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First Session Twelfth Parliament Republic of  
Trinidad and Tobago

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SENATE

**BILL**

AN ACT to amend the Sexual Offences Act,  
Chap. 11:28

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## THE SEXUAL OFFENCES (AMENDMENT) BILL, 2021

### **Explanatory Notes**

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

The purpose of this Bill is to amend the Sexual Offences Act, Chap. 11:28. The Bill contains twenty-one clauses.

Clause 1 of the Bill would provide the short title of the Act for which this is the Bill.

Clause 2 of the Bill would provide that the Act shall come into operation on such date as is fixed by the President by Proclamation.

Clause 3 of the Bill would provide for the interpretation of the words “the Act” to mean the Sexual Offences Act, Chap. 11:28.

Clause 4 of the Bill would amend section 2 of the Act to revise the section reference for the term “Register” and to insert a definition for the term “website”.

Clause 5 of the Bill would amend PART IV of the Act by deleting and substituting the heading.

Clause 6 of the Bill would amend section 45 of the Act to provide that Part IV of the Act shall apply, *inter alia*, to a sex offender who is convicted of a registrable offence within or outside Trinidad and Tobago.

Clause 7 of the Bill would amend the Act by inserting after section 46, a new section 46A. This new section would provide that for the purposes of Part IV of the Act, there shall be established two Registers to be known as the “National Sex Offender Register” and the “Public Sex Offender Website”.

Clause 8 of the Bill would repeal and substitute clause 47 of the Act in order to, *inter alia*, provide that the National Sex Offender Register shall not be accessible to the public. Additionally, the Commissioner of Police shall have control and custody of the National Sex Offender Register and shall be responsible for maintaining the Register and ensuring that reasonable security arrangements are made protect the information contained on the website against unauthorized access, collection, misuse, alteration, disclosure or disposal.

Clause 9 of the Bill would repeal and substitute section 48 of the Act in order to, *inter alia*, provide that the Commissioner of Police shall have control of a website to be known as the Public Sex Offender Website. The public will have access to this website, which will set out specified information on sex offenders. The section would also provide that reasonable security arrangements are to be made to protect the information contained on the website against unauthorized access, collection, misuse, alteration, disclosure or disposal.

Clause 10 of the Bill would amend section 49 of the Act in order to provide, *inter alia*, that where a person is convicted of a registrable offence, the Court shall order that the person report to a police station at the time he is required to report, for the purpose of registering as a sex offender. Additionally, where a person has appealed his conviction for a registrable offence the Court shall, pending the outcome of the appeal, withhold make an order with respect to registration and reporting requirements. Further, an order of the Court under section 49 would be subject to the convicted person making an application under section 61 of the Act to be exempt from registering or reporting.

Clause 11 of the Bill would repeal and substitute section 50 of the Act to provide that where a person has appealed his conviction for a registrable offence and the conviction is upheld, the Court shall order that the information referred to in section 48(4)(a) in relation to the sex offender, is to be published on the Public Sex Offender Website within seven days from the date the conviction was upheld. Further, where a person has not appealed his conviction for a registrable offence, the information referred to in section 48(4)(a) in relation to the sex offender, is to be published on the Public Sex Offender Website within thirty days after the date of conviction. An order of the Court under section 50 would be subject to the convicted person making an application under subsection (2) of that section, to be exempt from having his information published on the Public Sex Offender Website.

Clause 12 of the Bill would amend section 52(1) of the Act to delete the word “of” in the first place in which it occurs and substitute the word “before”.

Clause 13 of the Bill would amend section 53 of the Act to correct cross-references.

Clause 14 of the Bill would amend section 54(2) of the Act to delete the word “registered”.

Clause 15 of the Bill would amend section 57(3)(b)(ii) of the Act to insert the word “registered”.

Clause 16 of the Bill would amend section 61 of the Act to correct various references and to delete and substitute subsection (4)(i).

Clause 17 of the Bill would amend section 62 of the Act to, *inter alia*, insert at subsection (5)(g) the word “registered” and to delete and substitute subsection (5)(i).

Clause 18 of the Bill would amend section 63 of the Act to correct various references.

Clause 19 of the Bill would amend section 64 of the Act to clarify a reference to a registered sex offender.

Clause 20 of the Bill would amend section 68(3) of the Act to increase the penalty for a breach of Regulations.

Clause 21 of the Bill would make consequential amendments to the Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34 and the Police Service Act, Chap. 15:01.

THE SEXUAL OFFENCES (AMENDMENT) BILL, 2021

**Arrangement of Clauses**

*Clause*

1. Short title
2. Commencement
3. Interpretation
4. Section 2 amended
5. Part IV amended
6. Section 45 amended
7. New section 46A inserted
8. Section 47 repealed and substituted
9. Section 48 repealed and substituted
10. Section 49 amended
11. Section 50 repealed and substituted
12. Section 52 amended
13. Section 53 amended
14. Section 54 amended
15. Section 57 amended
16. Section 61 amended
17. Section 62 amended
18. Section 63 amended
19. Section 64 amended
20. Section 68 amended
21. Consequential amendments



# **BILL**

AN ACT to amend the Sexual Offences Act,  
Chap. 11:28

[ , 2021]

ENACTED by the Parliament of Trinidad and Tobago as Enactment  
follows:

1. This Act may be cited as the Sexual Offences Short title  
(Amendment) Act, 2021.
2. This Act comes into operation on such date as is Commencement  
fixed by the President by Proclamation.

Interpretation  
Chap. 11:28

**3.** In this Act, “the Act” means the Sexual Offences Act.

Section 2 amended

**4.** Section 2 of the Act is amended—

- (a) in the definition of “Register”, by deleting the words “section 47(1)” and substituting the words “section 46A(a)”;
- (b) in the definition of “sexually transmitted infection”, by deleting the word “.” and substituting the words “; and”; and
- (c) by inserting the following definition in the appropriate alphabetical sequence:

““website” means the Public Sex Offender Website established under section 46A(b).”.

Part IV amended

**5.** Part IV of the Act is amended by deleting the heading “PART IV NATIONAL SEX OFFENDER REGISTER” and substituting the following heading:

“PART IV  
SEX OFFENDER REGISTERS”.

Section 45 amended

**6.** Section 45 of the Act is amended—

- (a) in paragraph (a)(ii), by deleting the word “or” after the words “Part;”;
- (b) in paragraph (b), by deleting the words “; and” and substituting the words “; or”; and
- (c) in paragraph (c), by deleting the words “Court in” and substituting the words “Court within or outside”.

New Section 46A  
inserted

**7.** The Act is amended by inserting after section 46, the following section:

“Establish-  
ment of  
National Sex  
Offender  
Register and  
Public Sex  
Offender  
Website

46A. For the purposes of this Part, there shall be established two Registers to be known as the—

- (a) “National Sex Offender Register”; and



## (b) "Public Sex Offender Website".

8. The Act is amended by repealing section 47 and substituting the following section: Section 47 repealed and substituted

"National Sex Offender Register **47.** (1) The National Sex Offender Register shall, in relation to each registered sex offender, contain the information listed in Schedule 3 and pursuant to section 54.

(2) The Register shall not be accessible to the public.

(3) The information contained in the register referred to in the repealed section 34C(2) of the former Part III of this Act shall form part of the Register but such information shall not be accessible to the public.

(4) The Commissioner of Police shall have control and custody of the Register and shall be responsible for—

- (a) maintaining the Register;
- (b) ensuring that information is entered into the Register in accordance with this Act and any other written law; and
- (c) ensuring that the information entered in the Register is accurate.

(5) The Commissioner of Police shall make reasonable security arrangements to protect the information contained in the Register against unauthorized access, collection, misuse, alteration, disclosure or disposal."

Section 48 repealed  
and substituted

**9.** The Act is amended by repealing section 48 and substituting the following section:

“Access to information on sex offender on Public Sex Offender Website 48. (1) The Commissioner of Police shall, in relation to a sex offender, have control of a website to be known as the Public Sex Offender Website, designated for the publication of information referred to in subsection (4)(a).

(2) Subject to an application being made under section 50, the information on the website referred to in subsection (1) shall be accessible to the public.

(3) The Commissioner of Police shall, in relation to the website referred to in subsection (1), be responsible for—

- (a) maintaining the website;
- (b) ensuring that information is published on the website in accordance with this Act and any other written law; and
- (c) ensuring that the information published on the website is accurate.

(4) The website referred to in subsection (1) shall—

- (a) contain the following information in relation to a sex offender—
  - (i) name, former names and aliases;
  - (ii) date of birth;
  - (iii) photograph;
  - (iv) the locality in which the sex offender lives; and

(v) convictions of registrable offences committed by the sex offender, including the date of each conviction; and

(b) have a notice displayed in a conspicuous place warning of prosecution for the intentional and unlawful reproduction, sharing or use of information published on the website.

(5) The Commissioner of Police shall make reasonable security arrangements to protect the information published on the website against unauthorized access, collection, misuse, alteration, disclosure or disposal.

(6) A person who intentionally and without lawful excuse or justification alters, disposes, reproduces, shares or uses any information published on the website referred to in subsection (1) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

(7) Information in relation to a sex offender referred to in section 45(a)(i) shall not be published on the website referred to in subsection (1).”.

**10. Section 49 of the Act is amended—**

Section 49 amended

(a) by repealing subsection (1) and substituting the following subsection:

“(1) Subject to subsection (2) where, on or after the commencement

of this Part, a person is convicted of a registrable offence the Court shall, subject to an application being made under section 61, order that the person—

- (a) report to a police station at the time he is required to report in accordance with section 54(1), for the purpose of registering as a sex offender; and
  - (b) comply with the provisions of this Part.”;
- (b) by repealing subsection (2) and substituting the following subsection:
- “(2) Where a person has appealed his conviction, the Court shall, pending the completion of the appeal, withhold making an order in accordance with subsection (1).”;
- (c) by repealing subsection (3);
- (d) in subsection (4)—
- (i) in paragraph (a), by inserting after the words “period;” the word “and”;
  - (ii) in paragraph (b), by deleting the words “; and” and substituting the word “.”;
  - (iii) by deleting paragraph (c); and
- (e) in subsection (6), by deleting the words “referred to in subsection (1)”.

Section 50 repealed  
and substituted

**11.** The Act is amended by repealing section 50 and substituting the following section:

“Information  
on sex  
offender to be  
published on  
Public Sex  
Offender  
Website

**50.** (1) Subject to subsection (2), the Court shall, where a person has—

- (a) appealed his conviction for a registrable offence and

the conviction is upheld, order that the information referred to in section 48(4)(a) in relation to the sex offender is to be published on the website referred to in section 48, within seven days from the date the conviction was upheld; or

- (b) not appealed his conviction for a registrable offence, order that the information referred to in section 48(4)(a) in relation to the sex offender is to be published on the website referred to in section 48, within thirty days after the date of conviction,

and shall direct that the Registrar is required to forward the information on the sex offender to the Commissioner of Police who shall publish the information.

(2) Where a sex offender is convicted of a registrable offence, he may apply to the Court to be exempt from having his information published on the website referred to in section 48.

(3) The Court, before making a determination pursuant to an application made under subsection (2), may request a mental assessment report from a psychiatrist.

(4) The Court, in making a determination pursuant to an application made

under subsection (2), shall take into account—

- (a) the findings of the mental health assessment report referred to in subsection (3) where the report was requested;
- (b) the nature and gravity of the offence;
- (c) whether the sex offender has been charged or convicted of any other registrable offence;
- (d) the risk of reoffending;
- (e) the risk of harm to the victim or any other person;
- (f) whether the victim was a child or a person with a mental disorder;
- (g) whether the sex offender was in a position of care, authority or supervision of the victim;
- (h) whether the employment and residence status of the sex offender are stable; and
- (i) any other compelling reasons in the circumstances of the case.”.

Section 52 amended **12.** Section 52(1) of the Act is amended by deleting the word “of” in the first place in which it occurs and substituting the word “before”.

Section 53 amended **13.** Section 53 of the Act is amended—

- (a) in subsection (2), by deleting the words “(1)(c)(iv)” and substituting the words “(1)(b)(iv)”; and

(b) in subsection (3)(b), by deleting the words “(1)(c)(iv)” and substituting the words “(1)(b)(iv)”.

14. Section 54(2) of the Act is amended by deleting Section 54 amended the word “registered”.

15. Section 57(3)(b)(ii) of the Act is amended Section 57 amended by inserting after the words “which the”, the word “registered”.

16. Section 61 of the Act is amended— Section 61 amended

(a) in subsection (3), by deleting the word “shall” and substituting the word “may”;  
and

(b) in subsection (4)—

(i) in paragraph (a), by inserting after the words “(3)”, the words “where the report was requested”;

(ii) in paragraph (g), by inserting after the words “sex offender”, the words “or registered sex offender”;

(iii) in paragraph (h), by inserting after the words “whether the”, the words “sex offender or”;

(iv) by deleting paragraph (i) and substituting the following paragraph:

“(i) whether the employment and residence status of the sex offender or the registered sex offender are stable;” and

(v) in paragraph (j), by inserting after the word “conviction”, the words “of the sex offender”.

Section 62 amended

**17.** Section 62 of the Act is amended—

- (a) in subsection (4), by deleting the word “shall” and substituting the word “may”; and
- (b) in subsection (5)—
  - (i) in paragraph (a), by inserting after the words “(4)”, the words “where the report was requested”; and
  - (ii) in paragraph (g), by inserting after the words “whether the”, the word “registered”; and
  - (iii) by deleting paragraph (i) and substituting the following paragraph:
    - “(i) whether the employment and residence status of the registered sex offender are stable;”.

Section 63 amended

**18.** Section 63 of the Act is amended—

- (a) in subsection (3), by deleting the word “shall” and substituting the word “may”; and
- (b) in subsection (4)(a), by inserting after the words “(3)”, the words “where the report was requested”; and
- (c) in subsection (6), by deleting the words “subsection (1)” and substituting the words “section 48(1)”.

Section 64 amended

**19.** Section 64 of the Act is amended by inserting after the words “Part which the”, the words “registered sex”.

Section 68 amended

**20.** Section 68(3) of the Act is amended by—

- (a) deleting the word “fifty” and substituting the words “two hundred and fifty”; and
- (b) deleting the words “six months” and substituting the words “five years”.



21. The Acts referred to in the First Column of the Schedule are amended as set out in the Second Column of the Schedule: <sup>Consequential amendments</sup>

## SCHEDULE

FIRST COLUMN	SECOND COLUMN
<i>Short title of Act</i>	<i>Amendment</i>
The Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34	In section 34(3) by— (a) deleting the word “fifty” and substituting the words “two hundred and fifty”; and (b) deleting the words “six months” and substituting the words “five years”.
The Police Service Act, Chap. 15:01	A. In section 3, by deleting the definition of “registered sex offender” and inserting the following definition in the appropriate alphabetical sequence: “sex offender” has the meaning assigned to it under section 2 of the Sexual Offences Act;” B. In section 50(1), by deleting the word “registered”. C. In section 50A(1)(a), by deleting the word “registered”.

Passed in the Senate this            day of            ,  
2021.

*Clerk of the Senate*

I confirm the above.

*President of the Senate*



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No. 5 of 2021

FIRST SESSION  
TWELFTH PARLIAMENT  
REPUBLIC OF  
TRINIDAD AND TOBAGO

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**BILL**

AN ACT to amend the Sexual Offences  
Act, Chap. 11:28

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Received and read the

First time .....

Second time .....

Third time .....

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