

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE CRIMINAL PROCEDURE CODE
(2011 REVISION) TO PRESCRIBE THE MODE OF TRIAL FOR
OFFENCES RELATING TO CHILD PORNOGRAPHY; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2012

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Criminal Procedure Code (2011 Revision) for the purpose of prescribing the mode of trial for various offences relating to child pornography, including -

- (a) taking or possessing an indecent photograph or pseudo-photograph of a child;
- (b) publishing, possessing or accessing child pornography;
- (c) publishing child pornography through a computer system;
- (d) producing child pornography for the purpose of its publication through a computer system;
- (e) possessing child pornography in a computer system; and
- (f) accessing child pornography through a computer system.

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Criminal Procedure Code (Amendment) Law, 2012.

Short title and
commencement

(2) This Law comes into force immediately after the Penal Code (Amendment) Law, 2012 comes into force.

2. Schedule 1 to the Criminal Procedure Code (2011 Revision) is amended by inserting in the respective columns, after section 223, the following items relating to sections 228A, 228B and 228C -

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

"Mode of trial category	Whether arrestable without a Warrant "A" means arrestable	Penal Code (2010 Revision) Section	Nature of Offence	Maximum punishment
B	A	228A(1)(a)	Possessing indecent photograph or pseudo-photograph of child	Twelve years
B	A	228A(1)(b)	Taking, permitting to be taken or making indecent photograph or pseudo-photograph of child	Twelve years
B	A	228A(1)(c)	Distributing or showing indecent photograph or pseudo-photograph of child	Twelve years
B	A	228B(1)(a)	Making, printing, publishing, or possessing for the purpose of publication, child pornography	Twelve years
B	A	228B(1)(b)	Transmitting, making available, distributing, selling, advertising, importing, exporting, or possessing for the purpose of transmission, making available, distribution, sale, advertising or exportation, child pornography	Twelve years

