

**AS AMENDED IN THE H.O.R.**

No. 35 of 2011

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Second Session Tenth Parliament Republic of  
Trinidad and Tobago

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HOUSE OF REPRESENTATIVES

**BILL**

AN ACT to make provision for the implementation of a  
system for electronic monitoring in Trinidad and  
Tobago and for related matters

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THE ADMINISTRATION OF JUSTICE (ELECTRONIC  
MONITORING) BILL, 2012

**Explanatory Note**

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of this Bill is to make provision for the introduction of electronic monitoring in Trinidad and Tobago, at different stages of the criminal justice process and as a condition of a Protection Order, granted under section 5 of the Domestic Violence Act, Chap. 45:56.

This Bill would be inconsistent with sections 4 and 5 of the Constitution and is therefore required, pursuant to section 13 of the Constitution, to be passed by a special majority of three-fifths of the members of each House.

Clause 1 of the Bill would provide for the short title and commencement.

Clause 2 of the Bill would provide that the Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Part I of the Bill, "Preliminary", would comprise clause 3.

Clause 3 of the Bill would provide for the interpretation of certain terms such as "competent authority", "electronic monitoring" and "electronic monitoring device".

Part II of the Bill, "The Electronic Monitoring Unit", would comprise clauses 4 to 7.

Clause 4 of the Bill would establish the Electronic Monitoring Unit ("the Unit") and would provide for staff of the Unit to include an Electronic Monitoring Manager and other officers and employees to be engaged on contract.

Clause 5 of the Bill would provide for the functions of the Electronic Monitoring Unit which would include the implementation and maintenance of the electronic monitoring system. The Unit would be responsible for retrieving and analyzing data and reporting breaches of Court decisions.

Clause 6 of the Bill would provide for the Government to enter into a contract with a company for the provision of any of the functions of the Unit.

Clause 7 of the Bill would provide that members of staff of the Unit shall not disclose any information received during the course of their employment and would provide that failure to comply with this provision, would be an offence punishable in accordance with the prescribed penalties.

Part III of the Bill, “Electronic Monitoring”, would comprise clauses 8 to 14.

Clause 8 of the Bill would empower the Minister to approve the type of electronic monitoring devices to be used by the Court or competent authority.

Clause 9 (1) and (2), of the Bill would provide for the Court to impose a sentence of electronic monitoring in lieu of a custodial or non-custodial sentence, as a condition of an order for bail made under the Bail Act, Chap. 4:60 or as a condition of a Protection Order under the Domestic Violence Act, Chap. 45:56. It would also provide that in the making of such a decision, the Court will take into account the report of the Electronic Monitoring Manager.

Clause 9 (3) however, would also provide that the Court shall not impose electronic monitoring for any of the offences listed in the First Schedule and for the Electronic Monitoring Manager’s report to be prepared in accordance with the Second Schedule.

Clause 10 of the Bill would provide for electronic monitoring to be imposed as a lawful condition of a pardon granted by the President under section 87(2)(a) of the Constitution.

Clause 11 of the Bill would provide that electronic monitoring may also be imposed by a competent authority with respect to early release from imprisonment. This clause would also provide that in the making of such a decision, the competent authority will take into account the report of the Electronic Monitoring Manager.

Clause 12 of the Bill would provide that the Court take into account the recommendation of the Electronic Monitoring Manager as well as all the circumstances of the matter in making a decision with respect to the type of electronic monitoring device to be fitted on a person or respondent.

Clause 13 of the Bill would empower the Court to request the person or respondent to make full or partial payment for the use of

the electronic monitoring device. The Court would also be empowered to exempt the person or respondent from such payment. The Court's power would be exercisable on the basis of the report of the Electronic Monitoring Manager.

Clause 14 of the Bill would provide that the decision of the Court to impose electronic monitoring shall include a term that imposes a curfew or that restrains the person or respondent from being present in a specified place for a period of time.

Part IV of the Bill, "Offences", would comprise clauses 15 to 20.

Clause 15 of the Bill would create offences of tampering with an electronic monitoring device and aiding and abetting the tampering with such a device and would prescribe the penalties for such offences.

Clause 16 of the Bill would provide the procedure to be followed in the event of non-compliance with a decision of the Court or breach of any agreement made with respect to electronic monitoring and would provide for a police officer to arrest the person or respondent and cause him to be brought before the Court.

Clause 17 of the Bill would empower the Court in cases of non-compliance or breach, to impose the original sentence which would have been imposed on the person, as well as the penalty prescribed for breach of a Protection Order under the Domestic Violence Act, where applicable. This clause would also provide a defence to tampering if it can be proved that the tampering was done in emergency circumstances. Such circumstances would be prescribed by Regulations.

Clause 18 of the Bill would provide that, in the event of a dismissal of proceedings before the Court, a detailed report of the reasons for such dismissal shall be placed on the person's or respondent's record maintained by the Unit.

Clause 19 of the Bill would provide for a statement or document originating from the electronic monitoring system to be admissible as *prima facie* evidence in proceedings before a Court.

Clause 20 of the Bill would create an offence where a person who is required to provide information under or in pursuance of the Act, knowingly gives false information.

Part V of the Bill, “Miscellaneous”, would comprise clauses 21 to 23.

Clause 21 of the Bill would empower the Minister to make Regulations subject to negative resolution of Parliament, for, *inter alia*, the procedure to be followed by staff of the Unit, the conditions that are included in a decision, circumstances constituting an emergency, and a means test for the payment for the use of the device. This clause would also provide for contravention of the Regulations to be an offence and would prescribe the penalties.

Clause 22 of the Bill would provide for the consequential amendments to the the Bail Act and to the Domestic Violence Act, set out in the Third Schedule.

Clause 23 of the Bill would empower the Minister to amend the First and Second Schedules.

The First Schedule would list the offences for which the Court may not impose electronic monitoring as a sentence, part of a sentence or in lieu of a sentence.

The Second Schedule would provide for the matters which the Electronic Monitoring Manager would include in a report for the Court.

The Third Schedule would make consequential amendments to certain written laws.



THE ADMINISTRATION OF JUSTICE (ELECTRONIC  
MONITORING) BILL, 2012

**Arrangement of Clauses**

*Clause*

1. Short title and commencement
2. Act inconsistent with the Constitution

PART I  
PRELIMINARY

3. Interpretation and Application

PART II  
THE ELECTRONIC MONITORING UNIT

4. Electronic Monitoring Unit
5. Transitional
6. Responsibilities of the Unit
7. Contract for services
8. Confidentiality of information

PART III  
ELECTRONIC MONITORING

9. Approval of devices
10. Electronic monitoring imposed by the Court
11. Electronic monitoring as a condition of a pardon
12. Electronic monitoring issued by a competent authority
13. Type of device
14. Payment for use of device
15. Terms of electronic monitoring

PART IV  
OFFENCES

16. Tampering with or removal of a device
17. Non-compliance with a decision or breach of a condition

18. Change of circumstances
19. Power of the Court in respect of non-compliance with a decision or in respect of an offence
20. Record of non-compliance or tampering
21. Report may be tendered in evidence
22. Knowingly giving false information an offence

PART V  
MISCELLANEOUS

23. Regulations
24. Miscellaneous amendments
25. Amendment of the Schedules

FIRST SCHEDULE  
SECOND SCHEDULE  
THIRD SCHEDULE



## **BILL**

AN ACT to make provision for the implementation of a  
system for electronic monitoring in Trinidad and  
Tobago and for related matters

[ , 2012]

WHEREAS it is enacted by section 13(1) of the <sup>Preamble</sup> Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

Short title and commencement

1. (1) This Act may be cited as the Administration of Justice (Electronic Monitoring) Act, **2012**.

(2) This Act shall come into operation on a date to be fixed by the President by Proclamation, save however that different sections may be brought into effect on different dates.

Act inconsistent with the Constitution  
Chap. 1:01

2. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

## PART I PRELIMINARY

Interpretation and application

3. (1) In this Act—

**“child” means an individual below the age of eighteen years who is charged with or convicted by a Court for an offence;**

“competent authority” includes a Statutory Board or Tribunal or other authority or functionary, appointed under any written law for the purposes of this Act;

“Court” means a Court of competent jurisdiction;

“electronic monitoring” means the use of electronic or telecommunication systems to assist in the supervision of an individual;

“electronic monitoring device” or “device” includes a device which operates on a global positioning system or radio frequency;

“Minister” means the member of the Cabinet to whom responsibility for offender management is assigned and “Ministry” has the corresponding meaning;

**“person” means an individual who is charged with or convicted by a Court for an offence;**

“Regulations” mean Regulations made by the Minister under **section 23**;

**“respondent” means an individual against whom an application for a Protection Order is made or against whom a Protection Order is granted under the Domestic Violence Act;**

Chap. 45:56

(2) Subject to the Young Offenders Detention Act Chap. 13:05 and the Children Act and any other written law Chap. 46:01 granting rights or protection to a **child**, this Act applies to a **child**.

## PART II

### THE ELECTRONIC MONITORING UNIT

4. (1) The Electronic Monitoring Unit (“the Unit”) of Electronic Monitoring Unit the Ministry, is hereby established for the purpose of implementing the system for electronic monitoring in accordance with this Act.

**(2) The staff of the Unit shall include—**

**(a) the Electronic Monitoring Manager (“the EM Manager”) who shall be the head of the Unit;**

**(b) the Deputy EM Manager; and**

**(c) such other suitably qualified individuals as may be necessary for the proper functioning of the Unit.**

**(3) The offices of EM Manager and Deputy EM Manager shall be public offices to which section 121 of the Constitution applies and shall also be prescribed for the purposes of section 141 of the Constitution.**

**(4) The terms and conditions of the offices referred to in subsection (3) shall be reviewed by the Salaries Review Commission established under section 141 of the Constitution.**

**(5) The members of staff other than the EM Manager and Deputy EM Manager shall be engaged on contract, in accordance with guidelines for contract employment established by the Chief Personnel Officer.**

Transitional

**5. (1) Where prior to the making of the first appointments to the offices of EM Manager and Deputy EM Manager by the Public Service Commission, and the exigencies of the public service require the recruitment of individuals to perform the functions of those offices, the Permanent Secretary of the Ministry may engage suitably qualified individuals until such appointments are made in accordance with section 4(3) and (4).**

**(2) A contractual arrangement made under subsection (1) shall be in accordance with the guidelines for contract employment as established by the Chief Personnel Officer.**

Responsibilities  
of the Unit

**6. (1) In furtherance of its responsibility for implementation and maintenance of the system for electronic monitoring, the Unit shall be responsible for—**

- (a) ensuring the security of the system for electronic monitoring;**
- (b) retrieving and analyzing information from the system for electronic monitoring; and**

- (c) reporting any non-compliance with a decision of the Court or competent authority and breaches related to the use of a device.

(2) Notwithstanding the generality of the foregoing, the Unit shall—

- (a) provide near real time tracking of the location of a person or a respondents;
- (b) report alarm notifications, signal loss and device malfunction forthwith to the EM Manager;
- (c) exercise central control of all monitoring information;
- (d) maintain a register of decisions transmitted to it by the Court or other competent authority and information relating to the subject of any decision;
- (e) undertake the fitting, maintenance and removal of a device;
- (f) ensure that a historic record of all electronic monitoring spatial data, including any technological equipment necessary to read and display such information is maintained;
- (g) improve information technology and electronic monitoring literacy within the Ministry and advance electronic monitoring awareness;
- (h) provide technical assistance when necessary; and
- (i) provide training when necessary.

(3) The Unit shall comply with any decisions made by the Court or other competent authority.

7. The Government may, for the purpose of obtaining Contract for services electronic monitoring services, enter into an agreement with a company (“a service provider”) to perform any

one or more of the functions of the Unit listed under **section 6**, and a contract entered into pursuant to this section, shall specify the terms and conditions that will govern the service to be provided.

Confidentiality of  
information

**8. (1) An officer or individual engaged on contract with the Unit and any individual engaged by a service provider in furtherance of section 7, shall not disclose any information received from the Unit or service provider in the course of his employment, otherwise than in the proper exercise of his functions.**

**(2) An officer or individual engaged on contract with the Unit and any individual engaged by a service provider who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and imprisonment for two years.**

### PART III

#### ELECTRONIC MONITORING

Approval of devices

**9. The Minister may by Order, subject to negative resolution of Parliament, approve the electronic monitoring devices to be used for electronic monitoring.**

Electronic monitoring  
imposed by the  
Court

**10. (1) Subject to subsection (3), the Court may impose a sentence of electronic monitoring—**

*(a)* for an offence committed; or

*(b)* in lieu of a sentence of imprisonment or part of any sentence imposed,

after the coming into force of this Act.

**(2) The Court may also impose electronic monitoring as a condition of—**

Chap. 4:60

*(a)* an order for bail made under the Bail Act; or

Chap. 45:56

*(b)* a Protection Order made under section 5 of the Domestic Violence Act.

First Schedule

**(3) The Court shall not however, impose electronic monitoring in respect of any of the offences listed in the First Schedule.**

**(4) Where a respondent is arrested and charged with an offence under section 20 of the Domestic Violence Act, the Court may grant bail with or without electronic monitoring, but in making its decision, the Court shall not request the consent of the respondent.**

**(5) Before making a decision under—**

**(a) subsection (1) or (2), the Court shall request a Report from the EM Manager concerning the person or respondent which the EM Manager shall cause to be provided as soon as it is practicable; and**

**(b) subsection (2)(a), the Court shall request the consent of—**

**(i) a person, where that person is not a child; or**

**(ii) in the case of a child, his parent or guardian,**

**to impose electronic monitoring and where such consent is not given, the Court shall commit the person to custody.**

**(6) The EM Manager shall also obtain permission, in the prescribed form, from the occupier of the premises in which any monitoring instrument is to be installed or the individual without whose co-operation it would not be practicable to implement electronic monitoring.**

**(7) While making the report of the EM Manager, the Court shall commit the person to custody, but in the case of the respondent, the Court may make an Interim Order under section 8(1) of the Domestic Violence Act.**

**(8) In making a decision under this section, the Court shall take into account the report of the EM Manager which shall be prepared in accordance with the Second Schedule and shall have regard to the character, antecedents, physical and mental health**

of the person or respondent, to any extenuating circumstances in which an offence was committed and to the possible threat to public safety caused by his release.

**(9)** The Court shall explain to the person or respondent, **and in the case of a child, his parent or guardian**, the meaning and effect of the decision, as well as the effect of non-compliance with it.

Electronic monitoring  
as a condition of a  
pardon

**11.** Electronic monitoring may be imposed as a lawful condition of a pardon granted under section 87(2)(a) of the Constitution.

Electronic monitoring  
issued by a  
competent authority

**12.** (1) A competent authority empowered to grant early release from imprisonment under any written law, may impose electronic monitoring as a condition of such release.

(2) Before making a decision under subsection (1), the competent authority shall request a report from the EM Manager concerning the person, which the EM Manager shall **cause to be provided** as soon as it is practicable and the competent authority shall, where necessary, commit the person to appropriate custody while awaiting the report.

**(3)** The EM Manager shall also obtain permission, in the prescribed form, from the occupier of the premises in which any monitoring instrument is to be installed and the individual without whose co-operation it would not be practicable to implement electronic monitoring.

Second Schedule

(4) In making a decision under this section, the competent authority shall take into account the report of the EM Manager which shall be prepared in accordance with the Second Schedule and shall have regard to the character, antecedents, physical and mental health of the person, to any extenuating circumstances in which the offence was committed and to the possible threat to public safety caused by his release.

**(5)** The competent authority shall explain to the person **and in the case of a child, his parent or guardian** the meaning and effect of the decision, as well as the effect of non-compliance with it.



**(6)** Sections 13, 14 and 15 shall apply in respect of a decision of the competent authority as they apply in respect of a decision of the Court.

**13.** When the Court receives a report from the EM Manager, a decision shall be taken concerning the type of device to be fitted, on the basis of—

- (a) the recommendations contained in such report;
- (b) any Order made by the Minister under section 8; and
- (c) all the circumstances of the matter being heard.

**14.** Where the Court, having considered the report of the EM Manager, is of the view that—

- (a) a person, other than a child;
- (b) a respondent; or
- (c) in the case of a child, his parent or guardian,

has the financial capability to pay either the total cost of the use of the device or any part thereof, the Court may require total or partial payment, as the case may be.

**15.(1)** A decision made by the Court shall contain a directive on the period of time for which the device shall be worn and either—

- (a) that the person or respondent be in such place and for such period in each day or week as may be specified; or
- (b) that the person or respondent not be in such place at such time or during such period as may be specified.

(2) The decision may also impose any other terms related to **subsection (1)** as contained in the Regulations.

(3) Copies of the decision of the Court made under **section 10** shall be given to the person or respondent, **and in the case of a child, his parent or guardian**, and transmitted to the Unit as soon as it is practicable after it is made.

PART IV  
OFFENCES

Tampering with or  
removal of a device

**16.(1) An individual who deliberately tampers with or removes a device commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for two years.**

(2) In this section, “tampering” means any form of interference which is capable of disrupting the transmission of the monitoring signal of the device to the Unit.

Non-compliance with  
a decision or breach of  
a condition

**17.(1) A person or respondent, who fails to comply with a decision of the Court or breaches any agreement or condition related to the use of the device, shall be brought before the Court in accordance with this section.**

(2) As soon as the EM Manager receives information that non-compliance or a breach under subsection (1) has occurred, he shall forthwith report the matter in writing or electronically to a police officer in charge of the police station in the magisterial district in which the breach purportedly occurred.

(3) A police officer who receives information under subsection (2), shall forthwith cause the person or respondent to be arrested and brought before the Court.

Change of  
circumstances

**18.(1) A respondent or person, other than a child, upon whom a device has been fitted, shall notify the EM Manager of any proposed change or change in his circumstances, within a reasonable time before the proposed change is due to occur or within a reasonable time after the change occurs.**

**(2) Where there is a change or proposed change in the circumstances of a child who has been fitted with a device, the parent or guardian of the child shall notify the EM Manager within a reasonable time before the proposed change is due to occur or within a reasonable time after the change occurs.**

**(3) Failure to comply with this section shall constitute a breach of a decision under section 17, which shall be dealt with under section 19.**

**19.** (1) Where a person or respondent is brought before the Court under **section 17(3)**, the Court may in the case of—

Power of the Court in respect of non-compliance with a decision or in respect of an offence

- (a) a person on bail, take a decision in accordance with the Bail Act;
- (b) a person against whom a decision was made for electronic monitoring **for an offence committed or** in lieu of imprisonment, impose any sentence which the Court could impose for the offence with which he was originally charged; or
- (c) a respondent, impose the penalty prescribed for breach of a **Protection Order** under section 20 of the Domestic Violence Act,

and in any other case, make such order as it thinks fit.

(2) It shall be a defence for **an individual** brought before the Court for tampering with or removal of a device, to prove that he did so in circumstances that constituted an emergency.

**20.** Notwithstanding the dismissal of any matter as a result of a defence raised under **section 19(2)**, a detailed report of the reasons given for the non-compliance, **or breach under section 17 or tampering or removal under section 16** shall be placed on the records kept by the Unit in respect of the person or respondent, together with a report from a medical practitioner, where applicable.

Record of non-compliance or tampering

Report may be  
tendered in evidence

**21. (1)** Subject to this section, in any proceedings before a Court, a document or statement recording the whereabouts of the person or respondent, at any given point in time, originating from the electronic monitoring system and—

(a) signed under the hand of the EM Manager;  
and

(b) supported by a certificate of a Justice of the Peace, authenticating the statement or document,

shall be *prima facie* evidence that the person or respondent, was at the place at the time recorded in the statement or document.

Chap. 7:02

(2) Section 14B of the Evidence Act, shall apply to a document or statement tendered in evidence under this section, in the same manner as it applies to a statement from a computer under that Act.

Knowingly giving  
false information an  
offence

**22. (1)** In furtherance of his functions under section 10(8) or 12(4), the EM Manager may request information from a person, respondent, or the parent or guardian of a child.

(2) A person, respondent, or parent or guardian of a child who knowingly gives false information under this section, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and imprisonment for two years.

## PART IV

### MISCELLANEOUS

Regulations

**23. (1)** The Minister may make Regulations subject to negative resolution of Parliament for—

(a) the procedures to be followed by the staff of the Unit in the monitoring of **persons or respondents** and the evaluation of information and all other matters pertaining thereto;

- (b) conditions that are to be included in a decision pursuant to **section 15**;
- (c) circumstances constituting an emergency under **section 19(2)**;
- (d) procedures for managing alerts, maintaining and analyzing data;
- (e) procedures to be followed upon loss of signal or equipment malfunction;
- (f) any means test related to payment for the use of the electronic monitoring device;
- (g) the form of consent required under sections 10(6) and 12(3); and**
- (h) any other matter required to give effect to this Act.**

(2) **An individual** who contravenes any of the Regulations made under this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months.

**24.** The written laws set out in the First Column of the Miscellaneous amendments Third Schedule are amended to the extent set out in the Second Column of the said Schedule.

**25.** The Minister may by Order, amend the First and Amendment of the Schedules Second Schedules.

#### FIRST SCHEDULE

#### [Section 10(3)]

List of offences for which electronic monitoring may not be imposed by way of a sentence or in lieu of a sentence—

1. Treason.
2. Offences against the **individual**, namely—
  - (a) Murder;
  - (b) Conspiring or soliciting to commit murder;
  - (c) Manslaughter; and
  - (d) Shooting or wounding with intent to do grievous bodily harm, unlawful wounding.

3. Offences involving kidnapping, namely—
  - (a) Kidnapping;
  - (b) Kidnapping for ransom;
  - (c) Knowingly negotiating to obtain a ransom.
  
4. Offences of a sexual nature, namely—
  - (a) Rape;
  - (b) Grievous sexual assault;
  - (c) Sexual intercourse with female under fourteen years;
  - (d) Sexual intercourse with female between fourteen and sixteen years;
  - (e) Sexual intercourse with male under sixteen years;
  - (f) Incest;
  - (g) Sexual intercourse with adopted minor, etc;
  - (h) Sexual intercourse with minor employee;
  - (i) Sexual intercourse with mentally subnormal **individual**; and
  - (j) Buggery.
  
5. Drug trafficking, namely—
  - (a) Trafficking in a dangerous drug; and
  - (b) Possession of a dangerous drug for the purpose of trafficking.
  
6. Unlawful possession of a firearm or ammunition.

## SECOND SCHEDULE

### [Sections 10(8) and 12(4)]

Matters to be included in the report of the EM Manager

The information which the EM Manager shall supply to the Court shall be—

- (a) the full name and any assumed names of the person or respondent;
- (b) whether the person or respondent has a stable place of residence, the address and whether the residence is sufficiently secure;
- (c) all telephone contacts and information on the capacity of the person's or respondent's, **or in the**

- case of a child, his parent's or guardian's**, land line to accommodate the electronic monitoring device;
- (d) an emergency telephone contact and name of next-of-kin;
  - (e) a list of any pets or other elements which may compromise the integrity of electronic monitoring equipment;
  - (f) a list of any commitments such as employment, dependents and addresses of same;
  - (g) an assessment of the person's or respondent's financial capability, **or in the case of a child, the financial capability of his parent or guardian**, to pay for the use of the electronic monitoring device;
  - (h) a recommendation on the type of electronic monitoring device which is appropriate for the particular case;
  - (i) any history of spousal or family abuse while living with family;
  - (j) documentation evidencing pre-existing physical or mental condition of the person or respondent;
  - (k) whether the person or respondent, **or in the case of a child, his parent or guardian**, has access to a standard power service; and
  - (l) whether the victim agrees to the person or respondent being released under supervised monitoring.

### THIRD SCHEDULE

[Section 24]

#### CONSEQUENTIAL AMENDMENTS

##### FIRST COLUMN

The Bail Act,  
Chap. 4:60

##### SECOND COLUMN

Section 12(3) of the Bail Act is amended by—

- (a) deleting the comma at the end of paragraph (c) and substituting the words “; and”;

(b) inserting the following paragraph:

“(d) be subject to electronic monitoring;”;

(c) inserting the following subsections:

“ (3A) In making a decision under subsection (3)(d), the Court shall take into account—

(a) a report of the EM Manager based on information detailed in the Second Schedule of the Administration of Justice (Electronic Monitoring) Act, **2012**;

(b) the submissions of the prosecution; and

(c) any other relevant information made available to it.

(3B) Before making a decision under subsection (3)(d), the Court shall explain its meaning to the person and the consequences of its breach.

(3C) Copies of the decision shall be given to the person and sent to the Electronic Monitoring Unit, established under the Administration of Justice (Electronic Monitoring) Act, **2012**.

(3D)(1) The terms of a decision made under subsection (3)(d) shall include a directive either at paragraph (a) or (b) and at paragraph (c) as follows:

(a) a requirement that the person be in such place and for such period in each day or week as may be specified;

Act No.      of 2012



- (b) a requirement that the person not be in such place at such time or during such period as may be specified; and
- (c) the duration of time for which the Order shall be in force.

(2) The court may also impose any other terms related to paragraphs (a) or (b) and (c) prescribed by Regulations made by the Minister under **section 23** of the Administration of Justice (Electronic Monitoring) Act, **2012**.

(3E) In this subsection, “electronic monitoring” means the use of electronic or telecommunication systems to track or supervise a person.”.

The Domestic  
Violence Act,  
Chap. 45:56

**The Domestic Violence Act is amended—**

**(a) in section 6, by inserting the following subsection:**

**“ (3A)The Court may also impose electronic monitoring on the respondent as a condition of a Protection Order, in accordance with the Administration of Justice (Electronic Monitoring) Act, 2012.”; and**

**(b) in section 8(4), by inserting after the words “section 6” the words “but shall not contain directions for electronic monitoring”.**

Act No.     of 2012

Passed in the House of Representatives this        day  
of                    , 2012.

*Clerk of the House*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of        members of the House.

*Clerk of the House*

I confirm the above.

*Speaker*

Passed in the Senate this        day of                    ,  
2012.

*Clerk of the Senate*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members in the Senate, that is to say by the votes of        Senators.

I confirm the above.

*President of the Senate*

No. 35 of 2011

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SECOND SESSION  
TENTH PARLIAMENT  
REPUBLIC OF  
TRINIDAD AND TOBAGO

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**BILL**

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AN ACT to make provision for the  
implementation of a system for  
electronic monitoring in Trinidad  
and Tobago and for related matters

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Received and read the

First time .....

Second time .....

Third time .....

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