Prisoners (Control of Release) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to end the right of certain long-term prisoners to automatic early release from prison at the two-thirds point of their sentences and to allow prisoners serving all but very short sentences to be released from prison on a particular day suitable for their re-integration into the community.

Amendment of relevant Act

1  Restriction on automatic early release

(1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.

(2) In section 1, after subsection (3) there is inserted—

“(3ZA) Subsection (2) above does not apply to a long-term prisoner—

(a) if the prisoner’s sentence is for a term of 10 years or more, or

(b) if—

(i) the prisoner’s sentence is for a term of less than 10 years, and

(ii) the term is, or no less than 4 years of it are, attributable to at least one conviction by virtue of which the prisoner is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.”.

2  Release timed to benefit re-integration

(1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.

(2) After section 26B there is inserted—

“Timing of release

26C  Release timed to benefit re-integration

(1) Where a prisoner is to be released by the Scottish Ministers, they may release the prisoner on a day that is earlier than the day on which the prisoner would otherwise fall to be released (but this is subject to subsections (2) and (3)).
(2) The release of a prisoner may be brought forward under subsection (1) only if, in the Scottish Ministers’ opinion, it would be better for the prisoner’s re-integration into the community for the prisoner to be released on the earlier day than on the day on which the prisoner would otherwise fall to be released.

(3) The release of a prisoner may not be brought forward under subsection (1) by more than 2 days.

(4) In a case in which section 27(7) applies, a reference in this section to the day on which a prisoner would fall to be released is to the day on which the prisoner would fall to be released by virtue of that section.

(5) This section does not apply in relation to a prisoner who is serving a sentence of imprisonment for a term of less than 15 days.”.

Commencement and short title

3 Commencement

(1) This section and section 4 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

(3) An order under subsection (2) may include transitional, transitory or saving provision.

4 Short title

The short title of this Act is the Prisoners (Control of Release) (Scotland) Act 2015.
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Introduced by:  Kenny MacAskill
On: 14 August 2014
Bill type: Government Bill