



Legislative Assembly of the Cayman Islands

PRIVATE MEMBER'S MOTION NO. 5/2014-2015

Penalty for the Offence of Aggravated Burglary

WHEREAS section 244(1) of the Penal Code (2013 Revision) provides that it is an offence for a person who commits any burglary and at the same time has with him any firearm or imitation firearm, any offensive weapon or any explosive commits the offences of aggravated burglary is liable to imprisonment for life;

AND WHEREAS home invasions do cause significant physical, psychological and other traumatic effects on victims, including children of the household;

AND WHEREAS often times it is unclear whether these traumatic effects are taken into account and or reflected in the sentences imposed by the Courts;

AND WHEREAS it is recognized that the Courts do enjoy wide discretion in determining the appropriate sentence for any particular offence;

AND WHEREAS it is not intended to in any way fetter the Courts discretion in sentencing persons convicted for such offences;

BE IT RESOLVED that the Government consider whether the Alternative Sentencing Law should be amended to expressly provide that evidence that occupants have been traumatized during home invasions shall be taken into account and recognized as an aggravating factor during sentencing.

Moved by:

Mr. Joseph Hew, MLA
Sixth Elected Member of George Town

Seconded by:

Mr. Winston Connolly, MLA
Fifth Elected Member of George Town

Received in the Office of the Clerk this 6th day of August, 2014.

Passed by the Cayman Islands Legislative Assembly this 12th day of September, 2014.

Clerk of the Legislative Assembly