

Management of Offenders (Scotland) Bill

3rd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the third day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Assessment of risk posed by offenders

75, 134

Home detention curfew: evaluation etc.

130

Restriction of liberty orders

133

Commencement provisions

76, 76A, 80

Amendments already debated

FAI where death caused by person subject to a curfew condition

With 71 - 72

Part 1 terminology: relevant person

With 2 - 68, 69, 70

Part 3: miscellaneous as to Parole Board

With 111 - 127

Amendments in debating order

Assessment of risk posed by offenders

Liam Kerr

75 After section 47, insert—

<PART

RISK ASSESSMENT OF OFFENDERS

Risk assessment tool

Risk assessment tool

- (1) Not later than 6 months after the date on which this section comes into force, the Scottish Ministers must develop a tool to assess the risk posed by offenders after release from prison (the “risk assessment tool”).
- (2) The purpose of the risk assessment tool is to assess the risk of an offender being at liberty to the safety of the public at large.
- (3) The risk assessment tool must include guidance on how to assess—
 - (a) risk posed by the offender to individuals or the public at large,
 - (b) the likelihood of the offender reoffending when at liberty,
 - (c) the capacity of bodies responsible for monitoring the offender whilst at liberty to carry out that monitoring effectively.
- (4) In developing the risk assessment tool, the Scottish Ministers must consult—
 - (a) the Scottish Courts and Tribunals Service,
 - (b) the Parole Board,
 - (c) the Police Service of Scotland,
 - (d) a relevant local authority (in the exercise of any of its social work services functions),
 - (e) the Risk Management Authority.
- (5) When disposing of a case in respect of an offender wholly or partly as mentioned in the list in section 3(2), a court must have regard to the risk assessment tool.
- (6) Not later than 2 years after the date on which this section comes into force, the Scottish Ministers must publish and lay before the Parliament a report on the operation of the risk assessment tool.>

THIS IS NOT THE MARSHALLED LIST

Daniel Johnson

134 After section 47, insert—

<PART

RISK ASSESSMENT OF PRISONERS

Risk assessment of prisoners

Risk assessment of prisoners

- (1) Not later than 6 months after the date on which this section comes into force, the Scottish Ministers must make an assessment of the risk posed by a prisoner after release from prison.
- (2) In carrying out an assessment under subsection (1), the Scottish Ministers must assess the risk to the safety of the public at large of a prisoner being released on licence under section 3AA of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (further powers to release prisoners).
- (3) The Scottish Ministers must by regulations make further provision about how they will make an assessment under subsection (1).
- (4) A risk assessment carried out subsection (1) must have regard to information provided under section (*Duty to share information before releasing a prisoner on licence*).
- (5) Not later than 5 years after the date on which this section comes into force, the Scottish Ministers must review how it carries out assessments under subsection (1).
- (6) The Scottish Ministers must publish and lay before the Parliament a report on a review under subsection (5).>

Home detention curfew: evaluation etc.

Margaret Mitchell

130 After section 47, insert—

<PART

MONITORING AND EVALUATION OF HOME DETENTION CURFEW CONDITIONS

Monitoring and evaluation of home detention curfew conditions

- (1) This section applies where a person is subject to a curfew condition as provided for in section 12AA(1)(b) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (which relates to release on licence under section 3AA of that Act).
- (2) The Scottish Ministers must monitor compliance with—
 - (a) the curfew condition, and
 - (b) any additional condition imposed by the Scottish Ministers as part of the licence on the person mentioned in subsection (1).
- (3) Where a condition mentioned in subsection (2) has not been complied with, the Scottish Ministers may revoke the licence and return the person to prison.
- (4) Not later than 6 months after the date on which this section comes into force, the Scottish Ministers must publish and lay before the Parliament guidance on monitoring compliance with the conditions mentioned in subsection (2).

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- (5) Guidance published under subsection (4) must be kept under review by the Scottish Ministers.
- (6) In preparing and reviewing guidance under subsections (4) and (5), the Scottish Ministers must consult—
 - (a) the Scottish Courts and Tribunals Service,
 - (b) the Parole Board,
 - (c) the Police Service of Scotland,
 - (d) relevant local authorities (in the exercise of any of their social work services functions),
 - (e) the Risk Management Authority.>

Restriction of liberty orders

Margaret Mitchell

133 After section 47, insert—

<PART

RESTRICTION OF LIBERTY ORDERS

Restriction of liberty orders

Restriction of liberty orders

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) After subsection (8)(c) of section 245A, there is inserted—
 - “(d) specific places (for example, the offender’s former home, the offender’s child’s school or the offender’s partner’s or ex-partner’s workplace) and named locations or areas which may be specified under subsection (2)(b).”>

Commencement provisions

Liam Kerr

76 In section 49, page 29, line 30, at end insert—

- <(2A) Regulations under subsection (2) are subject to the affirmative procedure.
- (2B) The Scottish Ministers may not lay before the Parliament regulations under subsection (2) until the end of the period of one month beginning with the day on which they comply with subsection (2C).
 - (2C) The Scottish Ministers must lay before the Parliament a report setting out why they consider that there are sufficient resources in place for the other provisions of this Act to come into force.>

THIS IS NOT THE MARSHALLED LIST

Daniel Johnson

76A As an amendment to amendment 76, line 8, at end insert—

- <() In preparing a report under subsection (2C), the Scottish Ministers must make an assessment of the impact of the other provisions of this Act on—
- (a) the Scottish Courts and Tribunals Service,
 - (b) the Police Service of Scotland,
 - (c) relevant local authorities (in the exercise of any of their social work services functions),
 - (d) the Scottish Ministers (in respect of their powers with regard to the provision of prisons).>

Liam Kerr

80 In section 49, page 29, line 30, at end insert—

- <(2A) The Scottish Ministers may not lay before the Parliament regulations under subsection (2) until the end of the period of one month beginning with the day on which the condition in subsection (2B) is met.
- (2B) The condition is that the Statistics Board must have produced and published Scottish devolved statistics under Part 1 of the Statistics and Registration Service Act 2007 showing that the proportion of completions for community payback orders (imposed by virtue of section 227A of the Criminal Procedure (Scotland) Act 1995) for the most recent one-year period is at least 80%.>

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