

**THE OFFICIAL GAZETTE      11<sup>TH</sup> JULY, 2008**  
**LEGAL SUPPLEMENT      C**

**BILL No. 9 of 2008**

*Friday 11<sup>th</sup> July, 2008*

PARLIAMENT OFFICE  
Public Buildings,  
Georgetown,  
Guyana

11<sup>th</sup> July, 2008.

The following Bill which will be introduced in the National Assembly is published for general information.

*S. E. Isaacs,*  
Clerk of the National Assembly.



**GUYANA**

**BILL No. 9 OF 2008**

**PREVENTION OF CRIMES (AMENDMENT) BILL 2008**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. Repeal and re-enactment of section 3 of the Principal Act.
3. Amendment of section 4 (3) of the Principal Act.
4. Insertion of a new section 18A in the Principal Act.
5. Insertion of Schedule to the Principal Act.

**A BILL**  
**Intituled**

AN ACT to amend the Prevention of Crimes Act.

A.D. 2008

Enacted by the Parliament of Guyana:-

Short title.  
Cap.9:01

1. This Act, which amends the Prevention of Crimes Act, may be cited as the Prevention of Crimes (Amendment) Act 2008.

Repeal and re-enactment of section 3 of the Principal Act.

2. Section 3 of the Principal Act is repealed and the following section substituted for that section-

“Certain convicted persons to be subjected to police supervision.  
3. (1) Where any person is convicted on indictment of a crime, in addition to the punishment awarded, he shall be subject to the supervision of the police commencing immediately after the expiration of the sentence passed on him, in the following manner-

- (a) where he has no previous conviction of any crime, for a period of one year;
- (b) where he has one previous conviction of any crime, for a period of two years; and
- (c) where he has more previous convictions than one of any crime, for a period of three years.

(2) Notwithstanding anything in subsection (1), every person shall, immediately after expiration of the sentence passed on him on conviction of an offence, be subject to the supervision of the police-

- (a) for three years, in case of an offence

mentioned in Part I of the Schedule;  
and

(b) for life, in case of a paedophile offence referred to in Part II of the Schedule

(3) For the purposes of subsection (2), a person who commits an offence mentioned in Part II of the Schedule shall be deemed to be a paedophile and the offence a paedophile offence.”.

Amendment of section 4 (3) of the Principal Act.

3. Section 4 (3) of the Principal Act is amended by the substitution for the words “liable on summary conviction to imprisonment- for three months” of the words “liable on summary conviction to imprisonment for one year and to a fine of two hundred and fifty thousand dollars”.

Insertion of a new section 18A in the Principal Act.

4. The Principal Act is amended by the insertion immediately after section 18 of the following section as section 18A-

“Power to amend the Schedule.

18A. Subject to affirmative resolution of the National Assembly, the Minister may by order amend the Schedule by deleting an offence from, or including an offence in, the Schedule.”.

Insertion of Schedule to the Principal Act.

5. The Principal Act is amended by the insertion immediately after section 19 of the following Schedule-

## “SCHEDULE ss. 3 and 18A.

### PART I OFFENCES

1. Armed robbery.
2. Domestic violence.
3. Hijacking.
4. Offences involving use of fire-arms or explosives.
5. Piracy.

**PART II**  
**OFFENCES UNDER ANY LAW INVOLVING**  
**ANY OF THE ACTS MENTIONED BELOW**  
**AFFECTING A CHILD AS VICTIM**

1. Molestation.
2. Rape.
3. Sexual exploitation.
4. Pornography.
5. Prostitution.
6. Incest.
7. Kidnapping.”.

## EXPLANATORY MEMORANDUM

The Bill seeks to amend the Prevention of Crimes Act (Cap.9:01) so as to prevent repeated commission of crimes.

At present, section 3 of the Act provides for subjecting persons who have been convicted of certain crimes defined in the Act to police supervision only if the court having cognizance of the indictment direct the person to be so subjected to police supervision. Upon the order of the court, a person who has one previous conviction shall be subject to police supervision for a period not exceeding one year and a person who has more than one previous conviction to a period not exceeding three years, immediately after the person has completed his period of imprisonment.

Of late, it has been noticed that there has been a spate of commission of heinous offences by persons who have earlier been convicted. Further the requirement of subjecting to police supervision is not compulsory and occurs only in cases where the court has directed such supervision. With a view to curbing crimes in a more effective manner, it is considered necessary to subject every person convicted on indictment of a crime to compulsory police supervision immediately after serving the sentence. In case of persons who have been convicted of certain offences such as armed robbery, offences involving use of fire-arms or explosives and domestic violence mentioned in the **Schedule** sought to be inserted *vide* **clause 5** of the Bill, mandatory police supervision for three years has been provided. In case of paedophile offences mentioned in Part II of the **Schedule**, the police supervision shall be for life. It is also proposed to enhance the punishment for non-compliance with the requirement under the proposed section 3.

**Clause 1** of the Bill sets out the short title of the proposed legislation.

**Clause 2** seeks to repeal and re-enact section 3 of the Act relating to police supervision in accordance with the direction of the court in respect of persons who have been convicted on at least two occasions for commission of certain crimes. The proposed section 3(2) makes supervision of the police mandatory for three years in respect of persons who have

completed their sentences for commission of certain offences mentioned in **Part I** of the **Schedule** and for life in case of certain offences mentioned in **Part II** of the **Schedule**. For this requirement, no order of the court is necessary.

**Clause 3** seeks to amend section 4(3) of the Act relating to the requirement of notifying the place of residence or change of residence of the person under police supervision. The amendment enhances the punishment, for violating the provisions of section 4, from imprisonment for three months, as at present, to imprisonment for one year and also to a fine of two hundred and fifty thousand dollars.

**Clause 4** seeks to insert a new section 18A in the Principal Act empowering the Minister to amend the Schedule, subject to affirmative resolution of the National Assembly.

**Clause 5** seeks to insert a **Schedule** to the Act mentioning the offences referred to in the proposed section 3(2) for which supervision of the police is provided.



  
**Minister of Home Affairs.**