

A BILL

ENTITLED

AN ACT to Amend the Offences Against the
Person Act.

As introduced by the Honourable Minister of Justice.

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(c) inserting next after subsection (1), as numbered, the following as subsections (2) and (3)—

(2) A person who is convicted before a Circuit Court of—

(a) striking with intent to do grievous bodily harm or with intent to resist or prevent the lawful apprehension or detention of any person; or

(b) wounding with intent with a dangerous weapon shall be liable to imprisonment for life or such other term, not being less than fifteen years, as the Court considers appropriate.

(3) In this section, "firearm" has the meaning assigned to it by section 2 of the Firearms Act.

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AN ACT to Amend the Offences Against the Person Act.

[]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Offences Against the Person (Amendment) Act, 2008, and shall be read and construed as one with the Offences Against the Person Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title and construction.

2. Section 20 of the principal Act is amended by—

Amendment of section 20 of principal Act.

- (a) deleting the word "Whosoever" and substituting therefor the words "Subject to subsection (2), whosoever";
- (b) renumbering the section as subsection (1) of section 20; and

(c) inserting next after subsection (1), as renumbered, the following as subsections (2) and (3)—

“ (2) A person who is convicted before a Circuit Court of —

(a) shooting with intent to do grievous bodily harm or with intent to resist or prevent the lawful apprehension or detainer of any person; or

(b) wounding with intent, with use of a firearm,

shall be liable to imprisonment for life, or such other term, not being less than fifteen years, as the Court considers appropriate.

(3) In this section, “firearm” has the meaning assigned to it by section 2 of the Firearms Act.”.

A BILL

INTRODUCED

AN ACT to Amend the Offences Against the Person Act

BE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows—

1. This Act may be cited as the Offences Against the Person (Amendment) Act, 2008, and shall be read and construed as one with the Offences Against the Person Act (hereinafter referred to as the principal Act) and all amendments thereto.

2. Section 30 of the principal Act is amended by—

(a) deleting the word “Whosoever” and substituting therefor the words “Subject to subsection (2), whosoever”;

(b) renumbering the section as subsection (1) of section 30; and

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to amend the Offences Against the Person Act in order to provide for a minimum custodial sentence of fifteen years for a person convicted before the Circuit Court of any of the following offences under section 20 of the Act, namely—

- (a) shooting with intent to do grievous bodily harm or with intent to resist or prevent the lawful apprehension or detainer of any person; and
- (b) wounding with intent, with use of a firearm.

This Bill seeks to give effect to that decision and is intended to emphasize the serious nature of those offences and is a companion to other proposed legislation aimed at reducing crime.

DOROTHY C. LIGHTBOURNE, Q.C.
Minister of Justice.

J. J. B. A.

DELIVERED

Bill to amend the Offences Against the Person Act 1861

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SECTION 20 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

20. Whosoever shall unlawfully and maliciously, by any means whatsoever, wound, or cause any grievous bodily harm to any person, or shoot at any person, or, by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, with intent in any of the cases aforesaid, to maim, disfigure or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and, being convicted thereof, shall be liable, to be imprisoned for life with or without hard labour.

