

Criminal Justice (Amendment) Bill

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TO

Make provision requiring certain prisoners due to be considered for early release to complete a relevant offender management programme, where available; to require courts to take regard of mental health problems in sentencing; to make provision regarding minimum and maximum sentences; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Maximum and minimum sentences

- (1) When sentencing a person to serve a sentence of imprisonment for a determinate term the court shall state the maximum time that shall be served in prison (“the maximum sentence”).
- (2) When sentencing a person to serve a sentence of imprisonment for a determinate term the court shall state the minimum time that shall be served in prison (“the minimum sentence”). 5
- (3) The minimum sentence must be less than half, but no less than one-third, of the maximum sentence.
- (4) In determining the maximum and minimum sentence the court shall have regard to the seriousness of the offence. 10
- (5) When sentencing a person to serve a sentence of imprisonment for a determinate term the court may request a pre-sentence report from a suitably qualified employee of the relevant Probation Trust.
- (6) In this Act “a sentence of imprisonment for a determinate term” means the types of sentence listed under section 237(1)(a) and (b) of the Criminal Justice Act 2003. 15

2 Consideration of mental health problems

In determining whether or not to impose a sentence of imprisonment a court must have regard, in addition to the seriousness of the offence, to any mental 20

health problems displayed by the offender as identified by psychological or psychiatric assessments that are carried out following the commission of the offence as well as any subsequent psychological or psychiatric assessments and the likelihood of the person being involved in further similar serious offending.

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3 Amendments to the Criminal Justice Act 2003

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 244(2) at end insert “and subsections (4) to (8)”.
- (3) After section 244(3) insert—
 - “(4) Before granting release on licence under this section to a person serving a sentence of imprisonment of four years or more the relevant Parole Board must take into consideration whether the offender has undergone a relevant offender management programme as part of its determination of whether that individual is considered low risk of harm to the public and low risk of reoffending.”. 10
- (4) After section 244(4) insert—
 - “(5) A person subject to imprisonment for public protection purposes shall have the sentence reviewed by the relevant Parole Board at least every two years. 15
 - (6) It shall be the responsibility of the Secretary of State to ensure that all persons subject to imprisonment for public protection purposes shall have access to relevant offender management programmes for the duration of their imprisonment. 20
 - (7) In determining whether to recommend an individual sentenced to imprisonment for public protection purposes for release on licence the relevant Parole Board shall have regard to the availability and completion of relevant offender management programmes, but must not make such release conditional on the person participating in offender management programmes if it is satisfied that those programmes are not available. 25
 - (8) In this section “imprisonment for public protection” is as defined in section 225(4) of this Act.”. 30

4 Short title, commencement and extent

- (1) This Act may be cited as the Criminal Justice (Amendment) Act 2011.
- (2) This Act comes into force on the day on which it is passed. 35
- (3) This Act extends to England and Wales only.

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To make provision requiring certain prisoners due to be considered for early release to complete a relevant offender management programme, where available; to require courts to take regard of mental health problems in sentencing; to make provision regarding minimum and maximum sentences; and for connected purposes.

*Ordered to be brought in by Mr Elfyn Llwyd,
Mrs Linda Riordan, Claire Perry,
Chris Evans, Hywel Williams,
Jonathan Edwards and Mr Robert Buckland.*

*Ordered, by The House of Commons,
to be Printed, 16 February 2011.*

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