



No. 13 of 2018.

Parole (Amendment) Act 2018.

Certified on : 4 NOV 2018



No. 13 of 2018.

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ARRANGEMENT OF SECTIONS.

1. Parole Board (Amendment of Section 3).
2. Chairman's report (Amendment of Section 9).
3. Voluntary Parole Officers (Amendment of Section 12).
4. Duties of the Chief Parole Officer (Amendment of Section 13).
5. Duties of Parole Officers (Amendment of Section 14).
6. Duties of Voluntary Parole Officers (Amendment of Section 15).
7. Eligibility for parole (Amendment of Section 17).
8. Reports on detainees eligible for parole (Amendment of Section 20).
9. Orders granting parole, etc. (Amendment of Section 21).
10. Release of parolee from detention (Amendment of Section 23).
11. Conditions of parole (Amendment of Section 24).
12. Decision of Board in relation to breach (Amendment of Section 27).
13. Assistance to be given to officers (Amendment of Section 29).
14. Proceedings to be confidential (Amendment of Section 31).



No. 13 of 2018.

AN ACT

entitled

Parole (Amendment) Act 2018.

Being an Act to amend the *Parole Act 1991*,

MADE by the National Parliament.

1. PAROLE BOARD (AMENDMENT OF SECTION 3).

Section 3 of the Principal Act is amended -

(a) by repealing Subsection (2) and replacing it with the following:

- “(2) There shall be three members of the Board comprising -
- (a) the Head of the Department responsible for justice matters or his nominee, who shall be the Chairperson; and
 - (b) the Commissioner of the Correctional Services or his nominee; and
 - (c) a medical practitioner.”; and

(b) by repealing Subsection (3); and

(c) in Subsection (4)(f) by deleting the words “need of”.

2. CHAIRMAN’S REPORT (AMENDMENT OF SECTION 9).

Section 9 of the Principal Act is amended by making the current provision as Subsection (1) and adding the following new subsection:

“(2) For the purpose of preparing the Chairperson’s report, the Commissioner and Chief Parole Officer are to provide to the Chairperson the information required by Section 9(1) and all relevant progressive reports for each region by 1st March of each calendar year.”.

3. VOLUNTARY PAROLE OFFICERS (AMENDMENT OF SECTION 12).

Section 12 of the Principal Act is amended in the heading by deleting the word **OFFICERS**” and replacing it with **“OFFICER”**.

4. DUTIES OF THE CHIEF PAROLE OFFICER (AMENDMENT OF SECTION 13).

Section 13 of the Principal Act is amended by repealing Subsection (1) and replacing it with the following:

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“(1) The Chief Parole Officer shall be responsible for the efficient and effective management and operation of the Parole Service, and in particular -

- (a) either by himself or through his delegate, lay a complaint in the District Court to prosecute the breach of a parole order; and
- (b) be responsible for the preparation of such reports of investigation and supervision as he considers necessary or as are required under this Act; and
- (c) assign officers to serve in such areas and for such cases as he determines; and
- (d) direct and supervise the work of officers and other employees assigned to him; and
- (e) formulate and implement methods of investigation, supervision of parolees, record keeping and reporting; and
- (f) conduct training courses for officers and other staff of the Parole Service; and
- (g) develop policies and procedures for parole work; and
- (h) prepare an annual report as required by Section 30; and
- (i) have such other functions, powers, duties and responsibilities as are prescribed by or under this Act or any other law.”.

5. DUTIES OF PAROLE OFFICERS (AMENDMENT OF SECTION 14).

Section 14 of the Principal Act is amended -

- (a) by repealing the heading and replacing it with the following new heading:

“**DUTIES OF A PAROLE OFFICER.**”; and

- (b) by repealing Paragraph (a) and replacing it with the following new paragraph:

“(a) supervise all parolees and the detainees released on license placed under his supervision with a view to assisting their reintegration into the community as law abiding people.”; and

- (c) by adding immediately after Paragraph (b) the following new paragraph:

“(ba) prepare and provide information before the District Court for parole order breaches; and”.

6. DUTIES OF VOLUNTARY PAROLE OFFICERS (AMENDMENT OF SECTION 15).

Section 15 of the Principal Act is amended -

- (a) by repealing the heading and replacing it with the following new heading:

“**DUTIES OF A VOLUNTARY PAROLE OFFICER.**”; and

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(b) by repealing Paragraph (a) and replacing it with the following new paragraph:

“(a) as directed by a Parole Officer, supervise all parolees and other detainees released on license placed under his supervision with a view to assisting their reintegration into the community as law-abiding people; and”.

7. ELIGIBILITY FOR PAROLE (AMENDMENT OF SECTION 17).

Section 17 of the Principal Act is amended -

(a) by repealing Subsections (1) and (2) and replacing them with the following:

(1) Subject to this Act and unless otherwise determined by an order of the Court, a detainee who has been sentenced to a term of imprisonment of five years or more and has served not less than half of the sentence is eligible for parole.

(2) A detainee who is serving a term of life imprisonment or is subject to a death sentence shall not be eligible for parole.

(3) A detainee whose application has gone before the Board for three times and was refused by the Board on all occasions is no longer eligible for parole.

(4) A detainee with an appeal pending in the Supreme Court is not eligible for parole until his appeal is heard and determined.

(5) For the purposes of determining the length of a sentence under Subsection (1) -

(a) remission of sentence shall not be taken into account; and

(b) where a detainee has been sentenced to -

(i) two or more terms of imprisonment to be served concurrently - the longer or longest term (as the case may be) shall be considered; or

(ii) two or more terms to be served cumulatively - the total of these terms shall be considered.”.

8. REPORTS ON DETAINEES ELIGIBLE FOR PAROLE (AMENDMENT OF SECTION 20).

Section 20 of the Principal Act is amended -

(a) in Subsection (2)(h) by deleting the word “corrective” and replacing it with the following:

“correctional”; and

(b) in Subsection (2) by adding immediately after Paragraph (j) the following new paragraph:

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“(ja) if the detainee has been transferred from his point of origin, proposed plans for repatriation prior to release on parole; and”;
and

(c) in Subsection (3) by adding immediately after Paragraph (d) the following new Paragraph:

“(da) a victim impact statement; and”.

9. ORDERS GRANTING PAROLE, ETC. (AMENDMENT OF SECTION 21).

Section 21 of the Principal Act is amended by adding immediately after Subsection (4) the following new subsection:

“(5) Where the Parole Board refuses to grant parole, the Parole Board must provide to the detainee, in writing, the reasons for refusal.”.

10. RELEASE OF PAROLEE FROM DETENTION (AMENDMENT OF SECTION 23).

Section 23 of the Principal Act is amended by repealing Subsection (3) and replacing it with the following new subsections:

“(3) The parolee must be released from the point at which he originated and to the local officer in that place.

(4) Upon release from detention, the parolee shall report immediately to an office of the Parole Service nominated by a Parole Officer.”.

11. CONDITIONS OF PAROLE (AMENDMENT OF SECTION 24).

Section 24 of the Principal Act is amended -

(a) in Subsection (1), Paragraph (e) by adding immediately after Subparagraph (iii) the following new subparagraph:

“(iv) the change of residence does not include the relocation of the parolee from his current location to another province;” and

(b) in Subsection (1) by adding immediately after Paragraph (e) the following new paragraph:

“(ea) direct that the parolee shall not transfer to another province unless he has made an application to the Board stating -

- (i) his intention to do so; and
- (ii) the reasons for the proposed change; and
- (iii) that the Board has approved his application; and”;

(c) by adding immediately after Subsection (2) the following new subsection:

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“(3) A parolee shall keep a copy of the parole order in his possession while released on parole, to be produced for inspection when asked by a police officer or a correctional services officer.”

12. DECISION OF BOARD IN RELATION TO BREACH (AMENDMENT OF SECTION 27).

Section 27 of the Principal Act is amended in Subsection (6) by deleting the word “corrective” and replacing it with the following:

“correctional”.

13. ASSISTANCE TO BE GIVEN TO OFFICERS (AMENDMENT OF SECTION 29).

Section 29 of the Principal Act is amended -

(a) by repealing the heading and replacing it with the following:

“ASSISTANCE TO BE GIVEN TO AN OFFICER.”; and

(b) by repealing Subsection (1) and replacing it with the following:

“(1) Subject to any other law, a Parole Officer has a right to receive assistance and information from the State, a Provincial Government, a Local-Level Government, an individual or other bodies for the proper performance of his duties and functions under this Act.”; and

(c) in Subsection (2) by deleting “K200.00” from the penalty provision and replacing it with the following:

“K1,000.00.”.

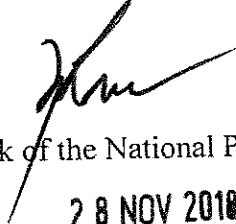
14. PROCEEDINGS TO BE CONFIDENTIAL (AMENDMENT OF SECTION 31).

Section 31 of the Principal Act is amended in Subsection (4) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding three months or both.”.

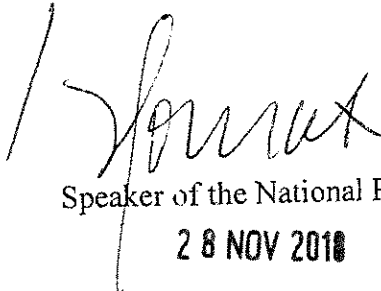
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I hereby certify that the above is a fair print of the *Parole (Amendment) Act 2018*, which has been made by the National Parliament.


Clerk of the National Parliament.

28 NOV 2018

I hereby certify that the *Parole (Amendment) Act 2018*, was made by the National Parliament on 12 September 2018.


Speaker of the National Parliament.

28 NOV 2018