

TAQSIM TAL-ATT

		Artikoli
Taqsim I	Preliminari	1 - 2
Taqsim II	Twaqqif u Funzjonijiet tal- <i>Offender Assessment Board</i>	3 - 4
Taqsim III	Twaqqif tal-Unità tal- <i>Parole</i>	5- 7
Taqsim IV	Twaqqif u Funzjonijiet tal-Bord tal- <i>Parole</i> u Proċedura tal- <i>Parole</i>	8 - 19
Taqsim V	Tnaqqis mis-Sentenzi u Twaqqif tal-Bord għat-Tnaqqis mis-Sentenzi	20 - 25
Taqsim VI	Twaqqif tal-Unità tal-Appoġġ lill-Vittmi	26 - 42
Taqsim VII	Mixxellanji	43 - 44

ABBOZZ TA' LIĠI msejjah

ATT biex jipprovdi għall-għoti tal-parole lill-priġunieri u biex jipprovdi miżuri oħra ta' gustizzja riparatriċi f'kull stadju tal-proċess tal-gustizzja kriminali u biex jipprovdi għal dawk il-kwistjonijiet anċillari jew inċidentali għalihom jew konnessi magħhom u biex jagħmel emendi għal liġijiet oħra.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

TAQSIMA I

PRELIMINARI

Titolu fil-qosor
u bidu fis-seħh.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2010 dwar il-Ġustizzja Riparatriċi.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista' b'avviż fil-Gazzetta jistabbilixxi u dati differenti jistgħu jiġu hekk appuntati għal finijiet differenti u għal disposizzjonijiet differenti ta' dan l-Att.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xort' oħra:

Kap. 496.

"awtorità pubblika" għandu jkollha l-istess tifsira kif mogħtija lilha fl-artikolu 2 tal-Att dwar il-Libertà tal-Informazzjoni;

"Bord tal-Parole" tfisser il-Bord imwaqqaf skont l-artikolu 8;

"Bord għat-Tnaqqis mis-Sentenzi" tfisser il-Bord imwaqqaf skont l-artikolu 20;

"data ta' eliġibiltà għall-*parole*" tfisser id-data li fiha l-prigunier isir eliġibbli biex johroġ fuq il-*parole* soġġett għad-deċiżjoni tal-Bord tal-*Parole*;

"deċiżjoni dwar il-*parole*" tfisser id-deċiżjoni li tkun ittiehdet mill-Bord tal-*Parole* dwar jekk prigunier għandux jinghata jew jigi miċhud il-*parole* wara li jkun ippreżenta l-applikazzjoni tiegħu biex johroġ fuq il-*parole*;

"Direttur" tfisser id-Direttur responsabbli għas-Servizzi ta' *Probation*;

"ftehim ta' riparazzjoni" tfisser il-ftehim li jista' jintlaħaq skont l-artikolu 41;

"kunflitt ta' interess" tfisser sitwazzjoni li fiha xi membru ta' xi Bord jew Kumitat, imwaqqaf b'dan l-Att, ikollu interessi privati jew personali biżżejjed li jinfluwenzaw jew jidhru li jistgħu jinfluwenzaw it-twettiq b'mod oġġettiv tal-funzjonijiet ta' dak il-membru;

"liċenza tal-*parole*" tfisser il-liċenza maħruġa skont l-artikolu 15;

"medjatur" tfisser persuna newtrali, ikkwalifikata u imparzjali maħtura biex tmexxi l-proċess ta' medjazzjoni bejn il-vittma u min wettaq ir-reat;

"medjazzjoni bejn il-vittma u min wettaq ir-reat" tfisser il-proċedura stabbilita fit-Taqsima VI;

"Ministru" tfisser il-Ministru responsabbli għad-Dipartiment tas-Servizzi Korrettivi;

"min ikun fuq il-*parole*" tfisser prigunier li ngħatatlu l-*parole* mill-Bord tal-*Parole* u li għal dak il-għan tkun inhargitlu liċenza tal-*parole*;

"min wettaq ir-reat" tfisser persuna li tkun instabet hatja jew ammettiet formalment li jkun twettaq reat kriminali minnha skont l-artikolu 453 tal-Kodiċi Kriminali, kif ikun il-każ;

Kap. 9.

"*Offender Assessment Board*" tfisser il-Bord imwaqqaf skont l-artikolu 3;

"*parole*" tfisser l-awtorizzazzjoni mogħtija mill-Bord tal-*Parole* lil prigunier li jkun qed jiskonta kundanna waħda jew iktar ta' prigunerija biex johroġ fuq il-*parole*, matul parti miż-żmien tal-prigunerija fid-data ta' eliġibiltà għall-*parole* taħt is-superviżjoni tal-

uffiċjal tal-*parole* u soġġett għall-kondizzjonijiet tal-*parole* kif jistgħu jiġu speċifikati fil-liċenza tal-*parole*;

"perjodu tal-*parole*" tfisser il-perjodu speċifikat fil-liċenza tal-*parole* li matul dak il-perjodu min ikun fuq il-*parole* jitqiegħed taħt is-superviżjoni ta' uffiċjal tal-*parole* permezz tal-liċenza tal-*parole*;

"rapport tal-medjazzjoni" tfisser rapport bil-miktub ippreparat mill-medjatur, waqt il-proċeduri ta' medjazzjoni bejn il-vittma u min wettaq ir-reat;

"Skrivan tal-*Parole*" tfisser il-persuna maħtura skont l-artikolu 7;

"Tieni Rapport ta' Evalwazzjoni" tfisser ir-rapport imsemmi fl-artikolu 4;

"Uffiċjal ta' Kollegament" tfisser il-persuna maħtura skont l-artikolu 26(2);

"uffiċjal tal-*parole*" tfisser persuna maħtura skont l-artikolu 18;

"Unità tal-Appoġġ lill-Vittmi" tfisser l-Unità mwaqqfa skont l-artikolu 26(1);

"Unità tal-*Parole*" tfisser l-Unità mwaqqfa skont l-artikolu 5;

"vittma" tfisser persuna naturali u identifikata li tkun sofriet danni fiżiċi u, jew psikoloġiċi u, jew materjali, ikkawżati direttament mill-atti kriminali jew ommissjonijiet ta' min wettaq ir-reat u, jew rappreżentant tas-soċjetà f'każ li l-vittma ma tkunx tista' tiġi identifikata.

TAQSIMA II

Twaqqif u Funzjonijiet tal-*Offender Assessment Board*

Twaqqif tal-*Offender Assessment Board*.

3. (1) Għandu jitwaqqaf Bord li jkun magħruf bħala "*l-Offender Assessment Board*" li għandu jwettaq il-funzjonijiet mogħtija lilu b'dan l-Att u daww il-funzjonijiet l-oħra kif jista' jiġi preskritt b'regolamenti magħmula taħt dan l-Att, jew li jsiru bis-saħħa ta' xi liġi oħra jew taħtha.

(2) *L-Offender Assessment Board* għandu jkun magħmul minn:

(a) *Chairman* li jiġi maħtur mill-Ministru; u

(b) mhux inqas minn żewġ membri u mhux aktar minn erba' membri li jiġu mahtura mill-Ministru.

(3) Il-membri tal-*Offender Assessment Board* għandhom jibqgħu fil-kariga għal perjodu ta' hames snin u jkunu eligibbli li jerġgħu jiġu mahtura:

Iżda fit-tmiem tal-perjodu hawn fuq imsemmi, il-membri tal-*Offender Assessment Board* għandhom jibqgħu fil-kariga sakemm jiġi mahtur Bord ieħor.

(4) Il-Ministru għandu jahtar ukoll *Chairman* sostitut u membri sostituti tal-*Offender Assessment Board* sabiex iservu fil-każ li jew iċ-*Chairman* jew xi wiehed mill-membri tal-*Offender Assessment Board* jastjenu ruħhom jew jiġu rikuzati. F'dak il-każ għandhom japplikaw l-istess kondizzjonijiet bħal dak taċ-*Chairman* jew tal-membri tal-Bord.

(5) Kull membru tal-*Offender Assessment Board* li jkollu interess personali dirett jew indirett f'xi materja li tkun qed tiġi diskussa mill-*Offender Assessment Board* għandu minnufih jiddikjara l-pożizzjoni tiegħu lill-*Offender Assessment Board*.

(6) Il-membri tal-*Offender Assessment Board* li jkun iddikjara kunflitt ta' interess għandu jastjeni milli jieħu sehem f'diskussjonijiet li għandhom x'jaqsmu mal-każ partikolari, u għandu jiġi sostitwit minn membru sostitut bil-għan li dan il-membri sostitut jittratta dwar dak l-istess każ.

4. (1) L-*Offender Assessment Board* għandu jkun responsabbli: Funzjonijiet tal-
Offender
Assessment
Board.

(a) biex janalizza r-Rapport Preliminari li jkun irċieva mill-Unità responsabbli għall-kura u l-integrazzjoni mill-ġdid fir-rigward tal-prigunier wara li jkun ġie kkundannat. Dan ir-rapport għandu jinkludi:

(i) analiżi dettaljata tar-raġunijiet li setgħu kkontribwew għat-twertiq tal-att kriminali mill-prigunier inkwistjoni; u

(ii) pjan ta' kura, imfassal mill-uffiċjali responsabbli biex jipproponu varji programmi ta' ġustizzja riparatriċi lill-prigunier biex jieħu sehem fihom, biex jgħinuh fir-riforma u fl-integrazzjoni mill-ġdid tiegħu u dak il-pjan ta' integrazzjoni mill-ġdid għandu jiġi rivedut u aġġornat f'intervalli regolari.

(b) għar-reviżjoni tat-Tieni Rapport ta' Evalwazzjoni fir-rigward ta' kull prigionier li jkun ipprezenta applikazzjoni għall-*parole*. Dan ir-rapport għandu jinkludi:

(i) stima ta' livell ta' riskju li jkun fiha d-dettalji kollha tal-livell tar-riskju potenzjali li l-prigionier jista' jipprezenta jekk joħroġ fuq il-*parole*;

(ii) ir-rakkomandazzjonijiet tiegħu lill-Bord tal-*Parole* dwar jekk il-prigionier inkwistjoni għandux jinħareġ fuq il-*parole* u r-raġunijiet tiegħu għal dan; u

(iii) ir-rakkomandazzjonijiet tiegħu lill-Bord tal-*Parole* dwar il-kondizzjonijiet li għandhom jiġu imposti fuq il-prigionier meta l-Bord tal-*Parole* jieħu deċiżjoni li jagħti l-*parole* lill-prigionier inkwistjoni u dawn ir-rakkomandazzjonijiet għandhom ikunu bbażati fuq ir-rapporti li jkun irċieva, fir-rigward ta' kull prigionier li jkun ipprezenta applikazzjoni biex jinħareġ fuq il-*parole*;

(ċ) kull funzjoni oħra li tista' tigi mogħtija lilu mid-Direttur tas-Servizzi Korrettivi, wara konsultazzjoni mal-Ministru, minn żmien għal żmien.

(2) L-*Offender Assessment Board* għandu jgħaddi lill-iSkrivan tal-*Parole* id-dokumenti rilevanti kollha msemmija fis-subartikolu (1) li għandhom imbagħad jiġu nkluzi fil-*parole dossier* bil-għan li jassisti lill-*Parole Board* jieħu d-deċiżjoni tal-*parole*.

TAQSIMA III

Twaqqif tal-Unità tal-*Parole*

Twaqqif tal-Unità tal-*Parole*.

5. (1) Għandha titwaqqaf Unità magħrufa bħala "l-Unità tal-*Parole*", li tkun immexxija mid-Direttur, u l-għanijiet u l-funzjonijiet tagħha huma mogħtija lilha b'dan l-Att.

Kap. 446.

(2) Bla ħsara għad-dmirijiet mogħtija lid-Direttur fl-Att dwar il-*Probation*, id-Direttur għandu jkollu d-dmirijiet li ġejjin:

(a) li jassenja uffiċjali tal-*parole* lil prigionieri li japplikaw għall-*parole* u li jipprepara rapporti rigward l-integrazzjoni mill-ġdid ta' prigionieri;

(b) li jassenja uffiċjali tal-*parole* lil kull min ikun fuq il-*parole* u li jipprepara rapporti skont dan l-Att;

- (c) li jassenja medjaturi għal proċessi ta' medjazzjoni bejn il-vittma u min wettaq ir-reat;
 - (d) li jamministra u jmexxi l-Unità tal-*Parole* u li jorganizza u jissorvelja s-servizzi tal-*parole*;
 - (e) li jagħti direzzjoni lill-uffiċjali tal-*parole*;
 - (f) li jagħti direzzjoni dwar kif jinżammu rekords u kif jiġi mmanigġat il-*hin*;
 - (g) li jissorvelja uffiċjali tal-*parole* u perjodikament jirċievi rapporti, verbalment jew bil-miktub, minghand l-uffiċjali tal-*parole* dwar kull min ikun fuq il-*parole*;
 - (h) li jzomm registru ta' kull min ikun fuq il-*parole*; u
 - (i) dawk id-dmirijiet l-oħra kollha li jistgħu jiġu assenjati lil mill-Ministru minn żmien għal żmien.
- (3) Id-Direttur jista' jiddelega kull wiehed mid-dmirijiet hawn fuq imsemmija lil xi membru anzjan tal-persunal tiegħu.

6. Il-Ministru għandu jahtar għadd suffiċjenti ta' persuni kwalifikati bħala uffiċjali tal-*parole*, li jwettqu, taħt id-direzzjoni generali tad-Direttur, id-dmirijiet preskritti b'dan l-Att jew dawk id-dmirijiet l-oħra li jistgħu jiġu preskritti b'regolamenti magħmulin taħt dan l-Att, jew b'xi liġi oħra.

Hatra tal-uffiċjali tal-*parole*.

7. (1) Għandu jiġi maħtur Skriivan tal-*Parole* li jkollu kwalifiki klerikali u esperjenza amministrattiva suffiċjenti biex iwettaq id-dmirijiet tal-iSkriivan tal-*Parole* u dawk id-dmirijiet l-oħra kif id-Direttur tas-Servizzi Korrettivi jew il-Bord tal-*Parole* jistgħu jordnaw minn żmien għal żmien.

L-iSkriivan tal-*Parole*.

(2) L-iSkriivan tal-*Parole* għandu:

(a) jaġixxi bħala Skriivan tal-*Parole* għall-Bord tal-*Parole* biex jassisti fil-proċess tal-*parole* u jkollu r-responsabbiltà li jzomm kuntatt mad-Direttur tas-Servizzi Korrettivi;

(b) jkollu aċċess għall-pjan ta' kif ser tiġi skontata l-kundanna, li jinżamm fil-Facilità Korrettiva, sabiex ikun jista' jzomm registru tad-data tal-eligibilità għall-*parole* ta' kull priġunier eligibbli għall-*parole*;

(c) jagħmel l-arrangamenti neċessarji kollha biex jinforma lil kull priġunier li jkun eliġibbli għall-*parole*, erba' xhur qabel id-data ta' eliġibilità għall-*parole*, sabiex jekk il-priġunier ikun jixtieq, huwa jkun jista' japplika lill-Bord tal-*Parole* biex jiġi kkunsidrat għall-*parole*; u

(d) biex jagħmel l-arrangamenti neċessarji biex jikkompila l-*parole dossier* li jkun jinkludi d-dokumenti kollha elenkati fl-artikolu 13(1); u jara li l-*parole dossier* jasal għand il-Bord tal-*Parole* minn tal-inqas tliet xhur qabel id-data tal-eliġibilità għall-*parole*;

(3) L-iSkriwan tal-*Parole* għandu jibqa' fil-kariga għal perjodu ta' tliet snin, u jkun eliġibbli għall-*hatra* mill-ġdid kif jgħaddi ż-żmien tal-kariga tiegħu.

(4) L-iSkriwan tal-*Parole* għandu jkun responsabbli lejn id-Direttur tas-Servizzi Korrettivi.

TAQSIMA IV

Twaqqif u Funzjonijiet tal-Bord tal-*Parole* u Proċedura tal-*Parole*

Twaqqif tal-Bord tal-*Parole*.

8. (1) Għandu jitwaqqaf Bord li jkun magħruf bħala "l-Bord tal-*Parole*", li għandu jeżerċita u jaqdi l-funzjonijiet mogħtija lilu b'dan l-Att u dawk il-funzjonijiet l-oħra kif jista' jiġi preskritt b'regolamenti magħmula taħt dan l-Att, jew b'xi liġi oħra.

(2) Il-Bord tal-*Parole* għandu jkun magħmul minn:

(a) *Chairman* li jiġi maħtur mill-Ministru, li jkun membru rtirat tal-ġudikatura; u

(b) tmien membri oħra li jiġu maħtura mill-Ministru minn fost persuni li jkunu midhla tal-kamp tal-ġustizzja kriminali u, jew professjonisti rilevanti oħra.

(3) Il-membri tal-Bord tal-*Parole* għandhom jibqgħu fil-kariga għal perjodu ta' hames snin u jkunu eliġibbli għall-*hatra* mill-ġdid kif jgħaddi ż-żmien tal-kariga tagħhom:

Iżda fit-tmiem tal-perjodu hawn fuq imsemmi, il-membri tal-Bord tal-*Parole* għandhom jibqgħu fil-kariga sakemm jiġi maħtur Bord tal-*Parole* ieħor.

(4) Il-Ministru għandu jaħtar ukoll *Deputy Chairman*, u membri sostituti sabiex iservu fil-każ li jew iċ-*Chairman* jew wieħed mill-membri tal-Bord tal-*Parole* jkunu assenti, jastjenu ruħhom jew

jigü rikuzati. F'dak il-każ għandhom japplikaw l-istess kondizzjonijiet għaċ-*Chairman* u għall-membri tal-Bord, kif ikun il-każ.

(5) Kull membru tal-Bord tal-*Parole* li jkollu nteress personali dirett jew indirett f'xi materja li tkun qed tiġi diskussa mill-Bord tal-*Parole* għandu minnufih jiddikjara l-pożizzjoni tiegħu lill-Bord tal-*Parole*.

(6) Il-membri tal-Bord tal-*Parole* li jkun iddikjara kunflitt ta' interess għandu jastjeni milli jieħu sehem f'diskussjonijiet li għandhom x'jaqsmu mal-każ partikolari, u għandu jiġi sostitwit minn membru sostitut bil-għan li dan il-membri sostitut jittratta dwar dak l-istess każ.

9. (1) Il-funzjonijiet prinċipali tal-Bord tal-*Parole* għandhom jinkludu:

Funzjonijiet
prinċipali tal-
Bord tal-*Parole*.

(a) l-evalwazzjoni tal-applikazzjonijiet għall-*parole*, wara li jiġu meqjusa l-interessi ta' vittmi;

(b) l-amministrazzjoni tal-kundanni tal-prigunieri kollha li jkunu ser jiġu kkunsidrati għall-*parole*;

(ċ) li jkollu d-diskrezzjoni esklussiva biex jieħu deċiżjoni dwar il-*parole*, u li jagħti, jemenda, jissospendi jew jirrevoka liċenza tal-*parole* li tkun inħarġet skont l-artikolu 15;

(d) li jimponi l-kondizzjonijiet neċessarji msemmija fl-artikolu 14, wara li jqis l-informazzjoni rilevanti kollha li tinsab fil-*parole dossier*;

(e) li jagħmel ir-rakkomandazzjonijiet kif jista' jkun meħtieġ fir-rigward ta' petizzjonijiet skont l-artikolu 93 tal-Kostituzzjoni ta' Malta;

(f) li jikkollabora mal-*Offender Assessment Board* u mad-dipartimenti u unitajiet rilevanti, kif jista' jkun meħtieġ;

(g) li joħroġ ċertifikati ta' kondotta tajba biex ikun jista' jintwera li l-perjodu tal-*parole* tal-prigunier ikun tlesta b'suċċess; u

(h) kull funzjoni oħra li tista' tiġi mogħtija lilu mill-Ministru, minn żmien għal żmien.

(2) Kull każ miġjub quddiem il-Bord tal-*Parole* għandu jitqies fuq il-mertu tiegħu.

(3) Il-Bord tal-*Parole* għandu jippreżenta rapport annwali lill-Ministru, li għandu jinkludi:

(a) in-numru ta' prigionieri li ngħatatilhom jew li giet miċhuda lilhom il-*parole*;

(b) in-numru ta' licenzji tal-*parole* li gew emendati, sospizi u revokati matul dik is-sena u r-raġunijiet għal dan; u

(c) kull materja li teffettwa l-operat tal-Bord tal-*Parole* fit-tweqqi tal-funzjonijiet u d-dmirijiet tiegħu hlief xi kwistjoni amministrattiva.

(4) Il-Ministru għandu jqiegħed kopja tar-rapport fuq il-Mejda tal-Kamra u jippreżenta kopja ta' dan ir-rapport lill-Kumitat Parlamentari għall-Affarijiet Soċjali.

(5) Bla ħsara għas-subartikolu ta' qabel dan, il-Bord tal-*Parole*, kull meta jkun hekk meħtieġ mill-Ministru, għandu jippreżenta rapport dwar kull materja li għandha x'taqsam mal-amministrazzjoni tal-legislazzjoni rilevanti.

(6) Il-Bord tal-*Parole* għandu jkollu aċċess għar-rekords kollha tal-Unità tal-*Parole* li jirrigwardaw il-prigionieri kollha li japplikaw għall-*parole*, u bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Bord tal-*Parole* għandu jirregola l-proċeduri tiegħu stess.

Prigionieri
eligibbli għall-*parole*.

10. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-*parole* tista' tingħata biss lill-prigionieri kkundannati għal piena ta' prigionerija ta' sena jew iktar, irrispettivament jekk l-imsemmi terminu jkun jirriżulta minn kundanna waħda jew minn numru ta' kundanni li jammontaw għal total ta' mill-inqas sena.

(2) Il-*parole* għandha tapplika wkoll fir-rigward ta' prigionieri li qabel ikunu skontaw kundanna ta' prigionerija.

(3) Minkejja d-dispożizzjonijiet tas-subartikoli (1) u (2), prigionieri li jaqgħu taħt il-kategoriji li ġejjin, mhumiex eligibbli għall-*parole*:

(a) prigionieri kkundannati għall-piena ta' prigionerija għal żmien ta' inqas minn sena;

(b) persuni detenuti skont l-Att dwar l-Immigrazzjoni;

(c) prigionieri li jkunu soġġetti għal proċeduri ta' estradizzjoni;

Kap. 217.

(d) persuni li mhumiex ċittadini Maltin li jkunu ser jiġu deportati kif jiskontaw is-sentenza;

(e) prigionieri detenuti talli waqqgħu jew wettqu attentat biex iwaqqgħu lill-Gvern ta' Malta jew talli kkonguraw kontra l-Istat kif stabbilit fl-artikolu 56(1) u (2) u l-artikolu 57(1) u (2) tal-Kodiċi Kriminali; u

Kap. 9.

(f) prigionieri kkundannati għal atti ta' terroriżmu, finanzjament ta' terroriżmu u reati anċillari kif stabbilit fl-artikoli 328A sa 328M tal-Kodiċi Kriminali;

Kap. 9.

(g) prigionieri kkundannati għal għomorhom.

11. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, id-data ta' eliġibilità għall-*parole* ta' prigionier li qed jiskonta kundanna ta' prigionerija għal żmien ta' sena u mhux iktar minn sentejn għandha tiġi kkalkolata fuq tlieta u tletin fil-mija taż-żmien ta' prigionerija tiegħu.

Data ta' eliġibilità għall-*parole*.

(2) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, id-data ta' eliġibilità għall-*parole* ta' prigionier li qed jiskonta kundanna ta' prigionerija għal żmien ta' iktar minn sentejn u mhux iktar minn seba' snin għandha tiġi kkalkolata fuq ħamsin fil-mija tal-prigionerija tiegħu.

(3) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, id-data ta' eliġibilità għall-*parole* ta' prigionier li qed jiskonta kundanna ta' prigionerija ta' iktar minn seba' snin għandha tiġi kkalkolata fuq tmienja u ħamsin fil-mija tat-total taż-żmien ta' prigionerija tiegħu.

(4) Minkejja d-dispożizzjonijiet tas-subartikoli (1), (2) u (3), il-Qorti tista' tinkludi fis-sentenza tagħha data ta' eliġibilità għall-*parole* aktar kmieni f'każ li min wettaq ir-reat ma jkunx għalaq l-età ta' sittax-il sena fid-data meta jkun twettaq ir-reat, jew fejn il-Qorti tenut kont taċ-ċirkostanzi partikolari tal-każ jidhrilha li sabiex prigionier jirrifirma ruħu aħjar huwa ġustifikat li tiġi ffisata data differenti.

(5) Minkejja d-dispożizzjonijiet tas-subartikolu (1) id-data ta' eliġibilità għall-*parole* ta' persuna kkundannata għal iktar minn kundanna waħda ta' prigionerija wara d-dhul fis-seħħ ta' dan l-Att, għandha tiġi kkalkolata fuq ħamsin fil-mija tat-total taż-żmien ta' prigionerija ta' dik il-persuna.

(6) Minkejja d-dispożizzjonijiet tas-subartikoli (1) u (2), f'każ ta' ksur tar-regolamenti tal-ħabs, id-data ta' eliġibilità għall-*parole* tista' tiġi mitfugħa lura minħabba f'dan il-ksur bħala miżura

dixxiplinarja meħuda mill-Bord għat-Tnaqqis mis-Sentenzi.

Kap. 9. (7) Il-komputazzjoni tat-termini msemmija fis-subartikoli (1), (2) u (3) għandha ssir skont l-artikolu 22 tal-Kodiċi Kriminali.

(8) Minkejja d-dispożizzjonijiet tas-subartikoli (1) sa (5), priġunieri eliġibbli għall-*parole* jistgħu, għal raġunijiet ta' mard li m'hemmx fejqan minnu, japplikaw lill-Bord tal-*Parole* biex jiġu kkunsidrati għall-*parole* qabel id-data ta' eliġibilità għall-*parole*:

Iżda l-Bord tal-*Parole* għandu l-ewwel iġib l-awtorizzazzjoni bil-miktub mingħand il-priġunier biex ikun jista' jintervista lill-ispeċjalist mediku responsabbli għall-kura tal-priġunier dwar il-kondizzjoni tas-saħħa tal-priġunier qabel ma l-Bord tal-*Parole* jkun jista' jieħu deċizzjoni dwar jekk għandux jagħti l-*parole* lill-priġunier.

Eligibilità
bikrija għal
persuni
riformati.

12. Kull meta persuna, li tkun diġà skontat kundanna ta' priġunerija u giet mogħtija l-*parole* jew tnaqqis mis-sentenza skont id-dispożizzjonijiet ta' dan l-Att, tiġi kkundannata għal reat ieħor li tkun wettqet qabel ma bdiet tiskonta l-kundanna ta' priġunerija preċedenti, u tiġi ċċertifikata li fil-preżent ma tkunx taħt il-vizzju tad-droga, dik il-persuna għandha minnufih tiġi kkunsidrata għall-*parole* kif tibda tiskonta t-tieni kundanna ta' priġunerija sakemm ma jiġix iddikjarat mod ieħor mill-Qorti fis-sentenza tagħha:

Kap. 446. Iżda l-Bord tal-*Parole* għandu jimponi fuq min ikun fuq il-*parole* fil-liċenza tal-*parole*, minbarra kull kondizzjoni oħra li l-Bord tal-*Parole* jqis xieraq li jimponi, il-kondizzjoni li jwettaq xogħol ta' servizz fil-komunità u d-dispożizzjonijiet rilevanti tal-Att dwar il-*Probation* għandhom japplikaw *mutatis mutandis*.

Proċedura.

13. (1) Wara l-applikazzjoni tal-priġunier biex jiġi kkunsidrat għall-*parole*, l-iSkriver tal-*Parole* għandu jgħaddi lill-Bord tal-*Parole* il-*parole dossier* li għandu jinkludi:

(a) l-applikazzjoni tal-priġunier biex jiġi kkunsidrat għall-*parole* ;

(b) id-dettalji tal-kundanna tal-priġunier;

(ċ) kull rekord rilevanti ieħor tal-pulizija u, jew tal-Qorti u, jew il-parir tal-Avukat Ġenerali b'mod partikolari f'każijiet meta l-priġunier inkwistjoni għandu kawzi oħra pendent;

(d) ir-rapport tal-Unità tal-*Parole* kif pprovdut fl-artikolu 6(2)(a);

(e) ir-rakkomandazzjonijiet tal-*Offender Assessment Board*; u

(f) bla hsara għad-dispożizzjonijiet tal-Att dwar il-Protezzjoni u l-Privatezza tad-Data, kull informazzjoni jew rapporti oħra li l-*Offender Assessment Board* jista' jqis li huma rilevanti li jiġu nkluzi u, jew li l-Bord tal-*Parole* jista' jkollu bżonn għall-każ inkwistjoni. Kap. 440.

(2) L-Uffiċjal ta' Kollegament, mahtur skont dan l-Att, għandu jinnotifika bil-miktub lill-vittma jew vittmi tal-prigunier, meta jkun applikabbli, dwar l-applikazzjoni tal-prigunier għall-*parole* u għandu jagħmel ir-rakkomandazzjonijiet tiegħu lill-Bord tal-*Parole* wara konsultazzjoni mal-vittma.

(3) Qabel ma l-Bord tal-*Parole* jieħu deċiżjoni dwar jekk għandux jagħti jew jiċhad l-applikazzjoni tal-prigunier għall-*parole*, il-Bord tal-*Parole*:

(a) għandu jeżamina d-dokumenti kollha pprovduti fil-*parole dossier* u għandu debitament iqis ir-rakkomandazzjonijiet tal-*Offender Assessment Board* li huma prinċiplament ibbażati fuq:

(i) il-parteciġazzjoni attiva u volontarja tal-prigunier fi programmi ta' ġustizzja riparatriċi li jkunu disponibbli u li jkunu ġew rakkomandati waqt li jkun fil-Facilità Korrettiva;

(ii) ir-riskju li jitwettaq reat ieħor jekk il-prigunier tingħatalu l-*parole*; u

(iii) kull evidenza rilevanti oħra, inluż jekk il-prigunier inkwistjoni weriex xi tip ta' titjib f'oqsma differenti tal-proċess ta' riforma;

(b) għandu jqis ir-rakkomandazzjonijiet li jkunu sarulu mill-Uffiċjal ta' Kollegament fir-rigward tal-vittma u, meta jkun meqjus xieraq mill-Bord tal-*Parole*, jintervista lill-vittma jew vittmi tal-prigunier li qed japplika għall-*parole*;

(c) jista', jekk ikun meħtieġ, jintervista lill-prigunier li qed japplika għall-*parole*; u

(d) jista', jekk ikun meħtieġ, jintervista lill-uffiċjali tal-Bord tal-Vizitaturi tal-Ħabs u, jew uffiċjali tal-Facilità Korrettiva u, jew kull persuna oħra li l-Bord tal-*Parole* jista' jqis xieraq li jintervista.

(4) Mhux aktar tard minn tliet ġimgħat qabel id-data ta' eliġibilità għall-*parole*, il-Bord tal-*Parole* għandu jiddetermina jekk għandux jagħti l-*parole* lill-*prigunier inkwistjoni*.

(5) Mhux aktar tard minn ġimgħa mid-data ta' meta tkun ittiehdet id-deċiżjoni, il-Bord tal-*Parole* għandu jinforma lill-*iSkrivan tal-Parole* b'din id-deċiżjoni u l-*iSkrivan tal-Parole* għandu jgħaddi kopja tad-deċiżjoni tal-Bord tal-*Parole*:

(a) lid-Direttur;

(b) lid-Direttur tas-Servizzi Korrettivi;

(c) lill-*prigunier* li qed jagħmel it-talba; u

(d) lill-Uffiċjal ta' Kollegament tal-Unità għall-Appoġġ lill-Vittmi li għandu mbagħad ir-responsabbiltà li jinforma u jispjega d-deċiżjoni tal-Bord tal-*Parole* lill-vittma jew vittmi kkonċernati, kif ikun il-każ.

(6) Kif il-Bord tal-*Parole* jiehu deċiżjoni li għandu jiċhad li jagħti l-*parole* lill-*prigunier*, sakemm il-Bord tal-*Parole* ma jkunx stabbilixxa data, il-*prigunier* jerga' jkun eliġibbli biex japplika mill-ġdid għall-*parole* kif jgħaddu sitt xhur mid-data tad-deċiżjoni tal-Bord tal-*Parole*.

Kondizzjonijiet tal-*parole*.

14. (1) Meta *prigunier* jingħata l-*parole*, il-Bord tal-*Parole* jista' jimponi kull kondizzjoni li huwa jqis xieraq u dawn il-kondizzjonijiet jistgħu jinkludu:

(a) l-*għoti* ta' kumpens monetarju lill-vittma, li jista' jiġi mnaqqas mid-dhul ta' kull xahar ta' min ikun fuq il-*parole* u, jew ta' xi servizz ieħor li l-Bord tal-*Parole* jista' jitlob lil min ikun fuq il-*parole* li jagħti lill-vittma, sugġett għall-*approvazzjoni* tal-vittma;

(b) il-*privazzjoni* ta' kull tip ta' kuntatt mal-vittma u, jew mal-membri tal-familja tal-vittma;

(c) kull kondizzjoni li tista' tiġi rakkomandata mill-vittma lill-Bord tal-*Parole* biex tiġi mposta fuq min ikun fuq il-*parole*;

(d) li jieħu sehem fi programm ta' rintraċċament elettroniku;

(e) li min ikun fuq il-*parole* jieħu sehem f'xi programmi ta' kura kif jista' jiġi speċifikat mill-Bord tal-*Parole*;

- (f) li min ikun fuq il-*parole* jieħu sehem fi programmi edukattivi vokazzjonali u, jew ta' taħriġ kif jista' jiġi speċifikat mill-Bord tal-*Parole*;
- (g) li min ikun fuq il-*parole* jagħmel xogħol ta' servizz fil-komunità;
- (h) restrizzjonijiet ta' libertà fuq il-ħinijiet ta' filgħodu jew filgħaxija li jistgħu jinkludu l-obbligu ta' min ikun fuq il-*parole* li jirritorna lura fil-Facilità Korrettiva f'ċerti granet tal-gimġha jew ħinijiet tal-ġurnata speċifikati kif il-Bord tal-*Parole* jista' jqis xieraq;
- (i) l-obbligu li jirrisjedi f'żona msemmija u li ma jkunx jista' jitlaq minn dik iż-żona msemmija mingħajr l-approvazzjoni espliċita tal-Bord tal-*Parole*; u
- (j) kull kondizzjoni oħra li l-Bord tal-*Parole* jista' jqis xieraq li jimponi fiċ-ċirkostanzi.
- (2) Min ikun fuq il-*parole* jkun taħt is-superviżjoni tal-uffiċjal jew uffiċjali tal-*parole*, kif stabbilit mill-Unità tal-*Parole*, matul il-perjodu kollu tal-*parole*. Min ikun fuq il-*parole* hu meħtieġ li:
- (a) jiltaqa' mal-uffiċjal tal-*parole* skont dawk l-istruzzjonijiet li jistgħu jingħatawlu mill-Bord tal-*Parole* minn żmien għal żmien; u
- (b) jikkonforma mal-istruzzjonijiet tal-uffiċjal tal-*parole*.
- (3) Il-kondizzjonijiet kollha mposti fuq min ikun fuq il-*parole* jistgħu jiġu emendati jew revokati jew jistgħu jiġu speċifikati aktar kondizzjonijiet mill-Bord tal-*Parole*, fuq inizzjattiva tiegħu stess jew wara li jkunu sarulu rakkomandazzjonijiet mill-vittma, l-*Offender Assessment Board* jew l-uffiċjal jew l-uffiċjali tal-*parole* assenjat jew assenjati biex jissorvelja jew jissorveljaw lil min ikun fuq il-*parole* f'kull żmien matul il-perjodu tal-*parole*.
- (4) Il-Pulizija u, jew organizzazzjonijiet governattivi jew mhux governattivi rilevanti jistgħu wkoll jagħmlu rakkomandazzjonijiet lill-Bord tal-*Parole* rigward il-kondizzjonijiet tal-*parole* li għandhom jiġu mposti.
- (5) Minkejja r-rakkomandazzjonijiet magħmula lill-Bord tal-*Parole*, il-Bord tal-*Parole* għandu l-kompetenza esklussiva fuq il-kondizzjonijiet li għandhom jiġu mposti fuq min ikun fuq il-*parole*.

(6) L-iSkrivan tal-*Parole* għandu minnufih jinforma u jispjega b'mod ċar lill-prigunier li jingħatalu l-*parole*, il-kondizzjonijiet li ser jiġu imposti fuqu u jekk il-prigunier jirrifjuta li jħares xi waħda mill-kondizzjonijiet fuq imsemmija, il-Bord tal-*Parole* għandu minnufih jirrevoka d-deċiżjoni tiegħu.

Liċenza tal-*parole*.

15. (1) Kif il-Bord tal-*Parole* jieħu deċiżjoni li jagħti l-*parole* lill-prigunier, il-Bord tal-*Parole* għandu johroġ liċenza tal-*parole* li għandha tinkludi:

(a) l-isem u l-kunjom u d-dettalji personali ta' min ikun fuq il-*parole*;

(b) id-data li fiha l-prigunier ikun ser jinħareġ fuq il-*parole*;

(ċ) il-perjodu li fih min ikun fuq il-*parole* ser ikun fuq il-*parole* u li matul liema perjodu ser ikun taħt is-superviżjoni tal-uffiċjal jew uffiċjali tal-*parole*; u

(d) il-kondizzjonijiet kollha li l-Bord tal-*Parole*, fuq inizjattiva tiegħu stess jew wara li jkunu sarulu r-rakkomandazzjonijiet mill-vittma, mill-pulizija, mid-Direttur jew mill-organizzazzjonijiet governattivi jew mhux governattivi, iqis li huma meħtieġa li jiġu mharsa minn min ikun fuq il-*parole*.

(2) L-iSkrivan tal-*Parole* għandu minnufih jgħaddi kopja tal-liċenza tal-*parole*:

(a) lil min ikun fuq il-*parole*;

(b) lid-Direttur;

(ċ) lid-Direttur tas-Servizzi Korrettivi;

(d) lill-Avukat Ġenerali; u

(e) lill-Kummissarju tal-Pulizija;

liema liċenza tal-*parole* għandha tiġi debitament iffirmata minn min ikun fuq il-*parole*.

(3) Il-liċenza tal-*parole* għandha, sakemm ma tiġix revokata qabel skont l-artikolu 15, tibqa' fis-seħħ sakemm jiskadi l-perjodu tal-*parole* speċifikat fil-liċenza tal-*parole*, jiġifieri, id-data li fiha tiskadi l-kundanna ta' prigunierija ta' min ikun fuq il-*parole*.

16. (1) Il-Bord tal-*Parole* jista' jemenda, jissospendi jew jirrevoka l-liċenza tal-*parole* jekk jiġi rrapportat lill-Bord tal-*Parole*, mid-Direttur jew rappreżentant tiegħu jew kull awtorità pubblika nkluż il-Kummissarju tal-Pulizija u l-Avukat Ġenerali li min ikun fuq il-*parole*:

Emenda, sospenzjoni jew revoka tal-liċenza tal-*parole*.

(a) ma jkunx osserva l-kondizzjonijiet tal-*parole*; jew

(b) jippreżenta, lill-uffiċjal jew uffiċjali tal-*parole*, suspett raġonevoli li jista' jwettaq reat ieħor; jew

(ċ) jiġi akkużat li wettaq reat ieħor.

(2) Mar-revoka jew sospenzjoni tal-liċenza tal-*parole* ta' min ikun fuq il-*parole*, min ikun fuq il-*parole* għandu jintbagħat lura minnufih fil-Facilità Korrettiva biex ikompli jservi l-kumpliment tas-sentenza u ma jkunx eliġibbli biex jerġa' japplika għall-*parole* matul il-perjodu li jkun qed jiskonta s-sentenza:

Iżda kull meta l-liċenza tal-*parole* tiġi revokata jew sospiża skont is-subartikolu (1)(a) jew (b), id-dispożizzjonijiet tal-artikolu 12 ma għandhomx japplikaw:

Iżda wkoll kull meta l-liċenza tal-*parole* tiġi revokata jew sospiża skont is-subartikolu (1)(ċ), min ikun fuq il-*parole* għandu jkun eliġibbli biex jingħata l-*parole* skont id-dispożizzjonijiet tal-artikolu 11 malli jispiċċa jservi t-tieni sentenza jew sentenza sussegwenti.

(3) Il-Bord tal-*Parole* jista' wkoll jemenda, jissospendi jew jirrevoka liċenza tal-*parole* jekk jirċievi informazzjoni li, li kieku rċeviha qabel ma nharġet il-liċenza tal-*parole*, il-Bord tal-*Parole* ma kienx jieħu d-deċiżjoni li jagħti l-*parole* lil min ikun fuq il-*parole*.

(4) L-emenda, s-sospenzjoni u r-revoka tal-liċenza tal-*parole* għandu jkollhom effett minn dik id-data meta l-Bord tal-*Parole* jkun ha d-deċiżjoni biex jemenda, jissospendi jew jirrevoka l-liċenza tal-*parole*.

17. (1) Il-Bord tal-*Parole*, qabel ma jikkonsidra jekk għandux jemenda, jissospendi jew jirrevoka l-liċenza tal-*parole*, jista' jikkonsulta mal-vittma jew vittmi kkonċernati, kif ikun il-każ.

Notifika tal-emenda, s-sospenzjoni jew ir-revoka tal-liċenza tal-*parole* lill-vittma u lil min ikun fuq il-*parole*.

(2) (a) Il-Bord tal-*Parole*, malli jieħu deċiżjoni li jemenda, jissospendi jew jirrevoka l-liċenza tal-*parole*, għandu jiżgura li min ikun fuq il-*parole* u l-vittma jew vittmi kkonċernati, kif ikun il-każ, jirċievu avviż ta' informazzjoni.

(b) L-avviż imsemmi fil-paragrafu (a) għandu jinkludi r-raġunijiet għal dik l-emenda, sospensjoni jew revoka tal-liċenza tal-*parole*.

(ċ) L-avviż ta' informazzjoni għandu wkoll ikun fih il-perjodu ta' sospensjoni tal-liċenza tal-*parole* u għandu wkoll jiġi debitament iffirmit minn min ikun fuq il-*parole*.

Għażla ta' uffiċjali tal-*parole*.

18. Kif tinħareġ liċenza tal-*parole* id-Direttur għandu jassenja uffiċjal tal-*parole* biex ikun responsabbli biex jissorvelja lil min ikun fuq il-*parole*:

Iżda iktar minn uffiċjal tal-*parole* wieħed jista' jiġi assenjat lil min ikun fuq il-*parole*, hekk li kull uffiċjal tal-*parole* jkun jittratta xi aspett partikolari tal-każ kif jista' jiġi stabbilit mid-Direttur.

Dmirijiet ta' uffiċjali tal-*parole*.

19. Bla ħsara għad-dispożizzjonijiet stipulati fil-liċenza tal-*parole*, għandu jkun id-dmir tal-uffiċjal tal-*parole*:

(a) li jissorvelja, jagħti parir u jassisti lil min ikun fuq il-*parole*;

(b) li jirċievi risposti minn min ikun fuq il-*parole* u mill-professjonisti, kif jista' jkun meħtieġ;

(ċ) li jabbozza pjan, iwettaq monitoraġġ u jassisti lil min ikun fuq il-*parole* biex dan iħares il-kondizzjonijiet tal-liċenza tal-*parole*;

(d) li jkompli jgħin lil min ikun fuq il-*parole* biex jifhem il-ħsara li min ikun fuq il-*parole* jkun għamel lill-vittma tad-delitt u lis-soċjetà;

(e) li jipprovdi lill-Bord tal-*Parole* rapporti, kull xahrejn, dwar il-progress ta' min ikun fuq il-*parole*;

(f) li jassisti lil min ikun fuq il-*parole* jkompli fl-isforzi soċjali u edukattivi xierqa;

(g) meta jkun meħtieġ, li jassisti lil min ikun fuq il-*parole* biex isib impjieġ adatt;

(h) biex jirrapporta minnufih lill-Bord tal-*Parole*, wara li jkun sar ksur minn min ikun fuq il-*parole* ta' xi kondizzjoni li giet imposta mill-Bord tal-*Parole*, li tkun speċifikata fil-liċenza tal-*parole*; u

(i) dawk id-dmirijiet l-oħra kollha kif il-Ministru jista' jippreskrivi b'regolamenti jew kif jista' jiġi speċifikat mid-Direttur minn żmien għal żmien.

TAQSIMA V

Tnaqqis mis-Sentenzi

20. (1) Għandu jitwaqqaf Bord li jkun magħruf bhala "il-Bord għat-Tnaqqis mis-Sentenzi", li għandu jkun magħmul:

Twaqqif tal-Bord għat-Tnaqqis mis-Sentenzi.

(a) minn *Chairman*;

(b) mid-Direttur tas-Servizzi Korrettivi; u

(c) mhux aktar minn żewġ membri oħra li jiġu maħtura mill-Ministru.

(2) Il-Bord għat-Tnaqqis mis-Sentenzi jkun responsabbli biex jiddeċiedi dwar l-għoti, it-telf jew l-għoti lura ta' granet ta' tnaqqis mis-sentenza mitlufa.

21. (1) Min iwettaq reat jista' jingħata tnaqqis mis-sentenza għal raġunijiet tal-andament fuq ix-xogħol ta' min wettaq ir-reat, fil-programm ta' taħriġ, fil-programmi edukattivi u fil-programmi ta' rijabilitazzjoni, l-osservanza tal-pjan ta' kura kif approvat mill-*Offender Assessment Board*, u l-imġiba tajba ġenerali fuq kollox ta' min wettaq ir-reat. Il-Bord għat-Tnaqqis mis-Sentenzi għandu jistabbilixxi sistema li biha l-granet ta' tnaqqis mis-sentenza jingħataw lil min wettaq ir-reat individwalment skond kriterji oġġettivi.

Tnaqqis minn sentenza.

(2) It-tnaqqis mis-sentenza għandu jinqala', jintilef jew jingħata lura skont dan l-Att, kull regolament magħmul taħt dan l-Att u l-kriterji stabbiliti mill-Bord għat-Tnaqqis mis-Sentenzi.

22. (1) Fil-każ ta' persuni li wettqu reat li jkunu qed jiskontaw sentenza ta' priġunerija għal żmien ta' iżjed minn xahar, il-Bord għat-Tnaqqis mis-Sentenzi jista' jagħti, jordna t-telf jew jagħti lura granet ta' tnaqqis ta' sentenza li jkunu ntilfu:

Tnaqqis mis-sentenza.

Iżda d-dispożizzjonijiet ta' dan l-artikolu ma jippermettux li z-żmien tal-priġunerija jiġi ridott għal inqas minn wieħed u tletin gurnata.

(2) It-tnaqqis mis-sentenza ma għandux japplika għal persuna li wettqet reat li tkun qed tiskonta kundanna ta' priġunerija għal għomorha.

(3) It-tnaqqis li jinjala' ma għandux jeċċedi terz tat-total ta':

Kap. 9.

(a) iż-żmien ta' kundanna għal priġunerija kif ridott taħt l-artikolu 22 tal-Kodiċi Kriminali, u

(b) kull żmien li matulu l-akkużat kien inżamm f'kustodja, qabel ma nsab ħati, minħabba fir-reat jew reati li għalih jew għalihom huwa jkun gie kkundannat għal priġunerija.

Tnaqqis mis-sentenza: telf ta' tnaqqis prospettiv, għoti speċjali u thassir.

23. (1) Il-Bord għat-Tnaqqis mis-Sentenzi jista' jordna t-telf ta' mhux iżjed minn tliet mija u hamsa u sittin ġurnata ta' tnaqqis mis-sentenza, kemm jekk maqluġh jew prospettiv, fil-każ ta' persuni li wettqu reat li jaħarbu jew jagħmlu attentat biex jaħarbu mill-Facilità Korrettiva, li jikkawżaw diżordni ġewwa l-Facilità jew li jikkommettu reat kriminali ġewwa l-Facilità, inkluż li jinstabu pożittivi għal testijiet dwar drogi jew fil-pussess ta' sustanzi jew oġġetti illeċiti.

(2) Il-Bord għat-Tnaqqis mis-Sentenzi jista' jordna t-telf ta' mhux iżjed minn mija u għoxrin ġurnata ta' tnaqqis mis-sentenza, kemm jekk maqluġh jew prospettiv, fil-każ ta' persuni li wettqu reat li jiksru regolamenti tal-ħabs jew xi miżuri dixxiplinarji, inkluż li jinstabu fil-pussess ta' sustanzi jew oġġetti mhux permessi bir-regolamenti tal-ħabs.

(3) Persuni li wettqu reat li jaħarbu jew jagħmlu attentat biex jaħarbu mill-Facilità Korrettiva, li jikkawżaw diżordni ġewwa l-facilità jew li jikkommettu reat kriminali ġewwa l-facilità, inkluż li jinsabu pożittivi għal testijiet dwar drogi jew fil-pussess ta' sustanzi illeċiti jew sustanzi oħra u, jew oġġetti bi ksur tar-regolamenti tal-ħabs rilevanti ma jingħatawx lura l-ġranet ta' tnaqqis mis-sentenza li jkunu tilfu.

(4) Fil-każ ta' reat kontra d-dixxiplina li jitwettaq minn priġunier li għadu ma nstabx ħati, tista' tingħata l-piena ta' telf ta' tnaqqis mis-sentenza għalkemm dak il-priġunier ma jkunx għadu, jew fiż-żmien meta kkommetta r-reat ma kienx għadu, taħt sentenza.

(5) Persuni li wettqu reat li jikser ir-regolamenti tal-ħabs fi tliet okkażjonijiet m'għandhomx jerggħu jingħataw lura ġranet ta' tnaqqis mis-sentenza mitlufa.

Kondizzjonijiet għal tnaqqis mis-sentenza.

24. Persuni li wettqu reat li jingħataw tnaqqis mis-sentenza jistgħu jkunu meħtieġa li jharsu kondizzjonijiet kif jistgħu jiġu speċifikati mill-Bord għat-Tnaqqis mis-Sentenzi. Dawn il-kondizzjonijiet jistgħu jinkludu:

(a) li jsegwu programmi rijabilitattivi u, jew programmi ta' gustizzja riparatriċi kif jista' jiġi speċifikat mill-Bord għat-Tnaqqis mis-Sentenzi; u

(b) li jagħmlu xogħol ta' volontarjat.

25. Id-Direttur tas-Servizzi Korrettivi għandu jirreġistra f'registru xieraq it-tnaqqis mis-sentenza li jingħata lil kull min iwettaq reat. Dan in-notament għandu jitnizzel fir-registru f'intervalli regolari ta' mhux aktar minn xahar. Id-Direttur tas-Servizzi Korrettivi, wara konsultazzjoni mal-Bord għat-Tnaqqis mis-Sentenzi, għandu jikkomunika ma' kull min ikun wettaq reat, f'intervalli raġonevoli, dwar l-ammont ta' tnaqqis mis-sentenza mogħti lil dik il-persuna.

Registru ta' tnaqqis mis-sentenza.

TAQSIMA VI

Twaqqif tal-Unità għall-Appoġġ lill-Vittmi

26. (1) Għandha titwaqqaf Unità fid-Dipartiment għal Servizzi ta' *Probation* magħrufa bħala "l-Unità għall-Appoġġ lill-Vittmi".

Twaqqif tal-Unità għall-Appoġġ lill-Vittmi.

(2) Il-Kap tal-Unità għall-Appoġġ lill-Vittmi jieħu r-rwol ta' Uffiċjal ta' Kollegament u l-funzjonijiet tal-Uffiċjal ta' Kollegament jistgħu jiġu delegati lil xi membru tal-persunal tiegħu, kif ikun meħtieġ.

27. (1) Il-funzjonijiet tal-Unità għall-Appoġġ lill-Vittmi għandhom jinkludu:

Funzjonijiet tal-Unità għall-Appoġġ lill-Vittmi.

(a) it-twaqqif ta' Karta tal-Vittmi tal-Kriminalità, li tiġi approvata mill-Ministru, sabiex tirregola l-kordinazzjoni tas-servizzi meħtieġa biex jinqadew il-bżonnijiet tal-vittmi tal-kriminalità, inklużi l-proċeduri kollha li għandhom jiġu mharsa;

(b) li jiġi provdut u amministrat registru ta' vittmi skont l-artikolu 28;

(ċ) it-tnejn ta' lista ta' medjaturi biex jassistu waqt il-medjazzjoni bejn il-vittma u min wettaq ir-reat;

(d) it-tnejn, bil-kollaborazzjoni taċ-Ċentru tal-Medjazzjoni għal Malta, ta' kodiċi ta' etika, li għandu jiġi osservat mill-medjaturi waqt il-proċeduri tal-medjazzjoni bejn il-vittma u min wettaq ir-reat;

(e) it-twaqqif tal-kriterji għall-hatra tal-medjaturi;

(f) li jiġi faċilitat aċċess aħjar għal medjazzjoni bejn il-vittma u min wettaq ir-reat permezz tal-pubblikazzjoni ta' informazzjoni, linji gwida u dokumentazzjoni relatata;

(g) il-promozzjoni ta' medjazzjoni bejn il-vittma u min wettaq ir-reat bħala mezz ta' riparazzjoni kemm għall-vittma kif ukoll għal min wettaq ir-reat f'kull stadju tal-proċess ta' ġustizzja kriminali;

L.S.9.12

(h) l-għoti ta' assistenza lill-vittma biex titlob għall-kumpens għall-ħsara u danni oħra kkawżati mill-kriminalità skont ir-Regolamenti dwar Kumpens għal Ħsara kkawżata mill-Kriminalità;

(i) it-tnejn u l-pubblikazzjoni ta' rapport annwali dwar il-progress tal-Unità għall-Appoġġ lill-Vittmi, li għandu jinkludi:

(i) in-numru tal-proċessi ta' medjazzjoni bejn il-vittma u min wettaq ir-reat u r-risultati tagħhom matul dik is-sena; u

(ii) kull haġa oħra, li tiġi meqjusa xierqa li tiġi nkluza fir-rapport, hlief kwistjonijiet amministrattivi;

(j) il-kollaborazzjoni ma' xi organizzazzjoni volontarja dwar appoġġ għal vittmi, kif l-Unità għall-Appoġġ lill-Vittmi tista' tqis li jkun xieraq; u

(k) it-tweġiq ta' dawk il-funzjonijiet l-oħra li jistgħu jiġu assenjati lill-Unità għall-Appoġġ lill-Vittmi permezz ta' dan l-Att jew xi liġi oħra, jew permezz ta' regolamenti li jistgħu, minn żmien għal żmien, jiġu preskritti mill-Ministru.

Registru ta' Vittmi.

28. (1) L-Uffiċjal ta' Kollegament għandu jstabbilixxi u jamministra Registru ta' Vittmi, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "ir-registru" li għandu jkun fih id-dettalji kollha tal-vittmi tal-kriminalità.

(2) Il-kontenut kollu tar-registru għandu jiġi ttrattat b'mod kunfidenzjali u l-Uffiċjal ta' Kollegament għandu jara li l-ebda informazzjoni fir-registru ma tiġi żvelata lil terzi persuni, hlief taht ordni mill-Qorti.

Twaqqif tal-Kumitat għall-Medjazzjoni bejn il-Vittma u Min Wettaq ir-Real.

29. (1) Għandu jitwaqqaf Kumitat li jkun imsejjaħ "il-Kumitat għall-Medjazzjoni bejn il-Vittma u Min Wettaq ir-Real" hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kumitat" biex iwettaq dawk il-funzjonijiet kollha mogħtija lillu b'dan l-Att u dawk

il-funzjonijiet l-oħra li jistgħu jiġu preskritti b'regolamenti magħmula taħt dan l-Att, jew bis-saħħa ta' xi liġi oħra jew skont dik il-liġi oħra.

(2) Il-Kumitat għandu jkun magħmul minn:

(a) *Chairman*, li jkun id-Direttur;

(b) membru li jkun l-Uffiċjal ta' Kollegament; u

(c) membru ieħor li jiġi mahtur mid-Direttur wara konsultazzjoni mad-Direttur għas-Servizzi Korrettivi, u għandu jibqa' fil-kariga għal perjodu ta' sentejn u jkun eligibbli biex jerga' jinħatar f'dik il-kariga għal perjodu ieħor ta' sentejn.

(3) Kull membru tal-Kumitat li jkollu interess personali dirett jew indirett f'xi materja li tkun qed tiġi diskussa mill-Kumitat għandu minnufih jiddikjara l-pożizzjoni tiegħu lill-Kumitat.

(4) Il-membri tal-Kumitat li jkun iddikjara kunflitt ta' interess għandu jastjeni minn kull diskussjoni f'kull materja li għaliha jkun iddikjara li għandu kunflitt ta' interess.

(5) Kull membru li jastjeni ruħu jew jiġi rikuzat skont id-dispożizzjonijiet ta' dan l-artikolu, għandu jiġu sostitwit b'xi membru ieħor, li jiġi mahtur mid-Direttur.

30. (1) Id-dmirijiet prinċipali tal-Kumitat għandhom jinkludu: Dmirijiet tal-Kumitat.

(a) li jiddetermina l-adattabilità tal-vittma, ta' min wettaq ir-reat u tar-reat għall-medjazzjoni bejn il-vittma u min wettaq ir-reat;

(b) li jiddetermina l-eligibilità tal-vittma u ta' min wettaq ir-reat għall-medjazzjoni bejn il-vittma u min wettaq ir-reat;

(c) li jissorvelja lill-medjaturi u li perjudikament jirċievi rapporti verbali jew bil-miktub mingħandhom dwar il-proċessi tal-medjazzjon li jkunu qed isiru bejn il-vittma u min wettaq ir-reat;

(d) li jiddetermina l-post fejn għandha tinzamm il-medjazzjoni bejn il-vittma u min wettaq ir-reat; u

(e) dawk id-dmirijiet l-oħra kollha li jistgħu jiġu assenjati lilu mill-Ministru.

(2) Kull każ miġjub quddiem il-Kumitat għandu jitqies mill-Kumitat fuq il-mertu tiegħu.

(3) Il-Kumitat għandu jkollu aċċess għar-rekords kollha tal-Unità għall-Appoġġ lill-Vittmi u, bla ħsara għad-dispożizzjonijiet ta' dan l-Att u kull direttiva mogħtija mill-Ministru, il-Kumitat għandu jirregola l-proċeduri tiegħu stess.

Rinviju tal-każ għall-medjazzjoni bejn il-vittma u min wettaq ir-reat.

31. (1) Il-Qorti tista', f'kull stadju tal-proċeduri kriminali, tara li jsir rinviju tal-każ lill-Kumitat biex jiddetermina l-adattabilità u l-eligibilità jew mod ieħor biex il-każ jgħaddi għall-medjazzjoni bejn il-vittma u min wettaq ir-reat.

(2) Il-prosekutur u, jew l-avukat difensur u, jew l-uffiċjal tal-*probation*, kif ikun il-każ, jistgħu wkoll matul il-proċeduri kriminali jitlobu lill-Qorti, permezz ta' rikors, biex isir rinviju tal-każ lill-Kumitat biex jiddetermina l-adattabilità u l-eligibilità jew mod ieħor biex il-każ jgħaddi għall-medjazzjoni bejn il-vittma u min wettaq ir-reat.

Kap. 446.
Kap.9.

(3) Jekk il-Qorti minflok ma tikkundanna lil min wettaq ir-reat għall-priġunerija, tagħmel ordni li bih tassogħgetta lil min wettaq ir-reat għal xi ordni skont l-Att dwar il-*Probation*, jew għal sentenza sospiża skont il-Kodiċi Kriminali, l-uffiċjal tal-*probation* jew l-uffiċjal tas-sorveljanza, kif ikun il-każ, li jkun responsabbli biex jissorvelja lil min ikun wettaq ir-reat, jista' f'kull stadju matul il-perjodu tal-*probation* jew il-perjodu operattiv, jitlob lill-Qorti, permezz ta' rikors, biex isir rinviju tal-każ lill-Kumitat biex jiddetermina l-adattabilità u l-eligibilità jew mod ieħor biex il-każ jgħaddi għall-medjazzjoni bejn il-vittma u min wettaq ir-reat.

(4) L-*Offender Assessment Board* u, jew il-Bord tal-*Parole* u jew il-Bord għat-Tnaqqis mis-Sentenzi, kif ikun il-każ, jistgħu f'kull stadju wara li tingħata s-sentenza jagħmlu rinviju tal-każ lill-Kumitat biex jiddetermina l-adattabilità, l-eligibilità jew mod ieħor biex il-każ jgħaddi għall-medjazzjoni bejn il-vittma u min wettaq ir-reat.

Eligibilità.

32. (1) Qabel ma l-vittma u min wettaq ir-reat jgħaddu għall-medjazzjoni bejn il-vittma u min wettaq ir-reat, il-Kumitat għandu jiddetermina l-eligibilità tal-vittma u ta' min wettaq ir-reat.

(2) Min wettaq ir-reat ikun eligibbli għall-medjazzjoni bejn il-vittma u min wettaq ir-reat jekk:

(a) min wettaq ir-reat ikollu l-kapaċità li jaċċetta li jieħu sehem fil-medjazzjoni bejn il-vittma u min wettaq ir-reat;

(b) min wettaq ir-reat jaċċetta volontarjament li jieħu

sehem fil-medjazzjoni bejn il-vittma u min wettaq ir-reat; u

(c) min wettaq ir-reat ikun ammetta formalment li wettaq ir-reat.

(3) Vittma ta' reat tkun eligibbli għall-medjazzjoni bejn il-vittma u min wettaq ir-reat jekk:

(a) ir-reat li jkun sar kontra l-vittma jkun twettaq minn persuna li twettaq ir-reat li tkun eligibbli;

(b) il-vittma jkollha l-kapaċità li taċċetta li tiegħu sehem f' medjazzjoni bejn il-vittma u min wettaq ir-reat; u

(c) il-vittma taċċetta volontarjament li tiegħu sehem f' medjazzjoni bejn il-vittma u min wettaq ir-reat.

33. Biex il-Kumitat ikun jista' jieħu deċiżjoni dwar jekk reat hux adatt għall-medjazzjoni bejn il-vittma u min wettaq ir-reat, il-Kumitat għandu jqis, fost affarijiet oħra, dan li ġej:

Adattabilità tar-reat għall-medjazzjoni bejn il-vittma u min wettaq ir-reat.

(a) in-natura tar-reat, inkluż il-livell ta' ħsara jew vjolenza li jkunu saru fit-twettiq tar-reat; u

(b) kull żbilanċ ta' poter potenzjali li jista' jkun hemm bejn il-persuni li jkunu ser jieħdu sehem fil-medjazzjoni bejn il-vittma u min wettaq ir-reat.

34. Il-Kumitat, biex ikun jista' jieħu deċiżjoni dwar jekk vittma li tkun eligibbli hijiex adatta għall-medjazzjoni bejn il-vittma u min wettaq ir-reat, għandu jqis, fost affarijiet oħra, dan li ġej:

Adattabilità tal-vittma għall-medjazzjoni bejn il-vittma u min wettaq ir-reat.

(a) il-karatteristiċi personali tal-vittma;

(b) il-motivazzjoni tal-vittma biex tiegħu sehem fil-medjazzjoni bejn il-vittma u min wettaq ir-reat;

(c) l-impatt tar-reat fuq il-vittma; u

(d) l-effetti psikoloġiċi potenzjali li l-medjazzjoni bejn il-vittma u min wettaq ir-reat jista' jkollhom fuq il-vittma.

35. Il-Kumitat, biex ikun jista' jieħu deċiżjoni dwar jekk min wettaq ir-reat li jkun eligibbli hux adatt għall-medjazzjoni bejn il-vittma u min wettaq ir-reat għandu jqis, fost affarijiet oħra, dan li ġej:

Adattabilità ta' min wettaq ir-reat għall-medjazzjoni bejn il-vittma u min wettaq ir-reat.

(a) il-karatteristiċi personali ta' min wettaq ir-reat;

(b) il-motivazzjoni li jkollu min wettaq ir-reat biex jieħu

sehem fil-medjazzjoni bejn il-vittma u min wettaq ir-reat;

(ċ) l-impatt tar-reat kif perċepit minn min wettaq ir-reat; u

(d) kemm iħoss, jekk ikun il-każ, dispjaċir jew rimors min wettaq ir-reat għar-reat li jkun wettaq.

Rekwiziti għall-medjazzjoni bejn il-vittma u min wettaq ir-reat.

36. Il-Kumitat għandu jgħaddi lill-vittma u lil min wettaq ir-reat għall-medjazzjoni bejn il-vittma u min wettaq ir-reat jekk ir-reat kollha li għejjin huma sodisfatti minn qabel:

(a) ikun hemm vittma li tkun eliġibbli;

(b) ikun hemm min wettaq ir-reat li jkun eliġibbli; u

(ċ) il-Kumitat ikun iddetermina l-adattabilità tal-vittma, ta' min wettaq ir-reat u tar-reat għall-medjazzjoni bejn il-vittma u min wettaq ir-reat:

Iżda r-rifjut tal-Kumitat li jgħaddi l-każ għall-medjazzjoni bejn il-vittma u min wettaq ir-reat peress illi xi waħda mir-rekwiziti hawn fuq imsemmija ma tkunx giet sodisfatta minn qabel, m'għandux jipprekludi l-possibiltà li l-każ jgħaddi għall-medjazzjoni bejn il-vittma u min wettaq ir-reat fi stadju aktar 'il quddiem hekk kif ir-rekwiziti kollha jkunu ġew sodisfatti minn qabel.

Funzjonijiet tal-medjatur.

37. Kif jiġi assenjat fuq każ, il-medjatur għandu:

(a) jiżgura li jkun infurmat bil-fatti rilevanti kollha tal-każ wara li jingħata d-dokumenti neċessarji kollha mill-Kumitat;

(b) jikkuntattja lill-vittma u lil min wettaq ir-reat biex jiffissa data, hin u post biex issir laqgħa ta' qabel il-medjazzjoni individwalment ma' kull waħda mill-partijiet u biex tiżamm seduta preliminari rigward il-każ, biex jinfirmahom dwar il-proċess u r-regoli tal-medjazzjoni bejn il-vittma u min wettaq ir-reat, u d-drittijiet rispettivi tagħhom:

Iżda f'każ li min wettaq ir-reat ikun qiegħed ġewwa l-Facilità Korrettiva, il-medjatur għandu jikseb l-awtorizzazzjoni meħtieġa mid-Direttur tas-Servizzi Korrettivi biex jiltaqa' ma' min wettaq ir-reat jew biex jiltaqa' ma' min wettaq ir-reat f'post barra mill-Facilità Korrettiva;

(c) jiżgura li s-sessjoni tal-medjazzjoni bejn il-vittma u min wettaq ir-reat tkun ibbażata fuq il-fatti tal-każ u fuq il-bżonnijiet u x-xewqat tal-partijiet;

(d) jgħin biex jiffaċilita djalogu b'mod imparzjali bejn il-partijiet;

(e) jirrispetta d-dinjità u s-sensittività tal-partijiet u jiżgura li l-partijiet jirrispettaw id-drittijiet u l-opinjoni ta' xulxin waqt il-proċess;

(f) jiffaċilita n-negozjati li jwasslu għal ftehim ta' riparazzjoni bejn il-partijiet; u

(g) kull funzjoni oħra li l-Unità tal-Appoġġ lill-Vittmi, wara konsultazzjoni mal-Kumitat, tassenjalu minn żmien għal żmien.

38. M'hemm l-ebda obbligu fuq il-vittma jew fuq min wettaq ir-reat biex: Drittijiet tal-partijiet.

(a) jieħu sehem fil-proċess tal-medjazzjoni bejn il-vittma u min wettaq ir-reat; u

(b) jkompli jieħu sehem fil-proċess tal-medjazzjoni bejn il-vittma u min wettaq ir-reat wara li jkun beda l-proċess.

39. Il-partijiet għandhom jattendu għall-proċeduri ta' medjazzjoni bejn il-vittma u min wettaq ir-reat personalment, mingħajr ebda rappreżentanza legali. Proċeduri.

40. Il-medjazzjoni bejn il-vittma u min wettaq ir-reat tintemm meta sseħħ xi waħda miċ-ċirkostanzi li ġejjin: Temm ta' medjazzjoni bejn il-vittma u min wettaq ir-reat.

(a) jekk il-partijiet jinnegozjaw u jfirmaw ftehim ta' riparazzjoni;

(b) jekk fl-opinjoni tal-medjatur, il-partijiet ma jistgħux jilhqgħu ftehim ta' riparazzjoni; jew

(c) jekk il-partijiet jew xi waħda mill-partijiet ma jibqgħux ikunu jridu jkomplu jieħdu sehem fil-medjazzjoni ta' bejn il-vittma u min wettaq ir-reat:

Iżda l-proċess tal-medjazzjoni bejn il-vittma u min wettaq ir-reat m'għandux idum iktar minn tliet sessjonijiet, sakemm il-Kumitat ma jawtorizzax debitament li jsiru aktar sessjonijiet.

41. (1) Il-proċeduri ta' medjazzjoni bejn il-vittma u min wettaq ir-reat li jkunu ta' suċċess jirriżultaw fin-negozjar ta' ftehim ta' riparazzjoni bejn il-partijiet.

(2) Ftehim ta' riparazzjoni jista' jinkludi:

(a) li min wettaq ir-reat jagħti kumpens għal danni mgarrba mill-vittma;

(b) li min wettaq ir-reat jagħti kumpens għal danni mhux pekunjarji mgarrba mill-vittma;

(c) li min wettaq ir-reat jeżegwixxi xogħol personali għall-vittma;

(d) li min wettaq ir-reat iwettaq xogħol ta' servizz fil-komunità;

(e) li min wettaq ir-reat jieħu sehem f'xi programmi ta' rijabilitazzjoni rilevanti;

(f) li jkun hemm restituzzjoni lill-vittma ta' xi oġġett misruq minn min wettaq ir-reat;

(g) li ssir apologija formali minn min wettaq ir-reat lill-vittma; jew

(h) kull tip ta' ftehim raġonevoli ieħor ta' riparazzjoni li jista' jintlaħaq bejn il-partijiet:

Iżda ftehim ta' riparazzjoni raġonevoli għandu jinftiehem bħala ftehim li jkun intlaħaq bejn il-vittma u min wettaq ir-reat u li huwa meqjus bħala li huwa ġustifikat b'mod raġonevoli u b'mod oġġettiv, fiċ-ċirkostanzi partikolari, mill-medjatur u hekk iċċertifikat mill-Kumitat.

42. (1) Il-medjatur għandu jinforma lill-Qorti, lill-*Offender Assessment Board*, lill-Bord tal-*Parole*, jew lid-Direttur tas-Servizzi Korrettivi, kif ikun il-każ, bir-riżultat tal-proċess ta' medjazzjoni bejn il-vittma u min wettaq ir-reat, filwaqt li jagħti r-raġunijiet kollha għal dak ir-riżultat fir-rapport finali tiegħu tal-medjazzjoni.

(2) Ir-riżultati tal-proċeduri ta' medjazzjoni bejn il-vittma u min wettaq ir-reat li jkunu saru fl-istadju qabel ma tingħata sentenza, għandhom jiġu meqjusa mill-Qorti meta tgħaddi biex tagħti sentenza:

Iżda, jekk il-partijiet ikunu laħqu ftehim ta' riparazzjoni, xejn m'għandu jipprekludi lill-Qorti milli tippreskrivi xi piena oħra, li

tqis li tkun xierqa, fuq min wettaq ir-reat.

(3) Ir-rizultati tal-proċeduri ta' medjazzjoni bejn il-vittma u min wettaq ir-reat li jkun sar fl-istadju wara li jiġi kkundannat min wettaq ir-reat għandhom jidhlu fit-Tieni Rapport ta' Evalwazzjoni tal-*Offender Assessment Board* biex jiġi meqjus mill-Bord tal-*Parole* meta dan jikkonsidra jekk għandux jagħti l-*parole*.

TAQSIMA VII

Mixxellanji

43. Il-Ministru jista' jagħmel regolamenti:

Regolamenti.

(a) biex jipprovdi għad-dmirijiet tad-Direttur b'żjieda ma' dawk preskritti b'dan l-Att;

(b) biex jipprovdi għad-dmirijiet tal-uffiċjali tal-*parole* b'żjieda ma' dawk preskritti b'dan l-Att;

(c) biex jipprovdi għal kull dmir tal-Bordijiet kollha u tal-Kumitat stabbiliti b'dan l-Att b'żjieda ma' dawk preskritti b'dan l-Att;

(d) biex jipprovdi għal kull dmir tal-iSkriivan tal-*Parole* b'żjieda ma' dawk preskritti b'dan l-Att;

(e) biex jipprovdi għall-kondizzjonijiet li għandhom jiġu imposti fil-liċenza tal-*parole* b'żjieda ma' dawk preskritti b'dan l-Att;

(f) biex jipprovdi għall-mod li bih u l-kondizzjonijiet li taħthom xi parti mis-sentenza tista' tiġi mnaqqsa bħala riżultat tal-aġir ta', l-imġiba tajba ta', u l-osservanza tal-pjan ta' kura minn min wettaq ir-reat;

(g) biex jippreskrivi proċeduri *standard* operattivi b'konsulatazzjoni mad-Direttur għal kull waħda mill-funzjonijiet stipulati b'dan l-Att jew xi waħda mill-funzjonijiet li jistgħu jizdiedu minn żmien għal żmien; u

(h) b'mod ġenerali għat-twettiq aħjar tad-dispożizzjonijiet ta' dan l-Att.

44. Is-subartikolu (3) tal-artikolu 11 tal-Kodiċi Kriminali għandu jiġi sostitwit b'li ġej:

Emenda tal-artikolu 11 tal-Kodiċi Kriminali. Kap. 9.

"(3) Il-multa, meta ma titħallasx fiż-żmien stabbilit fl-artikolu 14, tinbidel fi prigunerija bir-rata ta' ġurnata għal kull ħamsa u tletin euro (35):

Iżda f'ebda każ (ħlief f'dak imsemmi fl-artikolu 17(g) u fl-artikolu 29(1)) il-prigunerija minflok il-multa m'għandha tiskorri ż-żmien ta' sitt xhur jekk il-multa ma tkunx aktar minn sebat elef euro (7,000), sena jekk il-multa ma tkunx ta' aktar minn tletin elf euro (30,000), tmintax-il xahar jekk il-multa ma tkunx aktar minn tmenin elf euro (80,000) u sentejn jekk il-multa tkun ta' aktar minn tmenin elf euro (80,000).".

Għanijiet u Raġunijiet

L-għan ewlieni ta' dan l-Abbozz ta' Ligi huwa biex jipprovdi għall-għoti tal-*parole* lil persuni li jkunu wettqu reat, biex jipprovdi għal mizuri oħra ta' ġustizzja riparatriċi tul il-proċess tal-ġustizzja kriminali, biex jgħin lil min wettaq reat biex ma jergax iwettaq reat permezz ta' integrazzjoni sostenibbli mill-ġdid, u biex jingħata servizz aħjar lill-vittmi tal-kriminalità.

ARRANGEMENT OF ACT

	Articles
Part I Preliminary	1 - 2
Part II Establishment and Functions of the Offender Assessment Board	3 - 4
Part III Establishment of the Parole Unit	5 - 7
Part IV Establishment and Functions of the Parole Board and Parole Procedure	8 - 19
Part V Remission and Establishment and Functions of the Remission Board	20 - 25
Part VI Establishment of the Victim Support Unit	26 - 42
Part VII Miscellaneous	43 - 44

**A BILL
entitled**

An Act to make provision for granting parole to prisoners and to provide other restorative justice measures at every stage of the criminal justice process and to provide for such matters ancillary or incidental thereto or connected therewith and to make amendments to other laws.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

PART I

PRELIMINARY

Short title and commencement.

1. (1) The short title of this Act is the Restorative Justice Act, 2010.

(2) This Act shall come into force on such date as the Minister responsible for Justice may by notice in the Gazette appoint and different dates may be so appointed for different purposes or provisions of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires:

"conflict of interest" means a situation in which any member of any Board or Committee, established under this Act, has a private or personal interest sufficient to influence or appear to influence the objective exercise of his functions;

"Director" means the Director responsible for the Probation Services;

"Liaison Officer" means the person appointed under article 26(2);

"mediator" means a neutral, qualified and impartial person appointed to conduct victim-offender mediation proceedings;

"mediation report" means a written report prepared by the mediator during victim-offender mediation proceedings;

"Minister" means the Minister responsible for the Department of Correctional Services;

"offender" means a convicted person or a person who has formally admitted to the commission of a criminal offence in accordance with article 453 of the Criminal Code, as the case may be; Cap. 9

"Offender Assessment Board" means the Board established under article 3;

"parole" means the authorisation granted by the Parole Board to a prisoner serving one or more sentences of imprisonment to be released on parole, during a part of his term of imprisonment upon reaching the parole eligibility date, under the supervision of the parole officer and subject to the parole conditions as may be specified in the parole licence;

"parolee" means a prisoner who has been granted parole by the Parole Board and to whom a parole licence has been issued to that effect;

"Parole Board" means the Board established under article 8;

"Parole Clerk" means the person appointed under article 7;

"parole decision" means a decision taken by the Parole Board to grant or refuse parole to a prisoner following his application to be released on parole;

"parole eligibility date" means the date on which a prisoner becomes eligible to be released on parole subject to the Parole Board's decision;

"parole licence" means a licence issued under article 15;

"parole officer" means a person appointed under article 18;

"parole period" means the period specified in the parole licence during which a parolee is placed under the supervision of a parole officer by means of a parole licence;

"Parole Unit" means the Unit established under article 5;

"public authority" shall have the same meaning as is assigned to it in article 2 of the Freedom of Information Act;

"Remission Board" means the Board established under article 20;

"reparation agreement" means the agreement which may be reached by virtue of article 41;

"Secondary Assessment Report" means the report referred to in article 4;

"victim" means an identified, natural person who has suffered physical and, or psychological and, or material damages, directly caused by the offender's criminal acts and, or omissions or a representative of society in the case where a victim cannot be identified;

"victim-offender mediation" means the procedure established in Part VI;

"Victim Support Unit" means the Unit established under article 26(1).

PART II

Establishment and Functions of the Offender Assessment Board

Establishment
of the Offender
Assessment
Board.

3. (1) There shall be established a Board to be known as the "Offender Assessment Board" which shall discharge the functions conferred on it by this Act and such other functions as may be prescribed by regulations made under this Act, or by or under any other law:

(2) The Offender Assessment Board shall be composed of:

(a) a Chairman who shall be appointed by the Minister;
and

(b) not less than two and not than more than four members to be appointed by the Minister.

(3) The members of the Offender Assessment Board shall hold office for a period of five years and shall be re-eligible for appointment:

Provided that upon the expiration of the abovementioned period, the members of the Offender Assessment Board shall remain

in office until a new Board shall be appointed.

(4) The Minister shall also appoint substitutes for the Chairman and the members of the Offender Assessment Board to serve in cases where either the Chairman or any member of the Offender Assessment Board abstains or is prevented from acting. In that case the same conditions as those applicable to the Chairperson or members of the Board shall apply.

(5) Any member of the Offender Assessment Board having a direct or indirect personal interest on any matter being discussed by the Offender Assessment Board shall immediately declare his position to the Offender Assessment Board.

(6) The member of the Offender Assessment Board who has declared a conflict of interest shall renounce from taking any part in discussions relating to the particular case, and a substitute shall replace him with a view to address that same case.

4. (1) The Offender Assessment Board shall be responsible for:

Functions of the
Offender
Assessment
Board.

(a) carrying out an analysis of the Preliminary Report received from the Unit responsible for the care and reintegration in respect of each prisoner after sentencing. Such report shall include:

(i) a detailed analysis of the problem areas that may have contributed to the criminal act committed by the prisoner in question; and

(ii) a care plan, designed by the officials responsible for proposing various restorative justice programmes to the prisoner, to undergo, to assist in his reformation and reintegration and such reintegration plan shall be reviewed and updated at regular intervals;

(b) the reviewing of a Secondary Assessment Report received in relation to each prisoner who has submitted an application for parole. Such report shall include:

(i) a risk assessment containing full details of the potential risk of danger the prisoner in question may pose upon being released on parole;

(ii) its recommendations to the Parole Board on whether the prisoner in question ought to be released on parole and the reasons thereof;

(iii) its recommendations to the Parole Board on the conditions that ought to be imposed on the prisoner upon the Parole Board's decision to grant parole to the prisoner in question and such recommendations shall be based on the reports received, in relation to each prisoner who has submitted an application for release on parole;

(c) any other function which may be assigned to it by the Director of Correctional Services, after consultation with the Minister, from time to time.

(2) The Offender Assessment Board shall forward to the Parole Clerk all relevant documents referred to in sub-article (1) which shall then be included in the parole *dossier* for the purposes of assisting the Parole Board to take a parole decision.

PART III

Establishment of the Parole Unit

Establishment
of the Parole
Unit.

5. (1) There shall be established a Unit to be known as the Parole Unit, which shall be headed by the Director, the purpose and functions of which are assigned by this Act.

Cap.446.

(2) Without prejudice to the duties assigned to the Director in the Probation Act, the Director shall have the following duties:

(a) to assign parole officers to prisoners applying for parole and to prepare reports regarding the reintegration of prisoners;

(b) to assign parole officers to parolees and to prepare reports in accordance with this Act;

(c) to assign mediators for victim-offender mediation processes;

(d) to manage and direct the Parole Unit and to organise and supervise parole services;

(e) to give direction to parole officers;

(f) to give direction on record keeping and time management;

(g) to supervise parole officers and periodically receive verbal or written reports on parolees from the parole officers;

(h) to keep a register of parolees; and

(i) such other duties as may be assigned by the Minister from time to time.

(3) The Director may delegate any of the above duties to a senior member of staff.

6. The Minister shall appoint a sufficient number of qualified persons to be parole officers, who shall, under the general direction of the Director, perform the duties prescribed by this Act or such other duties as may be prescribed by regulations made under this Act, or by any other law.

Appointment of
parole officers.

7. (1) There shall be appointed a Parole Clerk who shall have sufficient clerical qualifications and administrative experience to perform the duties of Parole Clerk and such other duties as the Director of Correctional Services or the Parole Board may from time to time direct.

The Parole
Clerk.

(2) The Parole Clerk shall:

(a) act as Parole Clerk to the Parole Board to assist in the parole process and be responsible to keep contact with the Director of Correctional Services;

(b) have access to the prisoner's sentence plan, kept at the Correctional Facility, to be able to keep a log of the parole eligibility date of each prisoner eligible for parole;

(c) make the necessary arrangements to inform each prisoner who would be eligible for parole, four months before the parole eligibility date so that if the prisoner wishes, he may apply to the Parole Board to be considered for parole; and

(d) make the necessary arrangements to compile the parole *dossier* which would include all documents listed in article 13(1); and ensure that the parole *dossier* shall reach the Parole Board at least three months before the parole eligibility date.

(3) The Parole Clerk shall hold office for three years and shall be re-eligible for appointment after the end of his term of office.

(4) The Parole Clerk shall be accountable to the Director of Correctional Services.

PART IV

Establishment and Functions of the Parole Board and Parole Procedure.

Establishment
of the Parole
Board.

8. (1) There shall be a Board to be known as "the Parole Board", which shall discharge the functions conferred on it by this Act and such other functions as may be prescribed by regulations made under this Act, or by any other law.

(2) The Parole Board shall consist of:

(a) a Chairman who shall be appointed by the Minister, being a retired member of the judiciary; and

(b) eight other members to be appointed by the Minister from amongst persons who are involved in the criminal justice field and, or any other relevant professionals.

(3) The members of the Parole Board shall hold office for a period of five years and shall be re-eligible for appointment after the end of their term of office:

Provided that upon the expiration of the abovementioned period, the members of the Parole Board shall remain in office until a new Parole Board is appointed.

(4) The Minister shall also appoint a Deputy Chairman, and substitutes for the members of the Parole Board to serve in cases where either the Chairman or any member of the Parole Board is absent, abstains or is prevented from acting. In that case the same conditions as those applicable to the Chairman and the members of the Board, as the case may be, shall apply.

(5) Any member of the Parole Board having a direct or indirect personal interest on any matter being discussed by the Parole Board shall immediately declare his position to the Parole Board.

(6) The member of the Parole Board who has declared a conflict of interest shall renounce from taking any part in discussions relating to the particular case, and a substitute shall replace him with a view to address that same case.

Principal
functions of the
Parole Board.

9. (1) The Parole Board's principal functions shall include:

(a) evaluating the applications for parole, taking into consideration victims' interests;

(b) administering sentences of all prisoners being considered for parole;

(c) having exclusive discretion to take a parole decision and to grant, amend, suspend or revoke, a parole licence issued under article 15;

(d) imposing the necessary conditions referred to in article 14, after taking into consideration all the relevant information contained in the parole *dossier*;

(e) making recommendations as may be required in relation to petitions under article 93 of the Constitution of Malta;

(f) liaising with the Offender Assessment Board and the relevant departments and units, as may be deemed necessary;

(g) issuing certificates of good conduct to mark successful completion of the prisoner's parole period; and

(h) any other function as may be prescribed by the Minister from time to time.

(2) Every case brought before the Parole Board shall be considered on its own merits.

(3) The Parole Board shall submit a yearly report to the Minister, which shall include:

(a) the number of prisoners granted or refused parole;

(b) the number of parole licences amended, suspended and revoked during that year and reasons thereof; and

(c) any matters effecting the operation of the Parole Board in the fulfilment of its functions and duties excluding any administrative issues.

(4) The Minister shall lay a copy of such report on the Table of the House and present a copy of the same report to the Parliamentary Social Affairs Committee.

(5) Without prejudice to the preceding sub-article, the Parole Board, whenever so required by the Minister, shall also submit a report on any matter in connection with the administration of the relevant legislation.

(6) The Parole Board shall have access to all records of the Parole Unit, relating to all prisoners applying for parole, and subject to the provisions of this Act, the Parole Board shall regulate its own procedures.

Prisoners eligible for parole.

10. (1) Subject to the provisions of this Act, parole may only be granted to prisoners serving a sentence of imprisonment of a term of one year or more, irrespective of whether such term results from a single sentence or from a number of sentences that amount to an aggregate of at least one year.

(2) Parole shall also apply with respect to prisoners who have previously served and concluded a prison sentence.

(3) Notwithstanding the provisions of sub-articles (1) and (2) prisoners falling under the following categories shall not be eligible for parole:

(a) prisoners sentenced to a term of imprisonment of less than one year;

Cap. 217.

(b) detainees under the provisions of the Immigration Act;

(c) prisoners subject to extradition proceedings;

(d) foreign nationals who are to be deported at the end of their sentence;

Cap 9.

(e) prisoners who are being detained for subverting or attempting to subvert the Government of Malta, or conspiring against the State as stipulated in article 56(1) and (2), and in article 57(1) and (2) of the Criminal Code;

Cap 9.

(f) prisoners sentenced for acts of terrorism, funding terrorism, and ancillary offences as stipulated in article 328A to article 328M of the Criminal Code; and

(g) prisoners sentenced to life imprisonment.

Parole eligibility date.

11. (1) Subject to the provisions of this Act, the parole eligibility date of a prisoner serving a sentence of imprisonment for a term of one year and not exceeding two years shall be calculated at thirty-three per cent of his term of imprisonment.

(2) Subject to the provisions of this Act, the parole eligibility date of a prisoner serving a sentence of imprisonment for a term of more than two years and not exceeding seven years of imprisonment shall be calculated at fifty per cent of his term of imprisonment.

(3) Subject to the provisions of this Act, the parole eligibility date of a prisoner serving a sentence of imprisonment for a term of more than seven years of imprisonment shall be calculated at fifty-eight per cent of his term of imprisonment.

(4) Notwithstanding the provisions of sub-articles (1), (2) and (3), the Court may include in its judgment an earlier parole eligibility date in the case of offenders who have not yet attained the age of sixteen years at the time of the commission of the offence, or the Court may, taking into consideration the particular circumstances of the case, deem it to be justifiable that a different date be established in order for the offender to reform himself better.

(5) Notwithstanding the provisions of sub-article (1), the parole eligibility date of a person sentenced to more than one sentence of imprisonment, following the coming into force of this Act, shall be calculated at fifty per cent of his total term of imprisonment.

(6) Notwithstanding the provisions of sub-articles (1) and (2), in cases of breach of prison regulations, the parole eligibility date may be pushed back accordingly as a disciplinary measure taken by the Remission Board.

(7) The computation of the terms referred to in sub-articles (1), (2) and (3) shall be made in accordance with article 22 of the Criminal Code. Cap. 9.

(8) Notwithstanding the provisions of sub-articles (1) to (5), prisoners eligible for parole may, on the grounds of terminal illness, apply to the Parole Board to be considered for parole before reaching the parole eligibility date:

Provided that the Parole Board shall first acquire the prisoner's authorisation in writing to interview the medical specialist responsible for the prisoner's care, regarding the prisoner's health condition before the Parole Board may take a decision to grant parole to the prisoner.

12. Whenever a person, who has previously served a sentence of imprisonment and has been granted parole or remission in accordance with the provisions of this Act, is convicted of a further offence committed prior to his having served the previous sentence, and is certified to be presently free of any dependencies, that person shall immediately be considered for parole upon the commencement of the subsequent sentence of imprisonment, unless the Court in its judgment has decided to the contrary: Earlier eligibility for reformed persons.

Cap.446. Provided that the Parole Board shall impose on the parolee in his parole licence the condition to perform community service work and the relevant provisions of the Probation Act shall *mutatis mutandis* apply, together with any other condition the Parole Board may deem necessary to impose.

Procedure. **13.** (1) Following the prisoner's application to be considered for parole, the Parole Clerk shall forward to the Parole Board the parole *dossier* which shall include:

(a) the prisoner's application to be considered for parole;

(b) the sentence details of the prisoner;

(c) other relevant police and, or court records and, or the Attorney General's advice particularly in cases when the prisoner in question has other pending cases;

(d) the report from the Parole Unit as provided for in article 5(2)(a);

(e) the Offender Assessment Board's recommendations; and

Cap. 440. (f) subject to the provisions of the Data Protection Act, any other information or reports which the Offender Assessment Board may deem relevant to include and, or which the Parole Board may require for the case in question.

(2) The Liaison Officer, appointed under this Act, shall notify in writing the victim or victims of the prisoner, when applicable, of the prisoner's application for parole and shall make his recommendations to the Parole Board following consultation with the victim.

(3) Prior to the Parole Board taking a decision as to whether it shall grant or refuse the prisoner's application for parole, the Parole Board:

(a) shall examine all documents provided in the parole *dossier* and shall give due consideration to the Offender Assessments Board's recommendations which are principally based on:

(i) the voluntary and active participation of the prisoner in restorative justice programmes available and recommended during his time in the Correctional Facility;

(ii) the risk of a further offence being committed should the prisoner be granted parole; and

(iii) any other relevant evidence, including whether the prisoner in question has registered any improvement in various areas related to the reform process;

(b) shall take into consideration the recommendations made by the Liaison Officer in relation to the victim and, when deemed necessary by the Parole Board, interview the victim or victims of the prisoner applying for parole;

(c) may, if deemed necessary, interview the prisoner applying for parole; and

(d) may, if deemed necessary, interview the officials of the Board of Visitors of the Prisons and, or correctional facility officials and, or any other person as may be deemed necessary to be interviewed by the Parole Board.

(4) By not later than three weeks prior to the parole eligibility date, the Parole Board shall determine whether to grant parole.

(5) By not later than one week from the date when the decision was taken, the Parole Board shall inform the Parole Clerk who shall forward a copy of the Parole Board's decision to:

(a) the Director;

(b) the Director of Correctional Services;

(c) the prisoner making the request; and

(d) the Liaison Officer of the Victim Support Unit who shall then have the responsibility to inform and explain the Parole Board's decision to the victim or victims concerned, as the case may be.

(6) Upon the Parole Board's refusal to grant parole to the prisoner, unless the Parole Board has fixed a date, the prisoner shall once again become eligible to re-apply for parole after the expiration of six months from the date of the Parole Board's decision.

14. (1) When granting parole to a prisoner, the Parole Board may impose any conditions as may be deemed necessary and such conditions may include:

Parole
conditions

(a) the provision of monetary compensation to the victim which may be deducted from the parolee's monthly income and, or any other service the Parole Board shall request the parolee to provide to the victim, subject to the victim's approval;

(b) deprivation of any contact with the victim and, or the victim's family members;

(c) any condition which may be recommended by the victim to the Parole Board to be imposed on the parolee;

(d) to undergo an electronic monitoring programme;

(e) that the parolee undergoes any treatment programmes as may be specified by the Parole Board;

(f) the participation of the parolee in educational, vocational and, or training programmes as may be specified by the Parole Board;

(g) the performance of community service work;

(h) day time or night time restrictions which may include the parolee's obligation to return to the Correctional Facility during specified days of the week or specified hours of the day as the Parole Board may deem necessary;

(i) the obligation to reside within a designated area and not leave such designated area without the Parole Board's explicit approval; and

(j) any other conditions which the Parole Board may deem fit to impose in the circumstances.

(2) The parolee shall be under such supervision of the parole officer or parole officers, as established by the Parole Unit, throughout the parole period. The parolee shall be required to:

(a) meet up with the parole officer in accordance with such instructions as may be given by the Parole Board from time to time; and

(b) comply with the instructions of the parole officer.

(3) All conditions imposed on the parolee may be amended or revoked or additional conditions may be further specified by the Parole Board, on its own initiative or following recommendations

made by the victim, the Offender Assessment Board or the parole officer or parole officers assigned to supervise the parolee at any time during the parole period.

(4) The Police and, or relevant governmental or non-governmental organizations may also make their recommendations to the Parole Board as regards parole conditions that ought to be imposed.

(5) Notwithstanding recommendations made to the Parole Board, the Parole Board shall have exclusive competence on the conditions that shall be imposed on the parolee.

(6) The Parole Clerk shall immediately inform and clearly explain to the prisoner granted parole, the conditions that are to be imposed on him and upon his refusal to abide by any of the abovementioned conditions the Parole Board shall immediately revoke its decision.

15. (1) Upon the Parole Board's decision to grant parole to the prisoner, the Parole Board shall issue a parole licence which shall include: Parole licence.

(a) the name and surname and other personal details of the parolee;

(b) the date on which the prisoner shall be released on parole;

(c) the period during which the parolee shall be on parole and during which he shall be supervised by the parole officer or parole officers; and

(d) all conditions which the Parole Board, on its own accord or following recommendations from the victim, the police, the Director or any relevant governmental or non-governmental organizations, shall deem necessary for the parolee to comply with.

(2) The Parole Clerk shall immediately forward a copy of the parole licence to:

(a) the parolee;

(b) the Director;

(c) the Director, of Correctional Services;

- (d) the Attorney General; and
- (e) the Commissioner of Police;

which parole licence shall be duly signed by the parolee.

(3) The parole licence shall, unless it is previously revoked under article 15, remain in force until the expiry of the parole period specified in the parole licence, that is, the date on which the parolee's sentence of imprisonment expires.

Amendment,
suspension or
revocation of
parole licence.

16. (1) The Parole Board may amend, suspend or revoke a parole licence if it is reported to the Parole Board, by the Director or his representative, or any public authority including the Commissioner of Police and the Attorney General that the parolee:

- (a) has not complied with any of the parole conditions;
or
- (b) presents, to the parole officer or parole officers or police officials, reasonable suspicion that he might commit a further offence or
- (c) is charged with committing a further offence.

(2) Upon revocation or suspension of the parole licence, the parolee shall immediately be returned to the Correctional Facility to serve the rest of his sentence and will not be re-eligible for parole during the course of the sentence being served:

Provided that whenever the parole licence has been revoked or suspended in accordance with sub-article (1)(a) and (b), the provisions of article 12 shall not apply:

Provided further that whenever the parole licence has been revoked or suspended in accordance with sub-article (1)(c), the parolee shall be eligible for parole in terms of article 11 on serving his second or subsequent sentence.

(3) The Parole Board may also amend, suspend or revoke a parole licence if it receives such information that, had it been received prior to the issuing of the parole licence, the Parole Board would not have granted the parole.

(4) The amendment, suspension or revocation of the parole licence shall be effective from such date when the Parole Board has taken its decision to amend, suspend or revoke the parole licence.

17. (1) The Parole Board, prior to considering whether to amend, suspend or revoke the parole licence, may consult the victim or victims concerned, as the case may be.

Notification of amendment, suspension or revocation of the parole licence to victim and parolee.

(2) (a) The Parole Board, upon taking its decision to amend, suspend or revoke the parole licence, shall ensure that the parolee and the victim or victims concerned, as the case may be, be served with an information notice.

(b) The notice referred to in paragraph (a) shall include the reasons for such amendment, suspension and revocation of the parole licence.

(c) The information notice shall also include the period of suspension of the parole licence and shall also be duly signed by the parolee.

18. Once a parole licence has been issued, the Director shall assign a parole officer to be responsible for the supervision of a parolee:

Selection of parole officers.

Provided that more than one parole officer may be assigned to the same parolee, each dealing with a particular aspect of the case as the Director may determine.

19. Subject to the conditions stipulated in the parole licence, it shall be the duty of the parole officer –

Duties of parole officers.

- (a) to supervise, advise and assist the parolee;
- (b) to receive feedback from the parolee and from professionals, as may be deemed necessary;
- (c) to draft a plan, monitor and assist the parolee in fulfilling the conditions of the parole licence;
- (d) to further assist the parolee in understanding the harm the parolee caused to the victim of crime and society;
- (e) to provide the Parole Board with bi-monthly progress reports of the parolee;
- (f) to assist the parolee in furthering appropriate social and educational endeavours;
- (g) where necessary, to assist the parolee in finding suitable employment;
- (h) to report immediately to the Parole Board, after a

breach of any of the conditions imposed by the Parole Board, specified in the parole licence; and

(i) such other duties as the Minister may prescribe by regulations or as may be specified by the Director from time to time.

PART V

Remission

Establishment of the Remission Board.

20. (1) There shall be appointed a Board to be known as "the Remission Board," which shall be composed of:

(a) a Chairman;

(b) the Director of Correctional Services; and

(c) not more than two other members to be appointed by the Minister.

(2) The Remission Board shall be responsible for deciding on the awarding, forfeiture and awarding back of remission days forfeited.

Remission of sentence.

21. (1) Offenders may be awarded remission of sentence on the grounds of performance at work, at training, during educational and rehabilitation programmes, adherence to the care plan as approved by the Offender Assessment Board, and the offenders' general overall good conduct. The Remission Board shall establish a system whereby remission days are awarded to each individual offender according to objective criteria.

(2) Remission shall be earned, forfeited and awarded back in accordance with this Act, any regulations made under this Act and the criteria laid down by the Remission Board.

Remission.

22. (1) In the case of offenders serving a sentence of imprisonment of a term of more than one month, the Remission Board may award, order the forfeiture and award back remission days forfeited:

Provided that the provisions of this article shall not permit the reduction of the term of imprisonment to less than thirty-one days.

(2) Remission shall not apply to an offender serving a sentence of imprisonment for life.

(3) Remission earned shall not exceed one third of the total of:

(a) the term of a sentence of imprisonment as reduced under article 22 of the Criminal Code; and

Cap. 9.

(b) any period, during which the accused was kept in custody prior to conviction, for the offence or offences for which the offender was imprisoned.

23. (1) The Remission Board may order the forfeiture of not more than three-hundred and sixty-five days of remission, whether earned or prospective, in the case of offenders who escape or attempt to escape from the Correctional Facility, who cause disturbance within the Facility or who commit a criminal offence within the Facility, including being found positive to narcotic testing or in possession of any illicit substances or objects.

Remission:
forfeiture of
prospective
remission,
special award
and
cancellation.

(2) The Remission Board may order the forfeiture of not more than one-hundred and twenty days of remission, whether earned or prospective, in the case of offenders infringing prison regulations or any disciplinary measures, including being found in possession of substances or objects not permitted by prison regulations.

(3) Offenders who escape or attempt to escape from the Correctional Facility, who cause disturbance within the facility or who commit a criminal offence within the facility, including being found positive to narcotic testing, or in possession of illicit substances or other substances and, or objects in infringement of relevant prison regulations, shall not be awarded back any remission days forfeited.

(4) In the case of an offence against discipline committed by an unconvicted prisoner, a punishment of forfeiture may be awarded notwithstanding that the prisoner has not, or had not at the time of the offence, been sentenced.

(5) Offenders infringing prison regulations on three occasions shall not be awarded back any remission days forfeited.

24. Offenders awarded remission may be required to fulfil conditions as may be specified by the Remission Board. Such conditions may include:

Conditions for
award of
remission

(a) following rehabilitative and, or restorative justice programmes as may be specified by the Remission Board; and

(b) conducting community work.

25. The Director of Correctional Services shall record in an appropriate register the remission awarded to each offender. Such record shall be entered in the register at regular intervals of not more

Remission
Register

than one month. The Director of Correctional Services, following consultation with the Remission Board, shall communicate to each offender at reasonable intervals the amount of remission awarded to him.

PART VI

Establishment of the Victim Support Unit

Establishment
of the Victim
Support Unit.

26. (1) There shall be established a Unit within the Department of Probation Services to be known as the "Victim Support Unit";

(2) The Head of the Victim Support Unit shall assume the role of Liaison Officer and the functions of the Liaison Officer may be delegated to members of staff, as may be deemed necessary.

Functions of the
Victim Support
Unit.

27. (1) The functions of the Victim Support Unit shall include:

(a) the establishment of a Victims of Crime Charter, to be approved by the Minister, to regulate the coordination of services to satisfy the needs of victims of crime including all the necessary procedures to be followed;

(b) the provision and management of a victims' register in accordance with article 28;

(c) the drawing up of a list of mediators to assist in victim-offender mediation;

(d) the drawing up of, in collaboration with the Malta Mediation Centre, a code of ethics to be followed by mediators during victim-offender mediation proceedings;

(e) the drawing up of the criteria for the appointment of mediators;

(f) the facilitation of better access to victim-offender mediation through the publication of information, guidelines and related documentation;

(g) the promotion of victim-offender mediation as a means of reparation for both the victim and the offender at any stage of the criminal justice process;

(h) the provision of assistance to the victim in claiming compensation for injury and other damages sustained through crime in accordance with the Criminal Injuries Compensation Regulations; S.L. 9.12

(i) the drawing up and publication of an annual report on the progress of the Victim Support Unit, which shall include:

(i) the number of victim-offender mediation processes made and the results thereof during that year; and

(ii) any other matter, which may be deemed appropriate for inclusion in the report, excluding any administrative issues.

(j) the collaboration with any victim support voluntary organisation as the Victim Support Unit may deem necessary; and

(k) the performance of such other functions as may be assigned to the Victim Support Unit by this Act or by any other law or by any regulations which may, from time to time, be prescribed by the Minister.

28. (1) The Liaison Officer shall set up and manage a Victims' Register, hereinafter referred to in this Part as "the register" which shall contain full details of victims of crime. Victims' Register.

(2) All contents of the register shall be treated confidentially and the Liaison Officer shall ensure that no information included in the register shall be disclosed to any third party, save under a Court order.

29. (1) There shall be a Committee to be known as "the Victim-Offender Mediation Committee" hereinafter referred to in this Part as "the Committee" which shall discharge the functions conferred on it by this Act and such other functions as may be prescribed by regulations made under this Act, or by or under any other law. Establishment of the Victim-Offender Mediation Committee.

(2) The Committee shall consist of:

(a) a Chairman, who shall be the Director;

(b) a member who shall be the Liaison Officer; and

(c) another member who shall be appointed by the

Director after consultation with the Director for Correctional Services and shall remain in office for a period of two years and may be eligible for reappointment in such office for a further period of two years.

(3) Any member of the Committee having a direct or indirect personal interest on any particular matter being discussed by the Committee shall immediately declare his position to the Committee.

(4) The member of the Committee who has declared a conflict of interest shall refrain from any discussion on the matter in which he has declared any conflict of interest.

(5) Any member who abstains or is prevented from acting, under the provisions of this article, shall be substituted by any member, to be appointed by the Director.

Duties of the Committee.

30. (1) The Committee's principal duties shall include:

(a) to determine the victim's, the offender's and the offence's suitability for victim-offender mediation;

(b) to determine the victim's and offender's eligibility for victim-offender mediation;

(c) to supervise mediators and periodically receive verbal or written reports on the victim-offender mediation processes taking place;

(d) to determine the location where victim-offender mediation is to take place; and

(e) such other duties that may be assigned to it by the Minister.

(2) Every case brought before the Committee shall be considered by the Committee on its own merits.

(3) The Committee shall have access to all records of the Victim Support Unit and, subject to the provisions of this Act and any direction by the Minister, the Committee shall regulate its own procedures.

Case referral to victim-offender mediation.

31. (1) The Court may, at any stage of criminal proceedings, refer the case to the Committee to determine the suitability and eligibility or otherwise for the case to be referred to victim-offender mediation.

(2) The prosecutor, and, or the advocate of the offender and, or the probation officer, as the case may be, may also, at any time during the criminal proceedings request the Court, through an application, to refer the case to the Committee to determine the suitability and eligibility or otherwise for the case to be referred to victim-offender mediation.

(3) If the Court, instead of sentencing the offender to imprisonment, subjects the offender to any order provided under the Probation Act, or to a suspended sentence provided under the Criminal Code, the probation officer or the surveillance officer, as the case may be, responsible for supervising the offender, may at any stage during the duration of the probation or operational period, request the Court, by means of an application, to refer the case to the Committee to determine the suitability and eligibility or otherwise for the case to be referred to victim-offender mediation. Cap. 446.
Cap.9.

(4) The Offender Assessment Board and, or the Parole Board and, or the Remission Board, as the case may be, may at any post-sentencing stage refer a case to the Committee to determine the suitability and eligibility or otherwise for a case to be referred to victim-offender mediation.

32. (1) Prior to referring the victim and the offender to victim-offender mediation, the Committee shall determine the victim's and the offender's eligibility. Eligibility.

(2) An offender is eligible for victim-offender mediation if:

(a) the offender is capable of agreeing to take part in victim-offender mediation;

(b) the offender agrees voluntarily to take part in victim-offender mediation; and

(c) the offender has formally admitted to committing an offence.

(3) A victim of an offence is eligible for victim-offender mediation if:

(a) the offence perpetrated against the victim is committed by an eligible offender;

(b) the victim is capable of agreeing to take part in victim-offender mediation; and

(c) the victim agrees voluntarily to take part in victim-offender mediation.

Suitability of offence for victim-offender mediation.

33. In deciding whether victim-offender mediation is suitable for an offence, the Committee shall consider, amongst other matters, the following:

(a) the nature of the offence, including the level of harm caused by or violence involved in its commission; and

(b) any potential power imbalance between the persons who are to take part in victim-offender mediation.

Suitability of victim for victim-offender mediation.

34. In deciding whether victim-offender mediation is suitable for an eligible victim, the Committee shall consider, amongst other matters, the following:

(a) the victim's personal characteristics;

(b) the victim's motivation to take part in victim-offender mediation;

(c) the impact of the offence on the victim; and

(d) the potential psychological effects victim-offender mediation may have on the victim.

Suitability of the offender for victim-offender mediation.

35. In deciding whether victim-offender mediation is suitable for an eligible offender, the Committee shall consider, amongst other matters, the following:

(a) the offender's personal characteristics;

(b) the offender's motivation to take part in victim-offender mediation;

(c) the impact of the offence as perceived by the offender; and

(d) the extent (if any) of the offender's contrition or remorse for the offence.

Requisites for victim-offender mediation.

36. The Committee shall refer the victim and the offender to victim-offender mediation if all of the following pre-requisites are satisfied:

(a) there is an eligible victim;

(b) there is an eligible offender; and

(c) the Committee determines the suitability of the victim, the offender and the offence for victim-offender mediation:

Provided that upon the Committee's refusal to refer a case to victim-offender mediation if any of abovementioned pre-requisites have not been satisfied, shall not preclude the possibility for the case to be referred to victim-offender mediation at a later stage once all pre-requisites are satisfied.

37. Upon being assigned to a case, the mediator shall:

Functions of the mediator.

(a) make sure to be informed of all the relevant facts of the case after being provided with all necessary documents by the Committee;

(b) contact the victim and the offender to fix a date, time and place for an individual pre-mediation meeting with each of the parties and to hold a preliminary hearing in relation to the case, inform them about the victim-offender mediation process and rules, and their respective rights:

Provided that in the case where the offender is in the Correctional Facility, the mediator shall obtain the necessary authorization from the Director of Correctional Services to visit the offender or to hold a meeting with the offender outside the Correctional Facility;

(c) make sure that the victim-offender mediation session shall be based on the relevant facts of the case and on the needs and wishes of the parties;

(d) help facilitate dialogue in an impartial manner between the parties;

(e) respect the dignity and sensitivity of the parties and ensure that the parties respect each other's rights and opinions during the process;

(f) facilitate the negotiations leading to a reparation agreement between the parties and

(g) any other function as the Victim Support Unit, after consultation with the Committee, may assign from time to time.

38. There is no obligation on a victim or on an offender to:

Parties' rights.

(a) take part in the victim-offender mediation process;

and

(b) continue to take part in victim-offender mediation after commencement of the proceedings.

Proceedings.

39. Victim-offender mediation proceedings shall be resorted to by the parties in person, without any legal representation.

Termination of victim-offender mediation.

40. Victim-offender mediation shall be terminated when either of the following circumstances occur:

(a) the parties negotiate and sign a reparation agreement;

(b) if in the opinion of the mediator, the parties cannot reach a reparation agreement; or

(c) either or both of the parties no longer wish to continue with the victim-offender mediation proceedings:

Provided that victim-offender mediation proceedings shall not exceed three sessions, unless further sessions are duly authorized by the Committee.

Reparation agreements.

41. (1) Successful victim-offender mediation proceedings shall result in the negotiation of a reparation agreement between the parties.

(2) Reparation agreements may include:

(a) the offender providing compensation for damages suffered by the victim;

(b) the offender providing compensation for non-pecuniary damages suffered by the victim;

(c) the offender performing personal work for the victim;

(d) the offender performing community service work;

(e) the offender to undertake any relevant rehabilitation programmes;

(f) restitution to the victim of any item stolen by the offender;

(g) a formal apology by the offender to the victim; or

(h) any other reasonable agreement as may be agreed to by the parties:

Provided that a reasonable reparation agreement shall be construed as an agreement reached by both the victim and the offender and which is considered to be objectively and reasonably justified, in the particular circumstances, by the mediator and attested by the Committee.

42. (1) The mediator shall inform the Court, the Offender Assessment Board, the Parole Board or the Director of Correctional Services, as the case may be, of the outcome of the victim-offender mediation process stating full reasons thereof in his final mediation report.

(2) Outcomes of victim-offender mediation proceedings during the pre-sentencing stage shall be taken into consideration by the Court when passing judgment:

Provided that, upon the parties having reached a reparation agreement, nothing shall prevent the Court from prescribing any other punishment on the offender which it may deem appropriate.

(3) Outcomes of victim-offender mediation proceedings at post-sentencing stage shall be included in the Offender Assessment Board's Secondary Assessment Report to be considered by the Parole Board when considering the granting of parole.

PART VII

Miscellaneous

43. The Minister may make regulations:

Regulations.

(a) providing for the duties of the Director in addition to those prescribed by this Act;

(b) providing for any duties of parole officers in addition to those prescribed by this Act;

(c) providing for any duties of all the Boards and the Committee established under this Act in addition to those prescribed by this Act;

(d) providing for any duties of the Parole Clerk in addition to those prescribed by this Act;

(e) providing for the conditions that shall be imposed in

a parole licence in addition to those prescribed by this Act;

(f) providing for the manner in which and the conditions under which a remission of a portion of the sentence may be earned by industry, good conduct and adherence to the care plan;

(g) prescribing standard operational procedures in consultation with the Director for any of the functions stipulated under this Act or any of the functions that may be added from time to time; and

(h) generally for the better carrying out of the purposes and provisions of this Act.

Amendment of
article 11 of the
Criminal Code.
Cap. 9

44. Sub-article (3) of article 11 of the Criminal Code shall be substituted by the following:

"(3) In default of payment of a fine (*multa*) within the period prescribed in article 14, such fine (*multa*) shall be converted into imprisonment at the rate of one day for every thirty-five euro (35):

Provided that in no case (save as provided in article 17(g) and in article 29(1)) shall imprisonment in substitution of a fine (*multa*) exceed six months if the fine is not higher than seven thousand euro (7,000), one year if the fine is not higher than thirty thousand euro (30,000), eighteen months if the fine is not higher than eighty thousand euro (80,000) and two years if it is higher than eighty thousand euro (80,000)."

Objects and Reasons

The main object of this Bill is to make provision for the granting of parole to offenders, to provide for other restorative justice measures throughout the criminal justice process, to prevent re-offending through sustainable reintegration of offenders and to provide a better service for victims of crime.