

CAYMAN ISLANDS



Supplement No. 2 published with Extraordinary
Gazette No.35 dated 6 October, 2005.

**A BILL FOR A LAW TO AMEND THE PRISONS LAW, 1975 TO
CHANGE THE ELIGIBILITY REQUIREMENTS FOR RELEASE ON
LICENCE; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

MEMORANDUM OF OBJECTS AND REASONS

A recent upsurge in violent crimes and acute recidivism among ex-convicts have prompted the Government to review the requirements for early release of prisoners. In 1992 section 31A of the Prisons Law, 1975 was amended to change the portion of a sentence that has to be served prior to a prisoner becoming eligible for release on licence. The Law prior to 1992 provided that a prisoner would be eligible for such release after having served one-half of his sentence. The 1992 amendment to the Law reduced the period from one-half to one-third.

It is proposed, in relation to persons convicted of offences set out in the Schedule to this legislation, to provide that such prisoners should serve at least five –ninths of their sentence before they become eligible for release on licence. Offences in the Schedule include offences such as manslaughter, rape, theft, burglary and conspiring to defeat justice.

ARRANGEMENT OF CLAUSES

1. Short title.
2. Amendment of section 31A the Prisons Law, 1975 – release on licence.
3. Insertion of Schedule.
4. Transitional.

CAYMAN ISLANDS

**A BILL FOR A LAW TO AMEND THE PRISONS LAW, 1975 TO
CHANGE THE ELIGIBILITY REQUIREMENTS FOR RELEASE ON
LICENCE; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Prisons (Amendment) Law, 2005. Short title

2. The Prisons Law, 1975 is amended in section 31A by repealing subsection (1) and substituting the following- Amendment of section 31A the Prisons Law, 1975 – release on licence

“(1) In lieu of any remission that may be granted under section 29, the Governor, acting in his discretion and on such conditions as he may think necessary, may order the release on licence-

 - (a) of a convicted prisoner serving a sentence for any offence specified in the Schedule at any time after he shall have served at least five-ninths of his sentence;
 - (b) of a convicted prisoner serving a sentence for an offence not specified in the Schedule at any time after he shall have served at least one year’s imprisonment or one-third of his sentence, whichever shall be the greater; or
 - (c) of a convicted prisoner serving a sentence of life imprisonment or being detained during the Governor’s pleasure, at any time.”.

3. The Prisons Law, 1975 is amended by inserting the following Schedule- Insertion of Schedule

“SCHEDULE

Specified offences

Drug trafficking offences under the Misuse of Drugs Law (2000 Revision)

Importing or exporting a controlled drug, etc contrary to section 3 of the Misuse of Drugs Law (2000 Revision)

Offences under the Terrorism Law, 2003 for which the penalty is not life imprisonment

Treason by the Law of England

Instigating treason

Concealment of treason

Treasonable offences under section 49 of the Penal Code (1995 Revision)

Sedition under section 58 (1) of the Penal Code (1995 Revision)

Unlawful oath to commit capital offence

Other unlawful oath to commit crime etc under section 62 of the Penal Code (1995 Revision)

Rioting after proclamation

Obstructing making of proclamation

Rioters demolishing buildings

Conspiracy to defeat justice and interference with witnesses

Illegal rescue of a person (section 110 of the Penal Code (1995 Revision))

Aiding a prisoner to escape

Rape

Attempted rape

Abduction for the purpose of marriage or carnal knowledge

Indecent assault on female

Defilement of a girl under 12

Defilement of a girl under 16

Indecent assault on a man

Child stealing

Manslaughter

Attempt to murder

Accessory after the fact to murder

Written threats to murder

Infanticide

Killing unborn child

Conspiracy to murder

Disabling etc., to facilitate an offence or to assist an offender

Preventing escape from wreck

Wounding or inflicting grievous bodily harm

Attempting to injure by explosive substances

Bomb hoax

Maliciously administering poison

Unlawful use and possession of firearms

Exhibition of false light, mark or buoy

Assault causing actual bodily harm

Assault on person protecting wreck

Kidnapping and abduction

Keeping in confinement a kidnapped person

Wrongful confinement

Theft

Robbery

Burglary

Aggravated burglary

Arson

Attempt to commit arson

Setting fire to crops, etc

Attempt to set fire to crops, etc

Casting away ships, etc

Attempts to cast away ships, etc

Killing or injuring animals

Destroying or damaging property if value or destruction exceeds \$1,000

Attempts to destroy property by explosives

Threats to burn, etc

Aggravated trespass.”.

Transitional

4. The provisions of this amending Law shall not affect any person serving a sentence of imprisonment at the date of its commencement.

Passed by the Legislative Assembly this day of , 2005

Speaker

Clerk of the Legislative Assembly.