

CAYMAN ISLANDS



Supplement No. 13 published with Gazette No. 17  
dated 13<sup>th</sup> August, 2018.

**THE CONDITIONAL RELEASE (AMENDMENT) LAW, 2018**

**(LAW 15 OF 2018)**

**THE CONDITIONAL RELEASE (AMENDMENT) LAW, 2018**

**ARRANGEMENT OF SECTIONS**

1. Short title
2. Amendment of section 4 of the Conditional Release Law, 2014 - establishment and procedure of Board
3. Insertion of new section 12A - change in material circumstances
4. Amendment of section 14 - release of life prisoners

CAYMAN ISLANDS

Law 15 of 2018.

I Assent

Franz Manderson

Acting Governor.

Date: 3<sup>rd</sup> August, 2018

**A LAW TO AMEND THE CONDITIONAL RELEASE LAW, 2014, LAW  
18 OF 2014, TO PROVIDE FOR THE APPOINTMENT OF A  
TEMPORARY CHAIRPERSON; TO PROVIDE FOR THE REMOVAL  
OF A BOARD MEMBER FOR NON-ATTENDANCE AT MEETINGS; TO  
PROVIDE FOR THE POWER FOR THE BOARD TO RECONSIDER A  
DECISION TO RELEASE A PRISONER ON LICENCE WHERE THE  
BOARD RECEIVES NEW INFORMATION; TO PROVIDE FOR WHOLE  
LIFE TARIFFS; AND FOR INCIDENTAL AND CONNECTED  
PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Conditional Release (Amendment) Law, 2018. Short title

2. The Conditional Release Law, 2014, in this Law referred to as the “principal Law”, is amended in section 4 as follows - Amendment of section 4  
of the Conditional  
Release Law, 2014 -  
establishment and  
procedure of Board  
Law 18 of 2014

(a) by repealing subsections (4) and (5) and substituting the following subsections -

“ (4) At a meeting of the Board -

(a) the Chairperson shall preside;

- (b) if the Chairperson is unable to attend, the Vice Chairperson shall preside; or
- (c) if the Chairperson and the Vice Chairperson are unable to attend, the members of the Board shall appoint a temporary Chairperson from among themselves and that member shall preside.

(5) Decisions of the Board shall be based on the votes of members present and voting and, where the Board is equally divided on any matter, the person presiding shall have a casting vote in addition to his deliberative vote.”; and

- (b) by repealing subsections (8) and (9) and substituting the following subsections -

“ (8) The Governor may, in his discretion, revoke the appointment of a member -

- (a) for inability to discharge the functions of his office (whether arising from infirmity of body or mind);
- (b) for misbehaviour; or
- (c) where that member has failed to attend three consecutive meetings of the Board.

(9) At a meeting of the Board, three members shall constitute a quorum.”.

Insertion of new section  
12A - change in material  
circumstances

3. The principal Law is amended by inserting after section 12 the following section -

“Change in  
material  
circumstances

12A. (1) The Board may, where the Board has ordered the release on licence of a prisoner pursuant to section 12 and prior to the date of release of that prisoner the Board is notified that there is a material change in the circumstances relating to that prisoner, reconvene and hear the prisoner in respect of the material change and may -

- (a) set aside the order; or
- (b) vary the order.

(2) For the purposes of subsection (1), a material change of circumstances may include, but is not limited to, additional information that was not previously available to the Board at the time of the Board’s determination.”.

4. The principal Law is amended in section 14 as follows -

Amendment of section  
14 - release of life  
prisoners

(a) by inserting after subsection (1) the following subsection -

“ (1A) Notwithstanding subsection (1) and any other Law to the contrary, where any of the following circumstances are present -

- (a) the murder of two or more persons, where each murder involves any of the following -
  - (i) a substantial degree of premeditation or planning;
  - (ii) the abduction of a victim; or
  - (iii) sexual or sadistic conduct;
- (b) the murder of a child where the murder also involves the abduction of the child or sexual or sadistic conduct;
- (c) a murder done for the purpose of advancing a political, religious, racial or ideological motivation; or
- (d) a murder by an offender previously convicted of murder,

the court shall, when sentencing a prisoner to a term of imprisonment for life, specify the period of incarceration the prisoner shall serve before the prisoner is eligible to be considered for conditional release on licence, the period being such as the court considers appropriate to satisfy requirements of retribution, deterrence and rehabilitation, the period shall be whole life before the prisoner is eligible for conditional release unless there are extenuating circumstances, exceptional in nature, in which case the court may impose a lower period of incarceration.”; and

(c) by repealing subsection (2) and substituting the following subsection -

“ (2) In making a decision under subsection (1)(a) or (b) or (1A) the court shall state the extenuating circumstances or the aggravating circumstances, as the case may be.”.

Passed by the Legislative Assembly the 29<sup>th</sup> day of June, 2018.

Dr. Hon. W. McKeeva Bush

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.