

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE CONDITIONAL RELEASE LAW,  
2014, LAW 18 OF 2014, TO PROVIDE FOR THE APPOINTMENT OF A  
TEMPORARY CHAIRPERSON; TO PROVIDE FOR THE REMOVAL  
OF A BOARD MEMBER FOR NON-ATTENDANCE AT MEETINGS; TO  
PROVIDE FOR THE POWER FOR THE BOARD TO RECONSIDER A  
DECISION TO RELEASE A PRISONER ON LICENCE WHERE THE  
BOARD RECEIVES NEW INFORMATION; TO PROVIDE FOR WHOLE  
LIFE TARIFFS; AND FOR INCIDENTAL AND CONNECTED  
PURPOSES**



**THE CONDITIONAL RELEASE (AMENDMENT) BILL, 2018**

**ARRANGEMENT OF SECTIONS**

1. Short title
2. Amendment of section 4 of the Conditional Release Law, 2014 - establishment and procedure of Board
3. Insertion of new section 12A - change in material circumstances
4. Amendment of section 14 - release of life prisoners

**THE CONDITIONAL RELEASE (AMENDMENT) BILL, 2018**

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill amends the Conditional Release Law, 2014, Law 18 of 2014, to provide for the appointment of a temporary Chairperson. It further provides for the removal of a Board member for non-attendance at meetings. It also provides the Board with the power to reconsider a decision to release a prisoner on licence where the Board receives new information. Provision is also made for whole life tariffs in relation to life sentences involving murder.

Clause 1 of the Bill provides the short title.

Clause 2 amends section 4 to provide for the appointment of a member to act as the Chairperson when the Chairperson and Vice Chairperson are unable to preside at a meeting. It also provides for the removal of a member where that member has been absent for three consecutive meetings.

Clause 3 inserts a new provision to permit the Board, where prior to the release of a prisoner on licence, there has been a material change in relation to that prisoner, to reconvene and hear the prisoner in relation to the material change. The Board may, upon hearing, set aside its previous order or vary that order.

Clause 4 amends section 14 to provide for a whole life tariff in specific circumstances. The whole life tariff would apply where the offence involved multiple murders, the murder of a child, a murder for political, religious, racial or ideological reasons or in the case of a prisoner who has been previously convicted of murder.

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**A BILL FOR A LAW TO AMEND THE CONDITIONAL RELEASE LAW, 2014, LAW 18 OF 2014, TO PROVIDE FOR THE APPOINTMENT OF A TEMPORARY CHAIRPERSON; TO PROVIDE FOR THE REMOVAL OF A BOARD MEMBER FOR NON-ATTENDANCE AT MEETINGS; TO PROVIDE FOR THE POWER FOR THE BOARD TO RECONSIDER A DECISION TO RELEASE A PRISONER ON LICENCE WHERE THE BOARD RECEIVES NEW INFORMATION; TO PROVIDE FOR WHOLE LIFE TARIFFS; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Conditional Release (Amendment) Law, 2018. Short title

2. The Conditional Release Law, 2014, in this Law referred to as the “principal Law”, is amended in section 4 as follows - Amendment of section 4 of the Conditional Release Law, 2014 - establishment and procedure of Board Law 18 of 2014

(a) by repealing subsections (4) and (5) and substituting the following subsections -

“(4) At a meeting of the Board -

- (a) the Chairperson shall preside;
- (b) if the Chairperson is unable to attend, the Vice

Chairperson shall preside; or

- (c) if the Chairperson and the Vice Chairperson are unable to attend, the members of the Board shall appoint a temporary Chairperson from among themselves and that member shall preside.

(5) Decisions of the Board shall be based on the votes of members present and voting and, where the Board is equally divided on any matter, the person presiding shall have a casting vote in addition to his deliberative vote.”; and

- (b) by repealing subsections (8) and (9) and substituting the following subsections -

“(8) The Governor may, in his discretion, revoke the appointment of a member -

- (a) for inability to discharge the functions of his office (whether arising from infirmity of body or mind);
- (b) for misbehaviour; or
- (c) where that member has failed to attend three consecutive meetings of the Board.

(9) At a meeting of the Board, three members shall constitute a quorum.”.

Insertion of new section  
12A- change in material  
circumstances

3. The principal Law is amended by inserting after section 12 the following section -

“Change in material circumstances

12A. (1) The Board may, where the Board has ordered the release on licence of a prisoner pursuant to section 12 and prior to the date of release of that prisoner the Board is notified that there is a material change in the circumstances relating to that prisoner, reconvene and hear the prisoner in respect of the material change and may -

- (a) set aside the order; or
- (b) vary the order.

(2) For the purposes of subsection (1), a material change of circumstances may include, but is not limited to, additional information that was not previously available to the Board at the time of the Board's determination.”

4. The principal Law is amended in section 14 as follows -

- (a) by inserting after subsection (1) the following subsection -

Amendment of section 14 – release of life prisoners

“(1A) Notwithstanding subsection (1) and any other Law to the contrary, where any of the following circumstances are present -

- (a) the murder of two or more persons, where each murder involves any of the following -
  - (i) a substantial degree of premeditation or planning;
  - (ii) the abduction of a victim; or
  - (iii) sexual or sadistic conduct;
- (b) the murder of a child where the murder also involves the abduction of the child or sexual or sadistic conduct;
- (c) a murder done for the purpose of advancing a political, religious, racial or ideological motivation; or
- (d) a murder by an offender previously convicted of murder,

the court shall, when sentencing a prisoner to a term of imprisonment for life, specify the period of incarceration the prisoner shall serve before the prisoner is eligible to be

considered for conditional release on licence, the period being such as the court considers appropriate to satisfy requirements of retribution, deterrence and rehabilitation, the period shall be whole life before the prisoner is eligible for conditional release unless there are extenuating circumstances, exceptional in nature, in which case the court may impose a lower period of incarceration.”; and

- (b) by repealing subsection (2) and substituting the following subsection -

“(2) In making a decision under subsection (1)(a) or (b) or (1A) the court shall state the extenuating circumstances or the aggravating circumstances, as the case may be.”.

Passed by the Legislative Assembly the                      day of                      2018.

Speaker.

Clerk of the Legislative Assembly.