender
should serve
before
becoming
eligible for
parole; or

(b) if the offence is an offence
other than murder, the offender
shall be liable to be sentenced
to imprisonment for life or for
such other term not exceeding
forty years as the court
considers appropriate, and the
court on sentencing the

offender may specify a period which the offender shall serve before becoming eligible for parole,

and a person so sentenced shall be liable to be detained in such place (including an adult correctional centre, if the person has attained the age of fourteen years), and on such conditions, as the Minister may direct and, while so detained, shall be deemed to be in legal custody.

(4) Where a child who is under the age of fourteen years commits an offence specified in the Fourth Schedule and the court is of the opinion that none of the other methods in which the case may legally be dealt with is suitable –

- (a) the court may sentence the child to be detained for such period, not exceeding twenty-five years, as the court may determine; and
- (b) the child shall, during that period be liable to be detained in such place (including an adult correctional centre), and under such conditions, as the Minister may direct and, while so detained, shall be deemed to be in legal custody.

(5) Notwithstanding section 3 of the Offences Against the Person Act, where a child who has attained the age of fourteen years is convicted of the offence of murder falling within section 2(2) of that Act –

- (a) the child shall be liable to be sentenced to imprisonment for life or for such other term of not less than thirty years as the court considers appropriate; and
- (b) on sentencing the child, the court may specify a period of not less than fifteen years which the child should serve before becoming eligible for parole,

and the child shall during that period be liable to be detained in such place (including an adult correctional centre), and under such conditions, as the Minister may direct and, while so detained, shall be deemed to be in legal custody.”.

**APPENDIX II
ATTENDANCE
TWELVE MEETINGS**

Member	Present	Absent	Apologies
Hon. Delroy Chuck, KC – Chairman	12	-	-
Hon. Fayval Williams	7	5	2
Ms Kerensia Morrison	2	10	2
Mr Donovan Williams	7	5	1
Ms Tamika Davis	5	7	4
Dr Angela Brown Burke	-	12	5
Ms Denise Daley	4	8	2
Senator Ransford Braham, CD, KC	-	12	-
Senator Sherene Golding Campbell	11	1	-
Senator Kavan Gayle, CD	12	-	-
*Senator Charles Sinclair	9	1	1
Senator Donna Scott Mottley	9	3	3
Senator Lambert Brown, CD	3	9	7
Senator Sophia Frazer-Binns	9	3	2

*Member could possibly attend ten meetings.

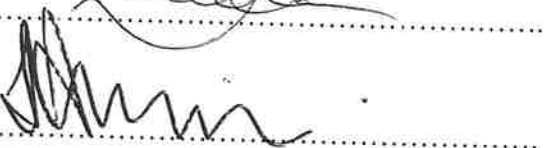
SIGNATURES

Hon. Delroy Chuck, KC – Chairman 


Hon. Fayval Williams 

Ms Kerensia Morrison 

Mr Donovan Williams 

Ms Tamika Davis 

Dr Angela Brown Burke

Ms Denise Daley 

Senator Ransford Braham, CD, KC

Senator Sherene Golding Campbell

Senator Kavan Gayle, CD 

Senator Charles Sinclair

Senator Donna Scott Mottley

Senator Lambert Brown, CD

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SIGNATURES

Hon. Delroy Chuck, KC – **Chairman**

Hon. Fayval Williams

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