

BELIZE:

CRIMINAL CODE (AMENDMENT) ACT, 2017

ARRANGEMENT OF SECTIONS

1. Short Title.
2. Repeal and replacement of section 106.
3. Repeal and replacement of section 135.
4. Amendment of section 270.



No. 22 of 2017

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

29th March, 2017

AN ACT to amend the Criminal Code, Chapter 101 of the Substantive Laws of Belize, Revised Edition 2011, to make provision for, among other things, the specification of a minimum term of years, which an offender sentenced to life imprisonment for murder shall serve before the offender can become eligible to be released on parole, incorporating the option of summary trial for the offences of arson and escape; 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 and
construction.

CRIMINAL CODE (AMENDMENT) ACT, 2017,

and shall be read and construed as one with the Criminal Code, which, as amended, is hereinafter referred to as the principal Act.

Repeal and replacement of section 106.

2. The principal Act is amended by repealing section 106 and substituting the following as sections 106 and 106A –

“Murder. 106 - (1) Subject to subsection (2), a person who commits murder shall be liable, having regard to the circumstances of the case, to,

(a) suffer death; or

(b) imprisonment for life.

(2) A person who commits murder who was, at the time of the commission of the offence, under the age of eighteen years, shall be sentenced to detention at the court’s pleasure.

(3) Where a court sentences a person to imprisonment for life in accordance with subsection (1), the court shall specify a minimum term, which the offender shall serve before he can become eligible to be released on parole in accordance with the statutory provisions for parole.

(4) In determining the appropriate minimum term under subsection (3), the court shall have regard to,

(a) the circumstances of the offender and the offence;

(b) any aggravating or mitigating factors of the case;

- (c) any period that the offender has spent on remand awaiting trial;
- (d) any relevant sentencing guidelines issued by the Chief Justice; and
- (e) any other factor that the court considers to be relevant.

(5) Where an offender or the Crown is aggrieved by the decision of the court in specifying a minimum term under subsection (3), the offender or the Crown, as the case may be, has a right of appeal against the decision.

(6) Where a person has been sentenced to detention at the court's pleasure in accordance with subsection (2), the court, after having passed the sentence, shall specify a period, at the expiration of which, the offender shall be eligible to be taken before the court for a review of his detention.

(7) Where an offender has served the period specified under subsection (6), and is taken before the court for a review of his detention, the court may,

- (a) order the release of the offender on the terms and conditions set out in the order, or
- (b) specify another period, not exceeding five years, at the expiration of which the offender is eligible to be returned before the court for the further review of his detention.

(8) In determining whether to order the release of the offender upon the initial review of his detention, or upon any subsequent review of his detention, the court shall take into consideration

- (a) the comments of the prison authorities as to the rehabilitation of the offender;
- (b) the report of a psychiatrist, not employed at the prison, who has evaluated the offender;
- (c) any submissions made by the Crown on the issue, and
- (d) the evidence of any other person that it considers relevant.

(9) Nothing in this section shall prevent an offender, detained at the court's pleasure, from applying to the court, if there are special reasons for doing so, for a review of his sentence, at a time prior to the time of eligibility for review specified by the Court.

(10) An application under subsection (9) must be supported by an affidavit, and the court hearing the application may,

- (a) dismiss the application; or
- (b) if the Court finds that there are special reasons for doing so, review the detention in accordance with subsections (7) and (8).

Transitional provision for existing life sentence murder convicts.

106A - (1) Subject to subsection (2), every person who has been previously convicted of murder and is, at the time of the coming into force of the Criminal Code (Amendment) Act, 2017, serving a sentence of imprisonment for life, shall be taken before the Supreme Court for the fixing of a minimum term of imprisonment, which he shall serve before becoming eligible for parole, or for a consideration of whether he has become eligible to be considered for parole.

(2) Every person who has been previously convicted of murder and is, at the time of the coming into force of the Criminal Code (Amendment) Act, 2017, serving a sentence of imprisonment for life, and who was, at the time of the commission of the offence, under the age of eighteen years, shall be taken before the Supreme Court to be resentenced in accordance with subsections (2) and (6) of section 106.”

3. The principal Act is amended by repealing section 135 and replacing it with the following,

Repeal and replacement of section 135.

“Punishment.

135.–(1) A person who commits arson as chargeable under section 132(3) shall be liable,

(a) on conviction on indictment, to imprisonment for life,

(b) on summary conviction, to imprisonment for a term not exceeding five years.

(2) A person who commits an offence under section 132 (2) shall be liable to imprisonment for life.

(3) A person who commits any other offence under this Title is liable on conviction on indictment to imprisonment for a term not exceeding ten years and on summary conviction to imprisonment for a term not exceeding five years.

(4) Notwithstanding any other law to the contrary, the offence chargeable under section 132(3) as arson may, at the discretion of the Director of Public Prosecutions, be tried summarily.”.

Amendment of
section 270.

4. The principal Act is amended in section 270 by,

(a) renumbering the existing section as subsection (1) and,

(b) adding the following as subsection (2),

“(2) Notwithstanding any law to the contrary, an offence under this section may, at the discretion of the Director of Public Prosecutions, be tried summarily, and any person so convicted shall be liable to the punishment specified in subsection (1).”