

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,739, 10 ta' Marzu, 2017

Taqsimha C

Nru. 199

10. 03. 2017

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Carmelo Abela, M.P., Ministru għall-Intern u s-Sigurtà Nazzjonali, u moqri għall-Ewwel darba fis-Seduta tas-7 ta' Marzu, 2017.

A BILL introduced by the Honourable Carmelo Abela, M.P., Minister for Home Affairs and National Security, and read the First time at the Sitting of the 7th March, 2017.

ATT biex jemenda l-Att dwar il-Ġustizzja Riparatriċi, Kap. 516.

AN ACT to amend the Restorative Justice Act, Cap. 516.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT biex jemenda l-Att dwar il-Ġustizzja Riparatriċi, Kap. 516.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2017 li jemenda l-Att dwar il-Ġustizzja Riparatriċi, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Ġustizzja Riparatriċi, hawnhekk iżjed 'il quddiem imsejjaħ "l-At prinċipali".

Titolu fil-qosor.
Kap. 516.

2. Is-subartikolu (3) tal-artikolu 10 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 10 tal-Att prinċipali.

(a) fil-paragrafu (e) tiegħu, minflok il-kliem "tal-Kodiċi Kriminali;" għandhom jidhlu l-kliem "tal-Kodiċi Kriminali; u";

(b) fil-paragrafu (f) tiegħu, minflok il-kliem "tal-Kodiċi Kriminali; u" għandhom jidhlu l-kliem "tal-Kodiċi Kriminali.;"
u

(ċ) il-paragrafu (g) tiegħu għandu jiġi mhassar.

3. Minnufih wara l-artikolu 43 tal-Att prinċipali, għandhom jizdiedu t-Taqsima ġdida u l-artikolu ġdid li ġejjin:

Zieda ta' Taqsima ġdida u artikolu ġdid mal-Att prinċipali.

"TAQSIMA VI A

Parole lil Persuni li qed jiskontaw
Kundanna għal għomorhom

Dispożizzjonijiet speċjali għall-ghoti tal-*parole* lil persuni li qed jiskontaw kundanna għal għomorhom.

43A. (1) Persuni li jkunu qed jiskontaw kundanna għal għomorhom għandhom ikunu eliġibbli biex japplikaw għall-*parole* wara li jkunu skontaw tal-inqas tletin (30) sena mis-sentenza tagħhom.

(2) Id-dispożizzjonijiet tat-Taqsima IV ta' dan l-Att għandhom japplikaw *mutatis mutandis* għal persuni li jaqgħu taħt din it-Taqsima:

Izda persuna li jkollha kundanna ta' prigunerija għal għomorha, u li tiġi rilaxxata fuq *parole*, għandha tiġi meqjusa li qegħda fuq *parole* għal għomorha u għandha tħares, fi kwalunkwe ħin, il-kundizzjonijiet tal-liċenza tal-*parole*.

(3) Persuni li ma jkunux ġew rilaxxati fuq *parole* wara li jkunu skontaw tletin (30) sena, għandhom ikunu intitolati biex jissottomettu applikazzjoni oħra wara perijodi ta' ħames (5) snin.

(4) Persuni li, meta din it-Taqsima tidhol fis-seħħ, ikunu diġà skontaw tletin (30) sena għandhom ikunu intitolati biex jissottomettu applikazzjoni għall-*parole*, b'effett immedjat.

(5) Għall-fini ta' din it-Taqsima, pjan ta' kura għandu jiġi abbozzat fir-rigward tat-tali persuni, u d-deċiżjoni fuq l-applikazzjoni tagħhom tista' tittiehed fi żmien ta' mhux iktar minn sena mid-dhul fis-seħħ ta' din it-Taqsima."

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz huwa sabiex jintroduci dispożizzjonijiet speċjali għall-ghoti tal-*parole* lil persuni li qed jiskontaw kundanna għal għomorhom.

A BILL
entitled

An Act to amend the Restorative Justice Act, Cap. 516.

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:-

- 1.** The short title of this Act is the Restorative Justice (Amendment) Act, 2017, and this Act shall be read and construed as one with the Restorative Justice Act, hereinafter referred to as "the principal Act".

Short title.
Cap. 516.
- 2.** Sub-article (3) of article 10 of the principal Act shall be amended as follows:

Amends article
10 of the
principal Act.

 - (a) in paragraph (e) thereof, for the words "of the Criminal Code;" there shall be substituted the words "of the Criminal Code; and";
 - (b) in paragraph (f) thereof, for the words "of the Criminal Code; and" there shall be substituted the words "of the Criminal Code."; and
 - (c) paragraph (g) thereof shall be deleted.
- 3.** Immediately after article 43 of the principal Act, there shall be added the following new Part and new article:

Adds new Part
and new article
to the principal
Act.

"PART VI A**Parole to Persons serving a Life Sentence**

Special provisions for the granting of parole to persons serving a life sentence.

43A. (1) Persons serving a life sentence shall be eligible to apply for parole after having served at least thirty (30) years of their sentence.

(2) The provisions of Part IV of this Act shall apply *mutatis mutandis* to persons falling under this Part:

Provided that a person sentenced to imprisonment for life, who is released on parole, shall be deemed a parolee for life and shall comply, at all times, with conditions of the parole licence.

(3) Persons who have not been released on parole upon serving thirty (30) years, shall be entitled to submit a second application after periods of five (5) years thereafter.

(4) Persons who, upon the entry into force of this Part, have already served thirty (30) years shall be entitled to submit an application for parole, with immediate effect.

(5) For the purpose of this Part, a care plan shall be drafted in respect of such persons, whose application may then be decided upon within not more than one year from the entry into force of this Part."

Objects and Reasons

The object of the Bill is to introduce special provisions for the granting of parole to persons serving a life sentence.

