

CAYMAN ISLANDS



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THE CRIMINAL PROCEDURE CODE (AMENDMENT) LAW, 2011

(LAW 33 OF 2011)

CAYMAN ISLANDS

Law 33 of 2011.

I Assent

Duncan Taylor

Governor.

5th January, 2012

A LAW TO AMEND THE CRIMINAL PROCEDURE CODE (2011 REVISION) TO PROVIDE PENALTIES, AND INCREASE PENALTIES, FOR OFFENCES AGAINST PUBLIC ORDER; AND TO MAKE PROVISION FOR INCIDENTAL AND CONNECTED MATTERS

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Criminal Procedure Code (Amendment) Law, 2011.

Short title and commencement

(2) This Law comes into force immediately after the Penal Code (Amendment) Law, 2011 comes into force.

2. The Criminal Procedure Code (2011 Revision) is amended in the First Schedule as follows -

Amendment of First Schedule to the Criminal Procedure Code (2011 Revision) - mode of trial and arrestable offences

- (a) in that part of column 5 relating to section 69 by deleting the words "One year" and substituting the words "Three years";
- (b) in that part of column 5 relating to section 70 by deleting the word "Two" and substituting the word "Four";
- (c) in that part of column 5 relating to section 82 by deleting "\$100" and substituting "\$2,000";
- (d) in that part of column 5 relating to section 86 by deleting the word "Two" and substituting the word "Four";

- (e) by deleting the items in the columns relating to section 88 and substituting the following items -

“C	A	88	Causing fear, or provocation of violence	Three years
C	A	88	Causing fear, or provocation of violence by night	Four years”;

- (f) by inserting, after section 88, the following sections, namely, sections 88A, 88B and 88C to which the following shall apply -
- (i) the nature of the respective offences shall be -
 - (A) in relation to section 88A, “Intentional harassment, alarm or distress”;
 - (B) in relation to section 88B, “Harassment, alarm or distress”;
 - (C) in relation to section 88C, “Threat to kill”;
 - (ii) the mode of trial shall be Category B;
 - (iii) each of the respective offences shall be an arrestable offence; and
 - (iv) the maximum punishment shall be -
 - (A) in relation to sections 88A and 88B, imprisonment for three years or, if the offence is committed by night, imprisonment for four years;
 - (B) in relation to section 88C, imprisonment for ten years;
- (g) by inserting, after section 134, section 134A to which the following shall apply -
- (i) the nature of the offence shall be “Gross indecency”;
 - (ii) the mode of trial shall be Category B;
 - (iii) the offence shall be an arrestable offence; and
 - (iv) the maximum punishment shall be imprisonment for twelve years;
- (h) in that part of column 5 relating to section 158 by deleting “Three months \$500” and substituting “Four years \$2,000”;
- (i) in those parts of column 5 relating to section 159(1) -
- (i) by deleting the words “One year” and substituting the words “Three years”; and
 - (ii) by deleting the word “Two” and substituting the word “Four”;
- (j) in that part of column 5 relating to section 164 by deleting “\$100” and substituting “\$2,000”;

- (k) in that part of column 5 relating to section 165 by deleting “Thirty days \$30” and substituting “One year \$1,000”;
- (l) in that part of column 5 relating to section 166 by deleting “Three months \$100” and substituting “Four years \$2,000”;
- (m) in that part of column 5 relating to section 231 by deleting “Twenty years subject to a minimum term of imprisonment of ten years....\$100,000” and substituting “Twenty years \$500,000”;
- (n) in that part of column 5 relating to section 232 by deleting “Twenty years subject to a minimum term of imprisonment of ten years....\$100,000” and substituting “Twenty years \$500,000”;
and
- (o) by inserting, after section 232, the following sections, namely, sections 232C(2) and 232D(3) to which the following shall apply -
 - (i) the nature of the respective offences shall be -
 - (A) in relation to section 232C(2), “Refusal to comply with a direction; resisting removal”; and
 - (B) in relation to section 232D(3), “Failure to comply with an order; obstruction of police officer”;
 - (ii) the mode of trial shall be Category B;
 - (iii) each of the respective offences shall be an arrestable offence; and
 - (iv) the maximum punishment shall be a fine of \$3,000 and imprisonment for four years.

Passed by the Legislative Assembly the 5th day of December, 2011.

Mary J. Lawrence

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.