

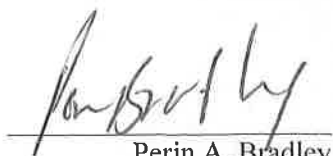


ANGUILLA

CRIMINAL (AMENDMENT) CODE, 2024

Published by Authority

I Assent


Perin A. Bradley
Governor (Acting)12 Feb - 2024
Date

ANGUILLA

NO. 4/2024

CRIMINAL (AMENDMENT) CODE, 2024

[Gazette Dated: 12th February, 2024] [Commencement: Assent under section 57 of the Constitution]

An Act to amend the Criminal Act to provide for the imposition of a mandatory minimum term of imprisonment for firearms related offences.

ENACTED by the Legislature of Anguilla

Interpretation

1. In this Code—

“the Code” means the Criminal Code.

Insertion of new section 366A

2. The principal Code is amended by inserting the following new section after section 366—

“Minimum sentence for firearm related offences

366A (1) This section applies where—

(a) a person is convicted of an offence under section—

(i) 97(1)(b),

(ii) 97(2),

(iii) 216,

- (iv) 218(g),
 - (v) 260 (where the person has with him a firearm or imitation firearm),
 - (vi) 337(1)(b) (where the person is armed with a firearm),
 - (vii) 343(2)(b), or
 - (viii) 344,
- of this Act; and

- (b) the offence was committed after the commencement of this section and at a time when the individual was 14 years or over.

(2) Where a person commits an offence referred to in subsection (1) the court shall impose a custodial sentence for a term of at least the required minimum term (with or without a fine) in accordance with this section.

(3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of 2 or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.

(4) In this section “the required minimum term” means the following—

- (a) for an offence committed under section 97(1)(b)—
 - (i) in the case of an offender who was aged 18 or over when he committed the offence, 6 months, and
 - (ii) in the case of an offender who was between 14 and 17 years at that time, 3 months, and
- (b) for an offence committed under section 97(2)—
 - (i) in the case of an offender who was aged 18 or over when he committed the offence, 1 year, and
 - (ii) in the case of an offender who was between 14 and 17 years at that time, 6 months, and
- (c) for an offence committed under section 216—
 - (i) in the case of an offender who was aged 18 or over when he committed the offence, 3 years, and
 - (ii) in the case of an offender who was between 14 and 17 years at that time, 1 year, and
- (d) for an offence committed under section 218(g)—

- (i) in the case of an offender who was aged 18 or over when he committed the offence, 1 year, and
 - (ii) in the case of an offender who was between 14 and 17 years at that time, 6 months, and
- (e) for an offence committed under section 260 (where the person has with him a firearm or imitation firearm)—
 - (i) in the case of an offender who was aged 18 or over when he committed the offence, 10 years, and
 - (ii) in the case of an offender who was between 14 and 17 years at that time, 3 years, and
- (f) for an offence committed under section 337(1)(b) (where the person is armed with a firearm)—
 - (i) in the case of an offender who was aged 18 or over when he committed the offence—
 - (A) 6 months for a first time offence, and
 - (B) 1 year for every subsequent offence committed under this section,
 - (ii) in the case of an offender who was between 14 and 17 years at that time—
 - (A) 3 months for a first time offence, and
 - (B) 6 months for every subsequent offence committed under this section; and
- (g) for an offence committed under section 343(2)(b)—
 - (i) in the case of an offender who was aged 18 or over when he committed the offence, 3 months, and
 - (ii) in the case of an offender who was between 14 and 17 years at that time, 4 weeks.
- (h) for an offence committed under section 344—
 - (i) in the case of an offender who was aged 18 or over when he committed the offence, 2 months, and
 - (ii) in the case of an offender who was between 14 and 17 years at that time, 2 weeks.

- (5) Where a person is convicted of an offence—
- (a) under sections 97(1)(b), 97(2), 216, 260 or 344 the court shall impose a custodial sentence for a term of at least the required minimum term (with or without a fine); and
 - (b) under sections 218(g), 337(10)(b), 343(2)(b) the court shall impose a custodial sentence for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(6) Where a person who is 18 years or older commits an offence under sections 218(g), 337(1)(b), 343(2)(b) and such person has no previous convictions, the court may determine that the mandatory sentence specified in subsection (4) of this section shall not be imposed and the court shall impose an appropriate sentence in accordance with the aforementioned sections.

- (7) Where an offender who is between the ages of 14 and 17 years—
- (a) commits an offence under sections 218(g), 337(10)(b), 343(2)(b); and
 - (b) that offender has no previous convictions;

no minimum sentence specified in subsection (4) shall be imposed and the court shall impose an appropriate sentence in accordance with section 67(2) and Part 8 of the Child Justice Act.”.

Citation

4. This Act shall be cited as the Criminal (Amendment) Code, 2024.



Barbara Webster-Bourne
Speaker

Passed by the House of Assembly this 23rd day of January, 2024.



Lenox J. Proctor
Clerk of the House of Assembly

OBJECTS AND REASONS

(The objects and reasons do not form part of the Bill)

This Bill amends the Criminal Code to provide for the imposition of a minimum term of imprisonment for specified firearms offences. Where an adult has been charged with an offence for possession of a firearm and such person is a first time offender, the mandatory term of imprisonment would not be imposed. For an offence relating to discharging of firearms, the minimum term of imprisonment will be imposed whether or not the person charged is a first time offender. In relation to persons who are under 18 years, minimum terms of imprisonment will not be imposed if the said person is a first time offender.