

BELIZE:

PAROLE ACT, 2017

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SCHEDULE



No. 25 of 2017

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

29th March, 2017.

AN ACT to provide for, the enshrinement in substantive law of the parole regime, the eligibility for the consideration of parole in relation to persons serving life sentence for murder, the modification of the composition of the Parole Board, the introduction of new offences in relation to activities unduly affecting the operations of the Parole Board; and to provide for matters connected therewith or incidental thereto.

(Gazetted 29th March, 2017.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

Short title.

PAROLE ACT, 2017.

Interpretation.

2. For the purposes of this Act -

“Board” or “Parole Board” means the Parole Board established by section 3;

“Director” means the Director of the Belize Central Prison;

“lesser offender” means an offender who is not a serious offender;

“offender” has the same meaning as prisoner;

“parole officer” means any of the officers referred to in section 10 below;

“parole” means parole granted under this Act;

“parolee” means an offender to whom parole has been granted;

“serious offender” means an offender who is convicted of an offence for which the penalty is,

(a) death;

(b) imprisonment for life; or

(c) deprivation of liberty for a period of two years or more,

and includes an offence listed in the Schedule.

Composition of
the Parole
Board.

3. (1) There is continued a body known as the Parole Board, which for the purposes of this Act is to consist of the following nine persons appointed by the Minister,

(a) the Chief Executive Officer of the Ministry responsible for prisons, *ex-officio*, who shall be the Chairman;

- (b) the Director of Prisons, *ex-officio*;
- (c) a person who holds or has held a judicial office;
- (d) a representative of the Office of the Director of Public Prosecutions;
- (e) a representative of the Belize Police Department;
- (f) a registered medical practitioner, who as far as practicable should be a psychiatrist;
- (g) a representative of the Ministry responsible for Human Development, and
- (h) two other persons appearing to the Minister to have knowledge and experience of the supervision or after care of discharged prisoners, or who have made a study of the causes of delinquency or the treatment of offenders.

(2) The Board shall appoint a person whom it considers suitable for appointment as such to be Secretary to the Board.

4. (1) The functions of the Board include making decisions regarding

- (a) the release on parole of an offender eligible for parole, and
- (b) the remission, suspension or variation of any condition of parole of any parolee, or imposition on any such parolee of any additional condition of parole.

Functions,
powers and
duties of the
Parole Board.

(2) In considering any case for parole, the Board may request any person, including the offender himself, to provide information or to make representations which in the Board's opinion, may be of assistance in reaching a decision.

(3) In considering any case for parole, the Board shall take into account,

- (a) the nature and circumstances of the offence for which the applicant was convicted and sentenced;
- (b) the sentence imposed by the court and any comments made by the court when the sentence was imposed;
- (c) the safety of the public, and of any person or class of persons who may be affected by the release of the offender;
- (d) any representations made by the victim of the offence or any person acting on his behalf, or of the relatives of the victim of the offence, or anyone acting on their behalf;
- (e) any representations made by the offender or any person acting on his behalf;
- (f) the welfare of the offender and his reformation and training while in the prison;
- (g) the probable circumstances of the offender if released, especially the likelihood of his peaceful reintegration into society;
- (h) the likely response of the offender to supervision by the parole officer;

- (i) the reasonable probability that the offender will live and remain at liberty without violating laws, and
- (j) any other factor that the Board may consider relevant in reaching a decision.

5. (1) An offender other than an offender sentenced to death, is eligible for consideration for release on parole upon the expiry of the following periods from the date of his reception in a prison after sentencing,

Eligibility for parole and consideration for parole.

- (a) the minimum term fixed by the Court in accordance with section 106(3) of the Criminal Code, in the case of an offender convicted of the offence of murder and undergoing a sentence of imprisonment for life;
- (b) fifteen years, in the case of any other offender undergoing a sentence of imprisonment for life;
- (c) one half of the term of imprisonment, in the case of any serious offender undergoing a sentence, other than an offender specified in any of the preceding paragraphs, and
- (d) one third of the term of imprisonment, in the case of a lesser offender undergoing a sentence.

CAP. 101.

(2) As soon as an offender has become eligible to be considered for release on parole under subsection (1), the Director shall refer the case of the offender to the Board for consideration.

(3) Nothing in subsection (2) precludes an offender from himself applying to the Board for consideration of his case, after he has become eligible to be considered for release on parole under subsection (1).

(4) Where the Board has decided not to release an offender on parole, the offender may from time to time apply to the Board for a further consideration of his case; however, the Board may not consider a further application under this subsection at any time within one year after the making of a previous application.

(5) Notwithstanding the previous subsections, the Board may of its own motion or at the request of any member thereof, at any time after the expiry of the appropriate period specified in subsection (1), consider the case of an eligible offender, with a view to his being released on parole.

(6) In considering the case of any eligible offender, the Board or any member authorized in writing by the Board may interview the offender at the prison or require the offender to attend before a meeting of the Board.

Parole Order.

6. (1) After considering the case of any offender who is eligible under section 5, the Board may by order release the offender on parole, subject to the general conditions set out in section 7, and any other special conditions that the Board may consider fit to impose, which must be incorporated in the parole order.

(2) A parole order must be,

(a) in writing;

(b) signed by the Chairman of the Board; and

(c) given to the offender prior to his release with a certified copy of the order given to the Director, the Commissioner of Police and the parole officer.

(3) The parole order must specify the judicial district or area in which the parolee is required to reside.

(4) Each parolee is under the supervision of a parole officer in whose district or area of authority the parolee resides for the time being, or of any other parole officer as the Board may, from time to time direct.

7. Where an offender is released on parole, the following general conditions apply,

General
conditions of
parole.

- (a) within twenty-four hours after his release on parole he shall report to the parole officer at the place stated in the parole order, or if he does not proceed directly to that place, then he shall report to some other parole officer within forty-eight hours of his release on parole;
- (b) he shall report to the parole officer under whose supervision he is for the time being, as and when he is required to do so by the parole officer;
- (c) he shall give to the parole officer and to the Director reasonable notice of his intention to move from his address and if he moves to any other address, he shall within forty-eight hours after his arrival at that address, notify his parole officer of his arrival, and give to him his new address, and the nature and place of his employment (if any);
- (d) he shall not reside at an address that is not approved by the parole officer;
- (e) he shall not continue in any employment, or continue to engage in any occupation, that is not approved by the parole officer;
- (f) he shall not associate with any specified person, or with persons of any specified class,

with whom the parole officer has in writing warned him not to associate;

- (g) he shall be of good behaviour and shall not commit any offence against any law;
- (h) he shall comply with such other conditions as the Board may direct from time to time.

Duration of parole.

8. Where an eligible offender is released from detention by the Board under this Act, he shall be on parole from the time of his release until the expiry of his sentence of imprisonment, and the term of the sentence shall continue to run while he is on parole, as if he were still serving the sentence.

Revocation of parole.

9. (1) The Board may, for any reasonable cause, at any time, direct in writing that a parolee be recalled.

(2) On the giving of the direction under subsection (1), the parole order is to be treated as revoked, and the parolee may be arrested without a warrant, by any police officer, prison officer or a parole officer and shall be returned to detention to continue to serve his sentence.

(3) The Board shall determine, having regard to the nature and circumstances of the recall, whether the particular offender shall again become eligible for parole at a later time.

Functions, powers and responsibilities of parole officers.

10. (1) A parole officer is required to,

- (a) supervise all offenders placed under his supervision with a view to assisting their rehabilitation and preventing the commission of further offences, and

- (b) perform such other duties as may from time to time be directed by the Board.

(2) The functions conferred on a parole officer in relation to the supervision of an offender while on parole may be discharged by a probation officer, a prison officer, a social services officer, or by a person who in the opinion of the Board is a fit and proper person to undertake supervision and control of the offender while on parole.

(3) In the exercise of his powers and duties under this Act, a parole officer has the powers, protection and privileges of a prison officer.

(4) A parolee or his parole officer may at any time apply to the Board for the remission, suspension or variation of any general or special condition of parole.

(5) A parole officer may apply to the Board for the imposition of any additional condition of parole in respect of any parolee under his supervision.

(6) A parole officer may, and when required by the Board, shall

- (a) report to the Board on the character and personal history of any parolee or offender undergoing a sentence of imprisonment, with a view to assisting the Board in determining the most suitable method of dealing with the case, and
- (b) in such report, advise the Board whether the offender would be likely to respond satisfactorily to parole and whether any special condition of parole should be imposed.

Annual Report
from Prison.

11. The Director or any other person authorized by him in that behalf shall submit an annual report in the prescribed form to the Board within two months after the end of each year, on the general condition of every offender who is undergoing,

- (a) imprisonment for life; and
- (b) any other sentence of imprisonment of one year or more.

Offences.

12. Any person who,

- (a) offers or attempts to offer any money or other inducement to any member of the Board with intent to influence a decision of the Board;
- (b) makes any false representation to the Board with intent to improperly influence a decision of the Board;
- (c) discloses, without the expressed permission of the Board, the deliberations of the Board,

commits an offence and is liable on summary conviction to a term of imprisonment of one year.

Regulations.

13. The Minister may make regulations generally for administering this Act and for giving effect to its purposes, or with respect to any matter or thing by or under this Act which may be or is to be prescribed.

Repeal and
transitional.

14. (1) The provisions of PART VI of the Prison Rules (hereinafter called “the repealed provisions”) are hereby repealed.

(2) Notwithstanding the repeal of provisions under subsection (1), upon the commencement date of this Act,

- (a) the existing members of the Parole Board as constituted under the repealed provisions immediately before that date shall continue in office; nevertheless, the provisions of this Act shall apply to the operations of the Board as so continued, and accordingly any modifications to the existing membership that may become necessary prior to the expiration of the term of any or more of the existing members shall be made by the Minister to accord with the provisions of section 3;
- (b) a person duly operating as a parole officer under the repealed provisions immediately before that date is regarded as continuing as such under this Act, subject to any modifications necessary to accord with this Act;
- (c) every reference in an enactment (other than this Act), or in any instrument or other document, to the Parole Board is to be, if the context requires, construed as a reference to the Board established under this Act.

(3) Notwithstanding the repeal of provisions under subsection (1),

- (a) a parole order granted under those provisions has effect as if it were a parole order granted under this Act;
- (b) a case for the consideration of the grant of parole under those provisions, that was pending immediately before the commencement date, is to be deemed to have arisen under this Act,

and this Act, with such modifications as may be required to be made, applies accordingly.

Amendment of
rule 42 of
Prison Rules.

15. The Prison Rules is amended in rule 42 by deleting the words “ Part VI of these Rules” and substituting the words “the Parole Act”.

Schedule

[Section 2]

Serious Offender Specified Offences

1. Murder, attempt to commit murder, manslaughter, dangerous harm, maim and grievous harm
2. Offences against the State
3. Terrorism, terrorist financing and related offences
4. Blackmail, kidnapping, extortion, hostage taking and insider trading
5. Robbery, aggravated burglary and theft (where that theft involves property valued more than \$10,000.)
6. Counterfeiting, forgery and fraud
7. Cyber related crime
8. Illicit trafficking in stolen and other goods
9. Offences under the Misuse of Drugs Act
10. Offences under the Firearms Act
11. Offences under the Trafficking in Persons Act and the Commercial Sexual Exploitation of Children Act
12. Sexual Offences under the Criminal Code
13. Offences under the Crime Control and Criminal Justice Act