

**PARLIAMENT  
of the  
Republic of Trinidad and Tobago**

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**FIRST SESSION OF THE TENTH PARLIAMENT (2010/2011)**

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**REPORT  
OF  
THE JOINT SELECT COMMITTEE ESTABLISHED TO CONSIDER  
AND REPORT ON  
THE ANTI-GANG BILL, 2010  
AND  
THE BAIL (AMENDMENT) BILL, 2010**

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**Date laid in the SENATE : .....**

## **MEMBERS OF THE COMMITTEE**

Mr. Anand Ramlogan – Chairman

Mr. Prakash Ramadhar, MP

Mr. Herbert Volney, MP

Mr. Stephen Cadiz, MP

Mr. Jairam Seemungal, MP

Mr. Subhas Panday

Brig. John Sandy

Ms. Marlene McDonald, MP

Mr. Colm Imbert, MP

Mr. Fitzgerald Hinds

Mrs. Corinne Baptiste-McKnight

Mr. Elton Prescott S.C.

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# REPORT

## APPOINTMENT, MANDATE AND COMPOSITION OF COMMITTEE

### ANTI-GANG BILL, 2010

1.1 At a sitting held on **Friday December 3, 2010** the House of Representatives agreed to the following resolution:

“That this Bill be referred to a Joint Select Committee of this Honourable House, comprising an equal number of Members of the House of Representatives and the Senate, and that this committee be empowered to discuss the general merits and principles of the Bill, along with its details, and be mandated to report in three months to this honourable House.”

### BAIL (AMENDMENT) BILL, 2010

1.2 At a sitting held on **Friday December 10, 2010** the House of Representatives agreed to the following motion:

“That the Bail (Amendment) Bill be referred to the Joint Select Committee, which has been established to consider and report on the Anti-Gang Bill, 2010 and that this committee be further empowered to discuss the general merits and principles of the Bail (Amendment) Bill, along with its details and be mandated to report on this Bill also within three months’ time.”

1.3 The Members appointed to the Committee were:

- i. Mr. Prakash Ramadhar, MP
- ii. Mr. Herbert Volney, MP
- iii. Mr. Stephen Cadiz, MP
- iv. Mr. Jairam Seemungal, MP
- v. Ms. Marlene Mc Donald, MP
- vi. Mr. Colm Imbert, MP

1.4 On **Tuesday December 7<sup>th</sup> and 14<sup>th</sup>, 2010**, the Senate agreed to similar resolutions and appointed the following six Members to serve on the said Joint Select Committee:

- i. Mr. Anand Ramlogan
- ii. Mr. Subhas Panday
- iii. Brig. John Sandy
- iv. Mrs. Corinne Baptiste-McKnight
- v. Mr. Elton Prescott S.C.
- vi. Mr. Fitzgerald Hinds

## **LEGISLATION REFERRED TO THE COMMITTEE**

2.1 Referred to the Committee for consideration and report were:

- a. **The Anti-Gang Bill, 2010; and**
- b. **The Bail (Amendment) Bill, 2010**

## **OVERVIEW**

- 3.1 **(a) The Anti-Gang Bill, 2010 seeks to make provision for the suppression of associations created for unlawful or criminal purposes and for better protection of the public.**
- 3.2 **(b) The Bail (Amendment) Bill, 2010 seeks to amend the Bail Act, Chap.4.60 to confer on a Court the jurisdiction to deny bail to a person who is a gang member.**

## **ELECTION OF CHAIRMAN AND DETERMINATION OF QUORUM**

4.1 At its first meeting held on Tuesday January 11, 2011 and chaired by the Honourable Wade Mark, Speaker of the House<sup>1</sup> the Committee elected Mr. Anand Ramlogan as Chairman pursuant to Standing Order 79(3).

4.2 At that meeting and in accordance with Standing Order 79(2) of the House of Representatives, it was also agreed that the quorum would constitute four (4) Members, inclusive of the Chairman, with **at least two (2) Members of the Government, one (1) Member of the Opposition and one (1) Independent Member provided that two (2) Members represented the House of Representatives.**

## **SECRETARIAL SUPPORT**

5.1 The following officers provided secretarial assistance:

|                        |   |                             |
|------------------------|---|-----------------------------|
| Mrs. Lily Broomes      | - | Secretary                   |
| Ms. Candice Skerrette  | - | Assistant Secretary         |
| Mr. Vinda Dean Maharaj | - | Senior Legal Officer        |
| Ms. Indira Binda       | - | Graduate Research Assistant |

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<sup>1</sup> In accordance with Standing Order 80 (7) of the House of Representatives

## **WORK OF THE COMMITTEE**

6.1 To date your Committee held **Eight (8) Meetings** on the following dates:

1. First Meeting - Tuesday January 11, 2011
2. Second Meeting - Monday January 17, 2011
3. Third Meeting - Monday January 24, 2011
4. Fourth Meeting - Monday January 31, 2011
5. Fifth Meeting - Monday February 7, 2011
6. Sixth Meeting - Monday February 14, 2011
7. Seventh Meeting - Monday February 21, 2011
8. Eighth Meeting - Monday February 28, 2011

## **PRELIMINARY DISCUSSIONS –The Approach Taken**

7.1 At its first meeting it was agreed that in order to move forward and be guided in its discussions, your Committee would consider the following pieces of legislation:

- The Prohibited and Unlawful Societies and Associations Act 1974 (The Dread Act) of Dominica(no longer in force);
- The Emergency Powers Regulations 1990 of Trinidad and Tobago;
- The Criminal Justice (Surveillance) Act 2009 and the Criminal Justice (Amendment) Act 2009 of Ireland;

## **EXPERT ASSISTANCE**

8.1 Your Committee in its discussions acknowledged the need for expert assistance from Legislative Draftsmen and agreed to request the assistance of Draftsmen from the Law Reform Commission. The following persons were chosen to assist your Committee during its analysis of the Bills:

- |                    |   |                              |
|--------------------|---|------------------------------|
| Mr. Nakool Maharaj | - | Senior Parliamentary Counsel |
| Ms. Tamara Dookran | - | Parliamentary Counsel II     |

## **REQUEST FOR SUBMISSIONS**

9.1 In keeping with its mandate, your Committee approved the proposal to request submissions from the Criminal Bar Association with a deadline of January 31, 2011. As the Committee's work progressed, Members sought to have a greater understanding of the subject matter under discussion and requested further assistance from the Trinidad and Tobago Police Service and Mr. Russell Martineau S.C., Attorney- at- Law.

9.2 Further to the Committee's request for submissions, the Criminal Bar Association

submitted modified versions of the Anti-Gang Bill, 2010 and the Bail (Amendment) Bill, 2010 by way of clause by clause amendments.

### **POWERPOINT PRESENTATION**

10.1 At its third meeting, your Committee viewed a PowerPoint feature entitled “Criminal Street Gangs” which was presented by a representative of the Trinidad and Tobago Police Service.

10.2 From this presentation, your committee gained a greater insight into the operations of criminal gangs in Trinidad and Tobago and gang related activity. This presentation highlighted the following areas of concern:

- Number, type and location of gangs;
- Associated infrastructural problems and social issues common to areas where gangs operate;
- Risk factors associated with gang formation and warning signs linked to gang membership;
- Gang structure and gang recruitment;
- Gang crimes and gang related activities;
- Gang use of the criminal justice system;
- Conflicts among gangs;
- Strategies to deal with the issue of gangs;
- Intervention and prevention methods; and
- Solutions to gangs and gang violence.

### **ORAL PRESENTATION**

11.1 Your Committee heard from the representative from the Police Service that the Anti Gang legislation would greatly assist in the fight against crime. The specific areas in which the legislation would make a great difference, when enforced, were outlined:

- gang membership;
- recruitment of young persons into gangs; and
- harbouring by parents and/or other persons.

11.2 As the deliberations continued, details of parents who actually lived in fear of their children came to light, as well as the necessary caution which had to be exercised by Members of the Police Service when treating with the issues of harbouring.

11.3 Other important aspects which emanated from the discussions with the Police Service included:

- the public's reluctance to identify persons as members of gangs for fear of reprisal;
- gangs no longer place identification marks on their person for fear that it could cause their death;
- flexibility in sentencing in situations where a young person was forced to be a gang member but did not commit any crimes;
- because of the risks involved, there should be a group compensation package for all members of the protective services;
- the need for the justice system and law enforcement authorities to work together;
- the high degree of inconsistency with respect to sentencing of certain offences;
- modification of the identification process from the one way mirror which currently exists to that of viewing photographs is required;
- the important role of the Repeat Offenders Programme Task Force (ROPTF) and the disbandment thereof;
- the forfeiture of any property derived as a result of gang activity;
- the authority of a Police Officer to enter a dwelling house without a warrant and arrest someone he has reasonable cause to believe is a gang member;

## **CONSIDERATION OF THE BILLS**

12.1 Your Committee agreed that its consideration of the Bills should be done in a timely manner, keeping in mind the date for reporting to Parliament.

12.2 The Committee having conducted a clause by clause scrutiny of both Bills agreed that certain areas needed reworking and strengthening.

### **Issues:**

- (i) During the deliberations there was wide consensus in your Committee with respect to the objective for the introduction of the Anti-Gang Bill, which outlined measures to provide the society with protection from criminal elements. It would also ensure that the penalties applied would stem the growth of gangs and criminal activities and serve as a deterrent to would-be gang members.
- (ii) Much concern was expressed by your Committee about the parent child relationship where the child may be the member of a gang or involved in criminal activity and the parents are unaware and could be liable for harbouring a gang member.
- (iii) Your committee also deliberated on the provisions made for children at risk or youths who commit minor infractions, whether it should be mandatory to attend the social programmes such as the Military Led Academic Training (MILAT), Military Youth Programme of Apprenticeship and Reorientation

Training (MYPART), etc. It was felt that the penalty imposed on children for minor offences was draconian and punitive and the system offered parents no other alternatives.

- (iv) Your Committee also deliberated at length on the penalties attached to various offences and stressed the importance that the penalty must match the offence committed.
- (v) Another concern of Members of the Committee was the offence of recruitment of children/youngsters to be members of a gang within the parameters of a school or at any technical, vocational or training establishment or recreational or social programme.
- (vi) Much discussion ensued on the rights of persons in relation to the authorized detention for a period of five (5) days, in cases where there is reasonable suspicion that the person committed one or more of the offences listed in the schedule. The process to be followed formed part of the discussions.

### **OTHER ISSUES RAISED**

13.1 As consideration of the related matters continued, namely:

- The receipt of goods gained as a result of the gang-related activity;
- The difference between harbouring or concealing of a gang member;
- The concept of sanctuary within places of worship;
- Distinction between legitimate holders of a Firearm's User License and persons with unlawful weapons for the purpose of gang-related activities;
- Forfeiture of property belonging to gang members as a deterrent to gang-related activity;
- Denial of bail for 'assault with the use of a firearm' for selected offences up to 120 days;
- The sentences of fines and forfeiture of property for charges of gang-related offences;
- The working definition of the age of a 'child' for the purposes of recruitment into a gang; and
- Provision of bail for children who commit gang related crimes.

### **RECOMMENDATION**

14.1 Your Committee recommends that these Bills be accepted by the House at the earliest opportunity, subject to the amendments listed at appendix I.

14.2 The Committee further recommends that an aggressive public education campaign should be implemented as promised and with haste, to ensure that members of the public are informed about the legislation and the penalties applied for violation thereof.

## **CONCLUSION**

15.1 Your Committee reports that in accordance with its mandate, scrutiny of the Bills referred has been completed within the time stipulated. The amendments proposed to the Bills are at Appendix I and these are incorporated in the amended versions of the Bills attached at Appendix II, for ease of reference.

15.2 We are grateful to all who have assisted us in our work, either by written submissions or contributing to our discussions. We have benefited considerably from the advice from the Police Service and the Criminal Bar Association.

15.3 The report is hereby submitted for adoption by the House.

**Respectfully submitted,**

**Sgd.  
Mr. Anand Ramlogan  
Chairman**

**February 28, 2011**

**Sgd.**  
**Mr. Prakash Ramadhar, MP**  
**Member**

**Sgd.**  
**Mr. Subhas Panday**  
**Member**

**Sgd.**  
**Mr. Herbert Volney, MP**  
**Member**

**Sgd.**  
**Brig. John Sandy**  
**Member**

**Sgd.**  
**Mr. Stephen Cadiz, MP**  
**Member**

**Sgd.**  
**Mr. Fitzgerald Hinds**  
**Member**

**Sgd.**  
**Mr. Jairam Seemungal, MP**  
**Member**

**Sgd.**  
**Mrs. Corinne Baptiste-McKnight**  
**Member**

**Sgd.**  
**Ms. Marlene Mc Donald, MP**  
**Member**

**Sgd.**  
**Mr. Elton Prescott S.C.**  
**Member**

**Mr. Colm Imbert, MP**  
**Member**

# **APPENDIX**

## **I**

## THE ANTI-GANG BILL, 2010

List of amendments proposed by the Joint Select Committee  
established to consider and report on the Anti-Gang Bill, 2010  
and the Bail (Amendment) Bill, 2010

| <i>First Column</i> | <i>Second Column</i>                                                                                                                                                                                                                                                            |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clause</i>       | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                     |
| Long title          | Delete the long title and substitute the following long title:<br><br>“AN ACT to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters”.  |
| Preamble            | Insert in the preamble before the word “WHEREAS” where it first occurs, the words –<br><br>“WHEREAS the Constitution of the Republic of Trinidad and Tobago recognises and protects fundamental human rights and freedoms such as the right of the individual to life, liberty, |

| <i>First Column</i>  | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clause</i>        | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                      | <p>security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law:</p> <p>AND WHEREAS the Constitution also recognises the existence of the right of the individual to equality before the law and the protection of the law:</p> <p>AND WHEREAS the Constitution places a duty on the State to protect, promote and fulfil the above-mentioned fundamental human rights and freedoms:</p> <p>AND WHEREAS there has been a rapid growth of criminal gang activity within the Republic of Trinidad and Tobago:</p> |
| Preamble<br>(cont'd) | <p>AND WHEREAS criminal gang activity infringes on the rights and freedoms of individuals as enshrined under the Constitution:</p> <p>AND WHEREAS it is the right of every person to be protected from fear, intimidation and physical harm caused by the criminal activity of violent gangs:</p> <p>AND WHEREAS criminal gang activity presents a danger to public order and safety and to economic stability, and has the potential to inflict social damage:</p> <p>AND”.</p>                                                                                          |

| <i>First Column</i> | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clause</i>       | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4                   | <p>A. Delete sub-clause (2) and re-number sub-clause (1) as clause 4;</p> <p>B. In the re-numbered clause 4 –</p> <ul style="list-style-type: none"> <li>(i) in the definition of the word “ammunition” delete the words “that word” and substitute the word “it”;</li> <li>(ii) delete the definition of “bullet-proof vest” and substitute the following definition: <ul style="list-style-type: none"> <li>“ “bullet-proof vest” means a vest or article of covering that is capable of providing or intended to provide protection from the penetration of bullets or similar projectiles;”;</li> </ul> </li> <li>(iii) in the definition of the word “firearm” delete the words “that word” and substitute the word “it”;</li> </ul> |

| <p><i>First Column</i></p> <p><i>Clause</i></p> | <p><i>Second Column</i></p> <p><i>Extent of Amendments</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>4</p> <p>(cont'd)</p>                        | <p>(iv) delete the definition of “gang” and substitute the following definition:</p> <p>“ “gang” means a combination of two or more persons, whether formally or informally organized, that, through its membership or through an agent, engages in any gang-related activity;”;</p> <p>(v) in the definition of “gang member” –</p> <p>(a) delete the words “or is legally accountable for,”;</p> <p>(b) delete the word “cover-up” and substitute the word “concealment”;</p> <p>(c) delete the comma after the word “aids”;</p> <p>(vi) delete the definition of “gang-related activity” and substitute the following definition:</p> <p>“ “gang-related activity” means any criminal activity, enterprise, pursuit or undertaking in relation to any of the offences listed in the First Schedule</p> |

| <i>First Column</i>      | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clause</i>            | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                          | <p>acquiesced in, or consented or agreed to, or directed, ordered, authorized, requested or ratified by any gang member, including a gang leader;”;</p> <p>(vii) in the definition of “law enforcement authorities” –</p> <p>(a) delete the word “include” and substitute the word “includes”;</p> <p>(b) in paragraph (a), including the margin, delete the words “, 2006” and “Act No. 7 of 2006” and insert in the margin next to the words “Police Service Act” the words “Chap. 15:01”;</p> |
| <p>4</p> <p>(cont’d)</p> | <p>(c) re-number paragraph “(d)” as paragraph “(f)” and insert after the words “Income Tax Act;” in paragraph (c) the following new paragraphs:</p> <p>“(d) the Defence Force established under the Defence Act;</p> <p>Chap. 14:01</p> <p>(e) the Prison Service established under the Prison Service Act;”;</p> <p>Chap. 13:02</p>                                                                                                                                                             |

| <i>First Column</i> | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clause</i>       | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                     | <p>(d) in the re-numbered paragraph “(f)”, delete the words “2006,”;</p> <p>(viii) in the definition of “recruits”, delete the full stop and substitute a semi-colon;</p> <p>(ix) insert in the appropriate alphabetical sequence, the following definitions:</p> <p>“ “gang leader” means a person who knowingly initiates, organizes, plans, finances, directs, manages or supervises any gang-related activity;”</p> <p>“ “harbours” means giving refuge or shelter to another person and encouraging or supporting, whether tacitly or explicitly, that person in committing any gang-related activity;”</p> <p>“ “school” includes an orphanage or any establishment for the conduct of technical or vocational training or social programmes designed for youth.”.</p> |

| <i>First Column</i> | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clause</i>       | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5                   | <p>A. In sub-clause (1) –</p> <ul style="list-style-type: none"> <li>(i) in paragraph (a), delete the words “or attempts to become”;</li> <li>(ii) in paragraph (b), insert after the word “who” the words “, in order to gain an unlawful benefit,”;</li> <li>(iii) insert after the words “is liable on” the words “summary conviction to imprisonment for ten years and on any subsequent”;</li> </ul> <p>B. Delete sub-clause (2) and substitute the following sub-clause:</p> <p>“ (2) A person who is a gang leader commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years.”;</p> <p>C. Delete sub-clause (3) and substitute the following sub-clause:</p> <p>“ (3) A person who is a police officer, prison</p> |

| <i>First Column</i>   | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clause</i>         | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>5<br/>(cont'd)</p> | <p>officer, member of the Defence Force, constable<br/>Chap. 15:02 appointed under the Supplemental Police Act or<br/>Chap. 15:03 the Special Reserve Police Act, member of a<br/>protective service agency or involved in law<br/>enforcement, and is a gang member, commits an<br/>offence and is liable on conviction on indictment to<br/>imprisonment for twenty-five years.”;</p> <p>D. Insert after sub-clause (3) the following sub-clause:</p> <p>“(4) For the purpose of this Act, it shall not be<br/>necessary to show that a particular gang possesses,<br/>acknowledges or is known by any common name, insignia,<br/>flag, means of recognition, secret signal or code, creed,<br/>belief, structure, leadership or command structure, method<br/>of operation or criminal enterprise, concentration or<br/>speciality, membership, age or other qualification, initiation<br/>rites, geographical or territorial situs, boundary or location,<br/>or other unifying mark, manner, protocol or method of<br/>expressing or indicating its membership when the gang’s<br/>existence can be demonstrated by a preponderance of<br/>other admissible evidence, but any evidence reasonably<br/>tending to show or demonstrate the existence of or<br/>membership in a gang shall be admissible in any action or<br/>proceedings brought under this Act.”.</p> |

| <i><b>First Column</b></i> | <i><b>Second Column</b></i>                                                                                                                                                                                                                                                                                                                                           |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i><b>Clause</b></i>       | <i><b>Extent of Amendments</b></i>                                                                                                                                                                                                                                                                                                                                    |
| 6 -10                      | Re-number clauses 6, 7, 8, 9 and 10 as clauses 8, 9, 10, 11 and 12, respectively.                                                                                                                                                                                                                                                                                     |
| New 6                      | <p>Insert the following new clause 6 after clause 5:</p> <p>“Coercing or encouraging gang membership</p> <p>6. A person who, by any means, coerces, encourages, entices, aids or abets another person to be a gang member commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years.”.</p>                                   |
| New 7                      | <p>Insert the following new clause 7 after the new clause 6:</p> <p>“Preventing gang member from leaving gang</p> <p>7. A person who prevents or attempts to prevent a gang member from leaving the membership of a gang, whether by coercion or otherwise, commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years.”.</p> |

| <i>First Column</i> | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clause</i>       | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Re-numbered 8       | <p>A. In sub-clause (1) –</p> <ul style="list-style-type: none"> <li>(i) in paragraph (c), delete the words “conceals or”;</li> <li>(ii) insert the word “or” after paragraph (c);</li> <li>(iii) delete paragraph (d);</li> <li>(iv) re-number paragraph (e) as paragraph (d);</li> <li>(v) in the re-numbered paragraph (d), delete the words “any non-gang related” and substitute the word “an”;</li> <li>(vi) delete the words “to a fine of five hundred thousand dollars and”;</li> </ul> <p>B. In sub-clause (2), delete the words “, (c) or (d)” and substitute the words “or (c)”.</p> |
| Re-numbered 9       | <p>A. Insert after the words “which he intends” the words “to use”;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| <i>First Column</i> | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clause</i>       | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                     | <p>B. Delete the word “will” and substitute the word “may”;</p> <p>C. Delete the words “to a fine of four hundred thousand dollars and”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Re-numbered 10      | <p>A. Re-number the re-numbered clause “10” as clause “10(1)”;</p> <p>B. In the re-numbered clause 10(1) –</p> <ul style="list-style-type: none"> <li>(i) delete the words “or conceals”;</li> <li>(ii) insert after the words “a person whom he knows” the words “or ought to know”;</li> <li>(iii) delete the words “and whom he knows” and substitute the word “or”;</li> <li>(iv) insert after the words “law enforcement authorities” the words “for any gang-related activity”;</li> <li>(v) delete the words “to a fine of one hundred and fifty thousand dollars and”;</li> </ul> |
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| <p><b><i>First Column</i></b></p> <p><b><i>Clause</i></b></p> | <p><b><i>Second Column</i></b></p> <p><b><i>Extent of Amendments</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Re-numbered 10<br/><i>(cont'd)</i></p>                     | <p>C. Insert after the re-numbered clause 10(1), the following sub-clauses:</p> <p>“(2) Where in subsection (1) –</p> <p>(a) the gang member or person wanted by any member of the law enforcement authorities for any gang-related activity is a child; and</p> <p>(b) the person convicted is the parent or is acting <i>in loco parentis</i> of the child,</p> <p>the Court, in sentencing the person convicted, shall take into consideration mitigating factors such as any efforts made by the person convicted to reform or rehabilitate the child.</p> <p>(3) A person who conceals a person whom he knows or ought to know is a gang member or is wanted by any member of the law enforcement authorities for any gang-related activity commits an offence and is liable on summary conviction to imprisonment for ten years.</p> <p>(4) A person charged with an offence under subsection (3) conceals another person if the person charged –</p> <p>(a) knows or ought to know that the other person is a gang member or is wanted by any member of the law enforcement authorities in connection with the investigation or for the commission of any gang-related activity; and</p> <p>(b) in response to an enquiry from a member of the law enforcement authorities as to the</p> |

| <i>First Column</i> | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clause</i>       | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                     | whereabouts of the other person, does not reveal the whereabouts to the enquirer, despite knowing where the other person is located.”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Re-numbered 11      | <p>Delete the re-numbered clause 11 and substitute the following clause:</p> <p>“Recruiting gang members</p> <p>11.(1) A person who recruits or attempts to recruit a person who is not a child to a gang or otherwise solicits or invites support for a gang commits an offence and is liable on conviction on indictment to imprisonment for ten years.</p> <p>(2) A person who recruits to a gang a person whom he knows or ought to know is a child commits an offence and is liable on conviction on indictment to imprisonment for fifteen years.</p> <p>(3) Notwithstanding subsection (2), a person who within five hundred metres of a school or place of worship recruits to a gang a person whom he knows or ought to know is a child commits an offence and is liable on conviction on indictment to imprisonment for twenty years.”.</p> |

| <i><b>First Column</b></i> | <i><b>Second Column</b></i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <i><b>Clause</b></i>       | <i><b>Extent of Amendments</b></i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Re-numbered 12             | <p>A. Delete the marginal note and substitute the following marginal note “Police powers of entry, search and arrest”;</p> <p>B. In sub-clause (1), insert after the words “arrest without” the word “a”;</p> <p>C. In sub-clause (2), delete the words “with proper assistance,” and “, by force and breaking of doors if necessary,”;</p> <p>D. In sub-clause (3), insert after the word “enter” the words “without a warrant” and delete the words “without a warrant” occurring after the word “house”.</p> |
| 11-12                      | Re-number clauses 11 and 12 as clauses 14 and 15, respectively.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| New 13                     | Insert the following new clause after the re-numbered clause 12:                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| <p><b><i>First Column</i></b></p> <p><b><i>Clause</i></b></p> | <p><b><i>Second Column</i></b></p> <p><b><i>Extent of Amendments</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               | <p>“Time limit for police detention of suspects</p> <p>13.(1) Notwithstanding any law to the contrary, a police officer may, without a warrant, detain for a period not exceeding seventy-two hours a person whom he reasonably suspects of having committed an offence under this Act without charging him for the offence.</p> <p>(2) The time from which the period of detention is to be effective shall be the time at which the person is arrested and detained.</p> <p>(3) Where a person is detained under subsection (1), the police officer who made the detention shall, without delay –</p> <ul style="list-style-type: none"> <li>(a) inform the person of the grounds for his detention;</li> <li>(b) cause to be maintained a custody record relating to the person detained; and</li> <li>(c) record the grounds for detention in the person’s custody record.</li> </ul> <p>(4) Where additional grounds arise for continuing to detain a person within the seventy-two hour period under subsection (1), the police officer who made the detention shall record those grounds in the person’s custody record and provide the person or his attorney-at-law with a copy of the</p> |

| <p><b><i>First Column</i></b></p> <p><b><i>Clause</i></b></p> | <p><b><i>Second Column</i></b></p> <p><b><i>Extent of Amendments</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               | <p>custody record, upon request.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>New 13</p> <p>(cont'd)</p>                                 | <p>(5) Where a person is detained without charge under subsection (1), a police officer of the rank of superintendent or above who is responsible for the police station at which the person is detained, hereafter referred to as “the senior officer”, shall, within forty-eight hours of the time referred to in subsection (2), review the grounds for detention and where the senior officer is satisfied that the detention of the person is not reasonably required in the public’s interest having regard to the stage of the investigation, the senior officer shall order that the person be released forthwith.</p> <p>(6) Where, nearing the expiration of the period referred to in subsection (1), the senior officer has reasonable grounds for believing that the continued detention of the person without charge is necessary to secure or preserve evidence relating to an offence or to obtain such evidence by questioning the detained person, the senior officer may apply <i>ex parte</i> to a Magistrate, in the manner prescribed in Form I of the Second Schedule for a detention order.</p> <p>(7) A Magistrate may make an order under subsection (6) for the further detention of the</p> <p>Second<br/>Schedule<br/>Form I</p> |

| <i>First Column</i>        | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <i>Clause</i>              | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                               |
|                            | <p>person named in the application if he is satisfied that there are reasonable grounds to believe that –</p> <p>(a) the further detention of the person to whom the application relates is justified; and</p>                                                                                                                                                                                                            |
| <p>New 13<br/>(cont'd)</p> | <p>(b) the investigation is being conducted diligently and expeditiously.</p> <p>(8) The period for which a detention order may be granted under subsection (7) shall be such period as the Court thinks fit, having regard to the evidence before it, but the period shall end not later than one hundred and forty-four hours after the effective time of the arrest and detention referred to in subsection (2).”.</p> |
| <p>Re-numbered 14</p>      | <p>A. In sub-clause (1) –</p> <p>(i) delete the words “subsection (2)” and substitute the words “subsections (2) and (3)”;</p> <p>(ii) delete the word “may” and substitute the word “shall”;</p>                                                                                                                                                                                                                         |

| <i>First Column</i>                   | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <i>Clause</i>                         | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                       | <p>(iii) delete the word “personal”;</p> <p>B. Re-number sub-clause (2) as sub-clause (3);</p> <p>C. Insert after sub-clause (1) the following new sub-clause:</p> <p>“ (2) Property subject to forfeiture under subsection (1) shall include –</p> <p>(a) all profits, proceeds and instrumentalities relating to gang-related activity or the recruitment of gang members; and</p> <p>(b) all property used or intended or attempted to be used to facilitate gang-related activity or the recruitment of gang members.”;</p> |
| <p>Re-numbered 14</p> <p>(cont’d)</p> | <p>D. Insert after the re-numbered sub-clause (3) the following new sub-clause:</p> <p>“ (4) The Court may give directions as to the storage, investment and disposal of property forfeited by order under</p>                                                                                                                                                                                                                                                                                                                  |

| <i>First Column</i> | <i>Second Column</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <i>Clause</i>       | <i>Extent of Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                     | subsection (1).”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| New 16              | <p>Insert the following new clause after the re-numbered clause 15:</p> <p>“Amendment 16. The Minister with responsibility for<br/>of Schedules national security may by Order, subject to negative<br/>resolution of Parliament, amend the Schedules to<br/>this Act.”.</p>                                                                                                                                                                                                                                                                                                                            |
| Schedules inserted  | <p>Insert after clause 16 the following Schedules:</p> <p style="text-align: center;"><b>FIRST SCHEDULE</b></p> <p style="text-align: center;"><b>GANG-RELATED ACTIVITY OFFENCES (Section 4)</b></p> <ol style="list-style-type: none"> <li>1. Possession of imitation firearms in pursuance of any criminal offence</li> <li>2. Larceny of a motor vehicle</li> <li>3. Arson</li> <li>4. Receiving stolen goods in the course of gang-related activity</li> <li>5. Gang membership</li> <li>6. Coercing or encouraging gang membership</li> <li>7. Preventing gang member from leaving gang</li> </ol> |

| <p><i>First Column</i></p> <p><i>Clause</i></p> | <p><i>Second Column</i></p> <p><i>Extent of Amendments</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Schedules<br/>(cont'd)</p>                   | <ol style="list-style-type: none"> <li>8. Participation in criminal activity in association with gang</li> <li>9. Possession of bullet-proof vest, firearm or ammunition for benefit of gang</li> <li>10. Harboursing or concealing gang members</li> <li>11. Recruiting a child to be a gang member</li> <li>12. Threatening to publish with intent to extort</li> <li>13. Demanding money with menaces</li> <li>14. Murder</li> <li>15. Shooting or wounding with intent to do grievous bodily harm, unlawful wounding</li> <li>16. Robbery, robbery with aggravation, robbery with violence</li> <li>17. Assault occasioning actual bodily harm</li> <li>18. Possession and use of a firearm or ammunition with intent to endanger life</li> <li>19. Possession of a firearm or ammunition without licence, certificate or permit</li> <li>20. Trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking</li> <li>21. Rape</li> <li>22. Grievous sexual assault</li> <li>23. Kidnapping</li> <li>24. Kidnapping for ransom</li> <li>25. Knowingly negotiating to obtain a ransom</li> <li>26. An attempt to commit any offence listed in this Schedule</li> </ol> |

| <p><i>First Column</i></p> <p><i>Clause</i></p> | <p><i>Second Column</i></p> <p><i>Extent of Amendments</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                                                 | <p style="text-align: center;"><b>SECOND SCHEDULE</b></p> <p style="text-align: center;"><b>FORM I</b> <span style="float: right;"><b>(Section 13(6))</b></span></p> <p style="text-align: center;"><b>APPLICATION FOR DETENTION ORDER</b></p> <p>Republic of Trinidad and Tobago<br/>In the County of _____</p> <p>I, _____, _____<br/> <span style="margin-left: 100px;"><i>(name of applicant)</i></span> <span style="margin-left: 100px;"><i>(office of applicant)</i></span></p> <p>hereby apply under subsection 13(6) of the Anti-Gang Act for a<br/> Detention Order in favour of _____,<br/> <span style="margin-left: 300px;"><i>(name of person detained)</i></span><br/> a person detained in police custody since _____<br/> <span style="margin-left: 250px;"><i>(date and time of detention)</i></span><br/> in connection with _____<br/> <span style="margin-left: 150px;"><i>(details of alleged offence)</i></span></p> <p><i>(Subsections 13(7) and 13(8) of the Anti-Gang Act provide the grounds upon<br/>and period for which a Magistrate may make a Detention Order)</i></p> <p><b>The grounds of the application are –</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b><u>Certificate of truth</u></b></p> <p>I believe that the contents of this application are true.</p> <p style="text-align: right;">Signed: _____<br/> <span style="margin-left: 150px;"><i>(Applicant)</i></span></p> |



THE BAIL (AMENDMENT) BILL, 2010  
List of amendments proposed by the Joint Select Committee  
established to consider and report on the Anti-Gang Bill, 2010  
and the Bail (Amendment) Bill, 2010

| <b><i>First Column</i></b> | <b><i>Second Column</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b><i>Clause</i></b>       | <b><i>Extent of Amendment</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1                          | Delete the words “(1)”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 5                          | <p>Delete clause 5 and substitute the following new clause:</p> <p style="text-align: center;">“ 5. Section 3 of the Act is amended in subsection (1) by inserting after the definition of the word “Court” the following definitions:</p> <p style="text-align: center;">“gang” has the meaning assigned to it in section 4 of the Anti-Gang Act;</p> <p style="text-align: center;">“gang member” has the meaning assigned to it in section 4 of the Anti- Gang Act;</p> <p style="text-align: center;">“gang-related activity” has the meaning assigned to it in section 4 of the Anti-Gang Act;”.</p> |
|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| <b><i>First Column</i></b> | <b><i>Second Column</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <b><i>Clause</i></b>       | <b><i>Extent of Amendment</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 6                          | <p>A. Delete the proposed subsections (6) and (7) and substitute the following :</p> <p>“(6) Subject to subsection (7), a Court shall not grant bail to a person who is –</p> <p style="padding-left: 40px;">(a) over the age of eighteen years; and</p> <p style="padding-left: 40px;">(b) charged with an offence under the Anti-Gang Act.</p> <p>Act No. of 2010</p> <p>(7) Where a person is charged with an offence mentioned in subsection (6) and brought before the Court but no evidence has been taken within one hundred and twenty days of the reading of the charge that person is entitled to make an application to a Judge for bail.”.</p> |

| <b><i>First Column</i></b> | <b><i>Second Column</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b><i>Clause</i></b>       | <b><i>Extent of Amendment</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 6<br><i>(cont'd)</i>       | <p>B. In the proposed subsection (8) –</p> <ul style="list-style-type: none"> <li>(i) in paragraph (a) delete the words “or (f)”;</li> <li>(ii) delete the word “and” after paragraph (a) and substitute the word “or”;</li> <li>(iii) renumber subparagraphs (i) and (ii) as paragraphs (c) and (d), respectively.</li> </ul> <p>C. In the proposed subsection (9) delete the comma –</p> <ul style="list-style-type: none"> <li>(i) after the words “(8)” in the second place in which they appear; and</li> <li>(ii) after the word “charge”.</li> </ul> |
| 7                          | <p>In paragraph (c) –</p> <ul style="list-style-type: none"> <li>(i) renumber paragraphs (g) to (j) as paragraphs (i) to (l),</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                    |

| <p><b><i>First Column</i></b></p> <p><b><i>Clause</i></b></p> | <p><b><i>Second Column</i></b></p> <p><b><i>Extent of Amendment</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               | <p>respectively;</p> <p>(ii) insert after paragraph (f) the following paragraphs:</p> <p>    “(g) coercing or encouraging gang membership;</p> <p>    (h) preventing gang member from leaving gang;”</p> <p>(iii) delete the word “and” after the renumbered paragraph (k);</p> <p>(iv) in the renumbered paragraph (l) delete the words “harbouring a child who is a gang member or recruiting a child to be a gang member.” and substitute the words “recruiting a child to be a gang member;”;</p> <p>(v) insert after the renumbered paragraph (l) the following paragraphs:</p> <p>    “(m) receiving stolen goods in the course of gang-related activity;</p> <p>    (n) threatening to publish with intent to extort; and</p> <p>    (o) demanding money with menaces.”</p> |

# **APPENDIX**

## **II**

# THE ANTI-GANG BILL, 2010

## Arrangement of Clauses

### *Clause*

1. Short title
2. Commencement
3. Act inconsistent with Constitution
4. Interpretation
5. Gang membership
6. **Coercing or encouraging gang membership**
7. **Preventing gang member from leaving gang**
8. Participation in criminal activity in association with gang
9. Possession of bullet-proof vest, firearm or ammunition for benefit of gang
10. Harboursing or concealing gang members
11. **Recruiting gang members**
12. **Police powers of entry, search and arrest**
13. **Time limit for police detention of suspects**
14. Forfeiture of property
15. Duration
16. **Amendment of Schedules**

# THE ANTI-GANG BILL, 2010

## Explanatory Note

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

This Bill seeks to make provision for the **maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters**. The Bill seeks, *inter alia*, to make it an offence to be a member **or leader** of a gang, to be in possession of a bullet-proof vest, **arms or ammunition for use in gang-related activity**, to participate in or contribute to the activities of a gang, to support or invite support for a gang, **to prevent a gang member from leaving a gang or to harbour or conceal gang members** or recruit **persons, including** children, in a gang. The Bill also seeks to confer on a Court the power to order the forfeiture of property **used in connection with gang-related activity** in certain circumstances. The Bill **further** provides that it shall remain in effect for five years after it comes into force. The Bill contains **sixteen** clauses.

The Act would be inconsistent with sections 4 and 5 of the Constitution and is therefore required to be passed by a special majority of three-fifths of the members of each House.

Clause 1 provides the short title of **the** Act, for which this is the Bill.

Clause 2 seeks to provide the commencement provision.

Clause 3 provides that this Act shall have effect though inconsistent with sections 4 and 5 of the Constitution.

Clause 4 seeks to provide the interpretation provision **and includes definitions of “gang”, “gang member”, “gang leader” and “gang-related activity”**.

Clause 5 seeks to make it an offence for a person to be or **profess to be** a member of a gang.

**Clause 6 seeks to make it an offence for a person to coerce or encourage, entice, aid or abet another person to be a gang member.**

**Clause 7 seeks to make it an offence for a person to prevent or attempt to prevent a gang member from leaving a gang.**

Clause 8 seeks to make it an offence for a person to participate in or support the activities of a gang or to solicit or invite support for a gang.

Clause 9 seeks to make it an offence for a person to have a bullet-proof vest, firearm or ammunition for the use or benefit of a gang.

Clause 10 seeks to make it an offence for a person to harbour or conceal a gang member who is wanted by the law enforcement authorities.

Clause 11 seeks to make it an offence for a person to recruit **persons, including children**, as members of a gang.

Clause 12 seeks to confer special powers of arrest, entry and search to police officers.

**Clause 13 seeks to set a time limit for the detention by the police of persons suspected of engaging in gang-related activity. The police may detain a suspect without charge for a period of seventy-two hours and detention for a further seventy-two hours without charge will be allowed only on the order of a Magistrate.**

Clause 14 seeks to give the Court the power to order that any property **utilized** for the benefit of a gang may be forfeited in certain circumstances.

Clause 15 seeks to provide for the duration of **the Act for a period of five years**.

**Clause 16 seeks to give the Minister responsible for national security power to amend the Schedules to the Act.**

## **BILL**

**AN ACT to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters**

### **Preamble**

**WHEREAS the Constitution of the Republic of Trinidad and Tobago recognises and protects fundamental human rights and freedoms such as the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law:**

**AND WHEREAS the Constitution also recognises the existence of the right of the individual to equality before the law and the protection of the law:**

**AND WHEREAS the Constitution places a duty on the State to protect, promote and fulfil the above-mentioned fundamental human rights and freedoms:**

**AND WHEREAS there has been a rapid growth of criminal gang activity within the Republic of Trinidad and Tobago:**

**AND WHEREAS criminal gang activity infringes on the rights and freedoms of individuals as enshrined under the Constitution:**

**AND WHEREAS it is the right of every person to be protected from fear, intimidation and physical harm caused by the criminal activity of violent gangs:**

**AND WHEREAS criminal gang activity presents a danger to public order and safety and to economic stability, and has the potential to inflict social damage:**

**AND WHEREAS** it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

**AND WHEREAS** it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three fifths of all the members of that House:

**AND WHEREAS** it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

|                                           |                                                                                                          |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Enactment</b>                          | ENACTED by the Parliament of Trinidad and Tobago as follows:                                             |
| <b>Short title</b>                        | <b>1.</b> This Act may be cited as the Anti-Gang Act, 2010.                                              |
| <b>Commencement</b>                       | <b>2.</b> This Act shall come into operation on a date to be fixed by the President by Proclamation.     |
| <b>Act inconsistent with Constitution</b> | <b>3.</b> This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution. |
| <b>Interpretation</b>                     | <b>4.</b> In this Act –<br>“ammunition” has the meaning assigned to it in the                            |

**“bullet-proof vest” means a vest or article of covering that is capable of providing or intended to provide protection from the penetration of bullets or similar projectiles;**

**“child” means a person who is under eighteen years of age;**

**“firearm” has the meaning assigned to it in the Firearms Act;**

**“gang” means a combination of two or more persons, whether formally or informally organised, that, through its membership or through an agent, engages in any gang-related activity;**

**“gang leader” means a person who knowingly initiates, organizes, plans, finances, directs, manages or supervises any gang-related activity;**

**“gang member” means a person who belongs to a gang, or a person who knowingly acts in the capacity of an agent for or an accessory to or voluntarily associates himself with any gang-related activity, whether in a preparatory, executory or concealment phase of any such activity, or a person who knowingly performs, aids or abets any such activity;**

**“gang-related activity” means any criminal activity, enterprise, pursuit or undertaking in relation to any of the offences listed in the First Schedule acquiesced in, or consented or agreed to, or directed, ordered, authorised, requested or ratified by any gang member, including a gang**

**leader;**

**“harbours” means giving refuge or shelter to another person and encouraging or supporting, whether tacitly or explicitly, that person in committing any gang-related activity;**

**“law enforcement authorities” includes –**

**Chap. 15:01**

(a) the Police Service established under the Police Service Act;

Chap. 78:01

(b) the Customs and Excise Division established under the Customs Act;

Chap. 75:01

(c) the Board of Inland Revenue established under the Income Tax Act;

**Chap. 14:01**

(d) **the Defence Force established under the Defence Act;**

**Chap. 13:02**

(e) **the Prison Service established under the Prison Service Act; and**

(f) any other agency of the State in which investigative powers, similar to those exercisable by a police officer appointed under the Police Service Act, are lawfully vested;

**“recruits” includes counsel, procure, lure, solicit, incite or induce;**

**“school” includes an orphanage or any establishment for the conduct of technical or vocational training or social programmes designed for youth.**

**Gang membership**

**5.(1)** It is hereby declared that gangs are unlawful and any person –

(a) who is a member of a gang; or

(b) who, **in order to gain an unlawful benefit,**

Chap. 15:02  
Chap. 15:03

professes to be a gang member when in fact he is not, whether by telling anyone that he is a gang member or otherwise suggesting to anyone that he is a gang member,

commits an offence and is liable on **summary conviction to imprisonment for ten years and on any subsequent** conviction on indictment to imprisonment for twenty years.

**(2) A person who is a gang leader commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years.**

**(3) A person who is a police officer, prison officer, member of the Defence Force, constable appointed under the Supplemental Police Act or the Special Reserve Police Act, member of a protective service agency or involved in law enforcement, and is a gang member, commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years.**

**(4) For the purpose of this Act, it shall not be necessary to show that a particular gang possesses, acknowledges or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or speciality, membership, age or other qualification, initiation rites, geographical or territorial situs, boundary or location, or other unifying mark, manner, protocol or method of expressing or indicating its membership when the gang's existence can be demonstrated by a preponderance of other admissible evidence, but any evidence reasonably tending to show or demonstrate the existence of or membership in a gang shall be admissible in any action or proceedings brought under this Act.**

Coercing or  
encouraging

**6. A person who, by any means, coerces, encourages,**

gang membership

entices, aids or abets another person to be a gang member commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years.

Preventing gang member from leaving gang

7. A person who prevents or attempts to prevent a gang member from leaving the membership of a gang, whether by coercion or otherwise, commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years.

Participation in criminal activity in association with gang

- 8.(1) A person who, whether or not he is a gang member, –
- (a) commits a gang-related activity at the direction of any gang member;
  - (b) knowingly assists, aids or abets any gang member to carry out a gang-related activity;
  - (c) assists in the concealment of a gang-related activity by the gang; **or**
  - (d) knowingly commits, assists, aids or abets in the commission of **an** activity at the direction of, or in concert with, or for the benefit of, the gang, or conceals or assists in the concealment of the same,

commits an offence and is liable on conviction on indictment to imprisonment for twenty years.

(2) It is a defence for a person charged for an offence under subsection (1) (a) **or** (c) to prove that he did not know that any person under whose direction he acted, or whom he assisted, aided or abetted to carry out the offence, or for whom he concealed or assisted in the concealment of the offence, as the case may be, was or might be a gang member.

Possession of bullet-proof vest, firearm or ammunition for

9. A person who has in his possession or under his care or control a bullet-proof vest, firearm or ammunition, whether lawfully

**benefit of gang** obtained or not, which he intends **to use** or ought to know **may** be used for the benefit of or at the direction of a gang, or any gang member, commits an offence and is liable on conviction on indictment to imprisonment for fifteen years.

**Harbouring or  
concealing  
gang members**

**10.(1)** A person who harbours a person whom he knows **or ought to know** is a gang member **or** is wanted by any member of the law enforcement authorities **for any gang-related activity** commits an offence and is liable on summary conviction to imprisonment for five years.

**(2)** Where in subsection (1) –

- (a)** the gang member or person wanted by any member of the law enforcement authorities for any gang-related activity is a child; and
- (b)** the person convicted is the parent or is acting *in loco parentis* of the child,

the Court, in sentencing the person convicted, shall take into consideration mitigating factors such as any efforts made by the person convicted to reform or rehabilitate the child.

**(3)** A person who conceals a person whom he knows or ought to know is a gang member or is wanted by any member of the law enforcement authorities for any gang-related activity commits an offence and is liable on summary conviction to imprisonment for ten years.

**(4)** A person charged with an offence under subsection (3) conceals another person if the person charged –

- (a)** knows or ought to know that the other person is a gang member or is wanted by any member of the law enforcement authorities in connection with the investigation or for the commission of any gang-related activity; and

- (b) in response to an enquiry from a member of the law enforcement authorities as to the whereabouts of the other person, does not reveal the whereabouts to the enquirer, despite knowing where the other person is located.

**Recruiting of  
gang members**

**11.(1)** A person who recruits or attempts to recruit a person who is not a child to a gang or otherwise solicits or invites support for a gang commits an offence and is liable on conviction on indictment to imprisonment for ten years.

(2) A person who recruits to a gang a person whom he knows or ought to know is a child commits an offence and is liable on conviction on indictment to imprisonment for fifteen years.

(3) Notwithstanding subsection (2), a person who within five hundred metres of a school or place of worship recruits to a gang a person whom he knows or ought to know is a child commits an offence and is liable on conviction on indictment to imprisonment for twenty years.

**Police powers  
of entry, search  
and arrest**

**12.(1)** A police officer may arrest without a warrant a person whom he has reasonable cause to believe to be a gang member or whom he has reasonable cause to believe has committed an offence under this Act.

(2) A police officer may, with a warrant issued by a Magistrate so enabling him to do, enter any dwelling house and search the same if he has reasonable cause to believe that a gang member may be found in that dwelling house.

(3) A police officer may enter **without a warrant** and search any place or premises not used as a dwelling house if he has reasonable cause to believe that a gang member may be found in such place or premises.

Time limit for  
police detention  
of suspects

**13.(1) Notwithstanding any law to the contrary, a police officer may, without a warrant, detain for a period not exceeding seventy-two hours a person whom he reasonably suspects of having committed an offence under this Act without charging him for the offence.**

**(2) The time from which the period of detention is to be effective shall be the time at which the person is arrested and detained.**

**(3) Where a person is detained under subsection (1), the police officer who made the detention shall, without delay –**

- (a) inform the person of the grounds for his detention;**
- (b) cause to be maintained a custody record relating to the person detained; and**
- (c) record the grounds for detention in the person's custody record.**

**(4) Where additional grounds arise for continuing to detain a person within the seventy-two hour period under subsection (1), the police officer who made the detention shall record those grounds in the person's custody record and provide the person or his attorney-at-law with a copy of the custody record, upon request.**

**(5) Where a person is detained without charge under subsection (1), a police officer of the rank of superintendent or above who is responsible for the police station at which the person is detained, hereafter referred to as "the senior officer", shall, within forty-eight hours of the time referred to in subsection (2), review the grounds for detention and where the senior officer is satisfied that the detention of the person is not reasonably required in the public's interest having regard to the stage of the investigation, the senior officer shall order that the person be**

released forthwith.

(6) Where, nearing the expiration of the period referred to in subsection (1), the senior officer has reasonable grounds for believing that the continued detention of the person without charge is necessary to secure or preserve evidence relating to an offence or to obtain such evidence by questioning the detained person, the senior officer may apply *ex parte* to a Magistrate, in the manner prescribed in Form 1 of the Second Schedule, for a detention order.

(7) A Magistrate may make an order under subsection (6) for the further detention of the person named in the application if he is satisfied that there are reasonable grounds to believe that –

- (a) the further detention of the person to whom the application relates is justified; and
- (b) the investigation is being conducted diligently and expeditiously.

(8) The period for which a detention order may be granted under subsection (7) shall be such period as the Court thinks fit, having regard to the evidence before it, but the period shall end not later than one hundred and forty-four hours after the effective time of the arrest and detention referred to in subsection (2).

**14.(1)** Subject to subsections (2) and (3), the Court which convicts a person of an offence under this Act **shall**, in addition to any other penalty, order the forfeiture of any property which, at the time of the offence, he had in his possession or under his control provided it is shown that he had such property for the use or benefit of a gang.

**(2) Property subject to forfeiture under subsection (1) shall include –**

- (a) all profits, proceeds and instrumentalities**

relating to gang-related activity or the recruitment of gang members; and

(b) all property used or intended or attempted to be used to facilitate gang-related activity or the recruitment of gang members.

(3) Where a person, other than the convicted person, claims to be the owner of or otherwise interested in any property which can be forfeited by order under this section, the Court shall, before making such an order in respect of it, give him an opportunity to be heard.

(4) The Court may give directions as to the storage, investment and disposal of property forfeited by order under subsection (1).

Duration

15. This Act shall continue in force for a period of five years from the date of its commencement.

Amendment of Schedules

16. The Minister with responsibility for national security may by Order, subject to negative resolution of Parliament, amend the Schedules to this Act.

## **FIRST SCHEDULE**

### **GANG-RELATED ACTIVITY OFFENCES**

**(Section 4)**

- 1. Possession of imitation firearms in pursuance of any criminal offence**
- 2. Larceny of a motor vehicle**
- 3. Arson**
- 4. Receiving stolen goods in the course of gang-related activity**
- 5. Gang membership**
- 6. Coercing or encouraging gang membership**
- 7. Preventing gang member from leaving gang**
- 8. Participation in criminal activity in association with gang**
- 9. Possession of bullet-proof vest, firearm or ammunition for benefit of gang**
- 10. Harboursing or concealing gang members**
- 11. Recruiting a child to be a gang member**
- 12. Threatening to publish with intent to extort**
- 13. Demanding money with menaces**
- 14. Murder**
- 15. Shooting or wounding with intent to do grievous bodily harm, unlawful wounding**
- 16. Robbery, robbery with aggravation, robbery with violence**
- 17. Assault occasioning actual bodily harm**
- 18. Possession and use of a firearm or ammunition with intent to endanger life**
- 19. Possession of a firearm or ammunition without licence, certificate or permit**
- 20. Trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking**
- 21. Rape**
- 22. Grievous sexual assault**
- 23. Kidnapping**
- 24. Kidnapping for ransom**

25. Knowingly negotiating to obtain a ransom
26. An attempt to commit any offence listed in this Schedule

## SECOND SCHEDULE

### FORM I

(Section 13(6))

#### APPLICATION FOR DETENTION ORDER

Republic of Trinidad and Tobago  
In the County of \_\_\_\_\_

I, \_\_\_\_\_, \_\_\_\_\_  
(name of applicant) (office of applicant)

hereby apply under subsection 13(6) of the Anti-Gang Act for a Detention Order in favour of  
\_\_\_\_\_, a person detained in  
(name of person detained)  
police custody since \_\_\_\_\_ in connection  
(date and time of detention)  
with \_\_\_\_\_  
(details of alleged offence)

\_\_\_\_\_  
(Subsections 13(7) and 13(8) of the Anti-Gang Act provide the grounds upon and period for which a  
Magistrate may make a Detention Order)

The grounds of the application are –

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#### Certificate of truth

I believe that the contents of this application are true.

Signed: \_\_\_\_\_  
(Applicant)

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_

Passed in the House of Representatives this                      day of                      , 2010.

*Clerk of the House.*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of                      members of the House.

*Clerk of the House.*

I confirm the above.

*Speaker.*

Passed in the Senate this                      day of                      , 2010.

*Clerk of the Senate.*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of                      Senators.

*Clerk of the Senate.*

I confirm the above.

*President of the Senate.*

# THE BAIL (AMENDMENT) BILL, 2010

## Arrangement of Clauses

### *Clause*

1. Short title
2. Commencement
3. Act inconsistent with Constitution
4. Interpretation
5. Section 3 amended
6. Section 5 amended
7. First Schedule amended
8. Duration
9. Written law amended

## THE BAIL (AMENDMENT) BILL, 2010

### Explanatory Note

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

This Bill seeks to amend the Bail Act, Chap. 4:60, (“the Act”) to confer on a Court the jurisdiction to deny bail to **a person who is charged with an offence under the proposed Anti-Gang Bill, 2010, or a person who is a gang member**. The Bill provides that a Court shall not grant bail to a gang member in two categories. First, where he is charged for an offence listed in Part II or Part III of the First Schedule **to the Act** and has one previous conviction for a similar offence within the last ten years, and secondly, where he has at least two pending charges for offences listed in Part II or Part III of the First Schedule **to the Act**. The Bill also seeks to give the Court the jurisdiction to deny bail to a person who is charged for certain offences involving a firearm. The Bill will also include all the substantive offences under the proposed Anti-Gang Bill, 2010, as specified offences under Part II of the First Schedule. Finally, the Bill provides that it shall remain in force for five years **from the date of its commencement**.

The Bill, which contains nine clauses, would be inconsistent with sections 4 and 5 of the Constitution and is therefore required to be passed by a special majority of three-fifths of the members of each House.

Clause 1 provides the short title of this Act, for which this is the Bill.

Clause 2 seeks to provide the commencement provision.

Clause 3 provides that this Act shall have effect though inconsistent with sections 4 and 5 of the Constitution.

Clause 4 seeks to provide the interpretation provision.

Clause 5 seeks to amend section 3 of the Act by providing for the definition of the phrases “gang”, “gang member”, and “gang-related activity”.

Clause 6 seeks to amend section 5 of the Act by inserting four new subsections after subsection (5). **The proposed subsection (6) provides that a Court shall not grant bail to a person who is over the age of eighteen years and is charged with an offence under the proposed Anti-Gang Bill, 2010. The proposed subsection (7) would allow a person who has been charged with an offence under the proposed Anti-Gang Bill, 2010, to apply to a Judge for bail where no evidence has been taken within one hundred and twenty days of the reading of the charge.** The proposed subsection (8) provides that a Court shall **not grant** bail to a person who is **charged with specified offences involving the use of a firearm, or a person who is a gang member. In both instances, bail will be denied where the person charged has, in relation to the offences listed in Part II or Part III of the First Schedule, been convicted of at least one such offence within the last ten years, or has at least two pending charges for such offences.** The proposed subsection (9) provides

the person charged may apply, if no evidence is taken within one hundred and twenty days, to a Judge for bail.

Clause 7 seeks to amend the First Schedule **to** the Act by inserting in Part II, all the substantive offences under the proposed Anti-Gang Bill, 2010, as specified offences.

Clause 8 seeks to provide for the duration of this Act.

Clause 9 seeks to amend the Bail (Amendment) Act, 2008 (Act No. 17 of 2008) to change the duration provision.

## BILL

### AN ACT to amend the Bail Act, Chap. 4:60

#### Preamble

WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

#### Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

#### Short title

1. This Act may be cited as the Bail (Amendment) Act, 2010.

#### Commencement

2. This Act shall come into operation on a date to be fixed by the President by Proclamation.

#### Act inconsistent with Constitution

3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

#### Interpretation Chap. 4:60

4. In this Act, "the Act" means the Bail Act.

#### Section 3 amended

5. **Section 3 of the Act is amended in subsection (1) by**

inserting after the definition of the word “Court” the following definitions:

Act No. of 2010

“gang” has the meaning assigned to it in section 4 of the Anti-Gang Act;

“gang member” has the meaning assigned to it in section 4 of the Anti- Gang Act;

“gang-related activity” has the meaning assigned to it in section 4 of the Anti-Gang Act;”.

Section 5 amended

6. Section 5 of the Act is amended by inserting after subsection (5) the following subsections:

“ (6) Subject to subsection (7), a Court shall not grant bail to a person who is –

Act No.  
of 2010

- (a) over the age of eighteen years; and
- (b) charged with an offence under the Anti-Gang Act.

(7) Where a person is charged with an offence mentioned in subsection (6) and brought before the Court but no evidence has been taken within one hundred and twenty days of the reading of the charge that person is entitled to make an application to a Judge for bail.

(8) A Court shall not grant bail to a person who is –

- (a) charged with an offence listed in paragraph (b), (c) or (d) of Part III of the First Schedule if the offence involves the use of a firearm or in paragraph (e) of Part III of the First Schedule; or
- (b) a gang member, who is charged with an offence listed in Part II or Part III of

the First Schedule,  
and who has, in relation to the offences listed in Part II or  
Part III of the First Schedule -

- (c) been convicted of at least one such offence within the last ten years, whether the conviction was for an offence arising out of separate transactions or a combination of offences arising out of a single transaction; or
- (d) at least two pending charges for such offences, but the offences shall have arisen out of separate transactions, and not from a combination of offences arising out of a single transaction.

(9) Notwithstanding subsection (8), where a person is charged with an offence mentioned in subsection (8) and brought before the Court but no evidence has been taken within one hundred and twenty days of the reading of the charge that person is entitled to make an application to a Judge for bail.”.

First Schedule  
amended

7. The Act is amended in Part II of the First Schedule –
- (a) in paragraph (d), by deleting the word “and” ;
  - (b) in paragraph (e), by deleting the full stop and substituting a semi-colon; and
  - (c) by inserting after paragraph (e), the following paragraphs:
    - “(f) gang membership;
    - (g) coercing or encouraging gang membership;**

- (h) preventing gang member from leaving gang;**
- (i) participation in criminal activity in association with gang;**
- (j) possession of bullet-proof vest, firearm or ammunition for benefit of gang;**
- (k) harbouring or concealing gang members;**
- (l) recruiting a child to be a gang member;**
- (m) receiving stolen goods in the course of gang-related activity;**
- (n) threatening to publish with intent to extort; and**
- (o) demanding money with menaces.”.**

Duration 8. This Act shall continue in force for a period of five years from the date of its commencement.

Written law  
amended  
Act No.17 of

9. Section 7 of the Bail (Amendment) Act, 2008, is repealed  
and the following section is substituted:

|                                     |                                                                                                                                  |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| "Duration<br><br>Act No.<br>of 2010 | 7. This Act shall continue in force for a period of five years from the date of commencement of the Bail (Amendment) Act, 2010." |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|

Passed in the House of Representatives this                      day of                      , 2010.

*Clerk of the House.*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of .....members of the House.

*Clerk of the House.*

I confirm the above.

*Speaker.*

Passed in the Senate this                      day of                      , 2010

*Clerk of the Senate.*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of .....Senators.

*Clerk of the Senate.*

I confirm the above.

*President of the Senate.*

# **APPENDIX**

## **III**

**JOINT SELECT COMMITTEE ESTABLISHED TO CONSIDER AND REPORT  
ON THE ANTI-GANG BILL, 2010 AND THE BAIL (AMENDMENT) BILL, 2010**

**PRESENT**

|                                |                      |
|--------------------------------|----------------------|
| Hon. Wade Mark                 | Speaker of the House |
| Ms. Marlene Mc Donald          | Member               |
| Mr. Jairam Seemungal           | Member               |
| Mr. Colm Imbert                | Member               |
| Mr. Prakash Ramadhar           | Member               |
| Mr. Herbert Volney             | Member               |
| Brig. John Sandy               | Member               |
| Mr. Anand Ramlogan             | Member               |
| Mrs. Corinne Baptiste-McKnight | Member               |
| Mr. Elton Prescott S.C.        | Member               |
| Mr. Fitzgerald Hinds           | Member               |
|                                |                      |
| Mr. Neil Jaggassar             | Clerk of the Senate  |
| Mrs. Lily Broomes              | Secretary            |
| Ms. Candice Skerrette          | Assistant Secretary  |
| Mr. Vinda Dean Maharaj         | Senior Legal Officer |

**ABSENT**

|                   |                  |
|-------------------|------------------|
| Mr. Subhas Panday | Member (Excused) |
| Mr. Stephen Cadiz | Member           |

**INTRODUCTION**

1.1 The Speaker of the House called the meeting to order at 11.10 a.m. and welcomed Members present. He explained that his role at the meeting was to facilitate the election of the Chairman.

**ELECTION OF CHAIRMAN**

2.1 The Speaker invited nominations for the post of Chairman. The following nominations were made:

- Mr. Anand Ramlogan was nominated by Mr. Herbert Volney. This nomination was seconded by Ms. Marlene McDonald.

2.2 There being no further nominations, Mr. Anand Ramlogan was declared the duly elected Chairman.

- 2.3 The Speaker of the House invited the Chairman to take the Chair and excused himself from the Meeting.

### **EXCUSES FROM ABSENCE**

- 3.1 The Chairman indicated that Mr. Subhas Panday would be excused from the day's meeting.

### **DETERMINATION OF QUORUM**

- 4.1 The Chairman invited suggestions for a quorum.  
4.2 After some discussion, the Committee agreed to the following requirement for the composition a quorum:  
Four (4) Members: to include two (2) Members of the Government inclusive of the Chairman, one (1) Member of the Opposition and one (1) Independent Member, provided that two Members belong to the House of Representatives.

### **SECRETARIAL SUPPORT**

- 5.1 The Chairman informed Members that in accordance with Standing Order 6(7), Mrs. Lily Broomes has been assigned as Secretary to the Committee, Ms. Candice Skerrette as Assistant Secretary and Mr. Vinda Dean Maharaj as Senior Legal Officer.

### **MANDATE**

- 6.1 The Chairman reiterated the Terms of Reference of the Committee:  
*"To consider the Anti-Gang Bill, 2010 and the Bail (Amendment) Bill, 2010 and discuss the general merits and principles along with the details and report within three months."*  
6.2 The Chairman indicated that a compilation of the Opposition's concerns in relation to the Bills would be circulated to Members.

### **OTHER BUSINESS**

- 7.1 The Secretary was directed to circulate to the Committee:  
i. The Prohibited and Unlawful Societies and Associations Act 1974 (The Dread Act) of Dominica;  
ii. The Emergency Powers Regulation 1990 of Trinidad and Tobago;  
iii. The Criminal Justice (Surveillance) Act 2009 and the Criminal Justice (Amendment) Act 2009 of Ireland;  
7.2 The Committee further agreed:

- i. Members could forward submissions to the Committee for consideration at the next meeting;
- ii. To invite two (2) technocrats, one from the Law Reform Commission and the other from the Chief Parliamentary Counsel's Department to be present for all meetings;
- iii. To invite written submissions from the Criminal Bar Association with a two (2) week submission deadline.

## **ADJOURNMENT**

8.1 The Chairman thanked Members for their participation. The meeting was adjourned to Monday, January 17, 2011 at 9.30 a.m.

8.2 The adjournment was taken at 11.40 a.m.

**I certify that the Minutes are true and correct.**

**Sgd.  
Chairman**

**Sgd.  
Secretary**

***January 13, 2011***

**JOINT SELECT COMMITTEE ESTABLISHED TO CONSIDER AND REPORT  
ON THE ANTI-GANG BILL, 2010 AND THE BAIL (AMENDMENT) BILL, 2010  
HELD IN COMMITTEE ROOM 3, RED HOUSE, PORT OF SPAIN,  
ON MONDAY, JANUARY 17, 2011**

**PRESENT**

|                                |                      |
|--------------------------------|----------------------|
| Mr. Anand Ramlogan             | Chairman             |
| Mr. Jairam Seemungal           | Member               |
| Mr. Colm Imbert                | Member               |
| Mr. Subhas Panday              | Member               |
| Mr. Herbert Volney             | Member               |
| Brig. John Sandy               | Member               |
| Mrs. Corinne Baptiste-McKnight | Member               |
| Mr. Elton Prescott S.C.        | Member               |
| Mr. Fitzgerald Hinds           | Member               |
| Mr. Stephen Cadiz              | Member               |
| Mrs. Lily Broomes              | Secretary            |
| Ms. Candice Skerrette          | Assistant Secretary  |
| Mr. Vinda Dean Maharaj         | Senior Legal Officer |

**ABSENT**

|                       |                  |
|-----------------------|------------------|
| Mr. Prakash Ramadhar  | Member (Excused) |
| Ms. Marlene Mc Donald | Member (Excused) |

**OFFICIALS FROM LAW REFORM COMMISSION**

|                    |                              |
|--------------------|------------------------------|
| Mr. Nakool Maharaj | Senior Parliamentary Counsel |
| Ms. Tamara Dookran | Parliamentary Counsel II     |

**INTRODUCTION**

1.1.1 The chairman called the meeting to order at 10:02 a.m.

1.2 The chairman welcomed those present and indicated that Mr. Ramadhar and Ms. Mc Donald would be excused from the meeting.

**CONFIRMATION OF MINUTES**

2.1 The motion for the confirmation of Minutes was moved by Mr. Volney and seconded by Mr. Hinds.

2.2 The minutes were thereby confirmed.

### **MATTERS ARISING**

- 3.1 The Chairman stated that a letter was sent to the Trinidad and Tobago Criminal Bar Association inviting written submissions with a deadline of January 31, 2011. The Trinidad and Tobago Criminal Bar Association replied indicating its compliance with the Committee's request.
- 3.2 The Committee was informed that two (2) representatives from the Law Reform Commission were in attendance to provide assistance. The Chairman welcomed Mr. Nakool Maharaj, Senior Parliamentary Counsel and Ms. Tamara Dookran, Parliamentary Counsel II.

### **CONSIDERATION OF ISSUES RAISED DURING DEBATE**

- 4.1 The Committee agreed to consider the list of concerns/issues raised during the House of Representatives debate on Anti-Gang Bill, 2010/Bail (Amd't) Bill, 2010 and proceeded to make amendments to the Anti-Gang Bill, 2010. (See Amended Bill enclosed).

*[The meeting was suspended for five (5) minutes]*

### **OTHER BUSINESS**

- 5.1 The Committee requested that research should be conducted on the concept of 'Sanctuary'.
- 5.2 The Committee agreed that a specialist from the police service should be sourced to provide an oral presentation on the psychology, mentality and consequences of gang and gang-related activity.

### **ADJOURNMENT**

- 6.1 The Chairman thanked Members for their participation. The meeting was adjourned to Monday, January 24, 2011 at 9.30 a.m.
- 6.2 The adjournment was taken at 12.00 p.m.

**I certify that the Minutes are true and correct.**

**Sgd.**  
**Chairman**  
**Sgd.**  
**Secretary**

***January 19, 2011***

**JOINT SELECT COMMITTEE ESTABLISHED TO CONSIDER AND REPORT  
ON THE ANTI-GANG BILL, 2010 AND THE BAIL (AMENDMENT) BILL, 2010  
HELD IN COMMITTEE ROOM 3, RED HOUSE, PORT OF SPAIN,  
ON MONDAY, JANUARY 24, 2011**

**PRESENT**

|                                |                      |
|--------------------------------|----------------------|
| Mr. Anand Ramlogan             | Chairman             |
| Mr. Jairam Seemungal           | Member               |
| Mr. Colm Imbert                | Member               |
| Mr. Subhas Panday              | Member               |
| Mr. Prakash Ramadhar           | Member               |
| Brig. John Sandy               | Member               |
| Mrs. Corinne Baptiste-McKnight | Member               |
| Mr. Elton Prescott S.C.        | Member               |
| Ms. Marlene Mc Donald          | Member               |
| Mr. Stephen Cadiz              | Member               |
|                                |                      |
| Mrs. Lily Broomes              | Secretary            |
| Ms. Candice Skerrette          | Assistant Secretary  |
| Mr. Vinda Dean Maharaj         | Senior Legal Officer |

**ABSENT**

|                      |                  |
|----------------------|------------------|
| Mr. Herbert Volney   | Member (Excused) |
| Mr. Fitzgerald Hinds | Member (Excused) |

**OFFICIALS FROM LAW REFORM COMMISSION**

|                    |                              |
|--------------------|------------------------------|
| Mr. Nakool Maharaj | Senior Parliamentary Counsel |
| Ms. Tamara Dookran | Parliamentary Counsel II     |

**OFFICIAL FROM TRINIDAD & TOBAGO POLICE SERVICE**

**INTRODUCTION**

- 1.1 The chairman called the meeting to order at 9:40 a.m.
- 1.2 The chairman welcomed those present and indicated that Mr. Volney and Mr. Hinds would be excused from the meeting.

## **CONFIRMATION OF MINUTES**

- 2.1 The motion for the confirmation of Minutes was moved by Mr. Seemungal and seconded by Mrs. Baptiste-McKnight.
- 2.2 The minutes were thereby confirmed.

## **MATTERS ARISING**

- 3.1 The Chairman reminded the Committee that the written submission requested from the Trinidad and Tobago Criminal Bar Association was promised by January 31, 2011.
- 3.2 The Committee was informed that the member of the Trinidad and Tobago Police Service is on standby to provide a presentation on the psychology, mentality and consequences of gang and gang-related activity.

*[The meeting was suspended from 9.45a.m. to 11.12a.m. for the presentation]*

## **CONSIDERATION OF ISSUES RAISED DURING DEBATE**

- 4.1.1 The Committee reviewed the list of amendments made by the Law Reform Commission on the Anti-Gang Bill, 2010 in relation to the Third Meeting held on January 17, 2011.
- 4.2 The Committee continued consideration of the Anti-Gang Bill, 2010 clause by clause.

## **ADJOURNMENT**

- 5.1 The Chairman thanked Members for their participation. The meeting was adjourned to Monday, January 31, 2011 at 9.30 a.m.
- 5.2 The adjournment was taken at 1.36 p.m.

**I certify that the Minutes are true and correct.**

**Sgd.  
Chairman**

**Sgd.  
Secretary**

***January 26, 2011***

**JOINT SELECT COMMITTEE ESTABLISHED TO CONSIDER AND REPORT  
ON THE ANTI-GANG BILL, 2010 AND THE BAIL (AMENDMENT) BILL, 2010  
HELD IN COMMITTEE ROOM 3, RED HOUSE, PORT OF SPAIN,  
ON MONDAY, JANUARY 31, 2011**

**PRESENT**

|                                |                      |
|--------------------------------|----------------------|
| Mr. Anand Ramlogan             | Chairman             |
| Mr. Herbert Volney             | Member               |
| Mr. Colm Imbert                | Member               |
| Mr. Subhas Panday              | Member               |
| Mr. Prakash Ramadhar           | Member               |
| Brig. John Sandy               | Member               |
| Mrs. Corinne Baptiste-McKnight | Member               |
| Mr. Elton Prescott S.C.        | Member               |
| Ms. Marlene Mc Donald          | Member               |
| Mr. Stephen Cadiz              | Member               |
| Mr. Fitzgerald Hinds           | Member               |
| Mrs. Lily Broomes              | Secretary            |
| Ms. Candice Skerrette          | Assistant Secretary  |
| Mr. Vinda Dean Maharaj         | Senior Legal Officer |

**ABSENT**

|                      |        |
|----------------------|--------|
| Mr. Jairam Seemungal | Member |
|----------------------|--------|

**OFFICIALS FROM LAW REFORM COMMISSION**

|                    |                              |
|--------------------|------------------------------|
| Mr. Nakool Maharaj | Senior Parliamentary Counsel |
| Ms. Tamara Dookran | Parliamentary Counsel II     |

**INTRODUCTION**

- 1.3 The chairman called the meeting to order at 9:30 a.m.

**CONFIRMATION OF MINUTES**

- 2.1 The motion for the confirmation of Minutes was moved by Brig. John Sandy and seconded by Mr. Elton Prescott.
- 2.2 The minutes were thereby confirmed.

## **MATTERS ARISING**

- 3.1 The Chairman informed the meeting of communication received from the Trinidad and Tobago Criminal Bar Association, indicating their ability to provide a written submission on the Anti-Gang Bill, 2010 later today (January 31, 2011). An extension of the deadline for submissions relating to the Bail (Amendment) Bill, 2010 was also required.
- 3.2 The Committee recorded its appreciation for the presentation entitled 'Criminal Street Gangs' given by member of the Trinidad and Tobago Police Service on January 24, 2011. The Chairman noted the circulation of copies of the presentation to Members.
- 3.3 The Chairman welcomed the representatives Mr. Nakool Maharaj, Senior Parliamentary Counsel and Ms. Tamara Dookran, Parliamentary Counsel II from the Law Reform Commission.

## **CONSIDERATION OF ISSUES RAISED DURING DEBATE**

- 4.3 The Committee reviewed the list of amendments made by the Law Reform Commission on the Anti-Gang Bill, 2010 in relation to the Third Meeting held on January 24, 2011.
- 4.4 The Committee continued consideration of the Anti-Gang Bill, 2010 clause by clause.

## **OTHER BUSINESS**

- 5.1 The Committee requested research in the area of 'A Magistrate's ability to only give sentences with a maximum of ten (10) years'.
- 5.2 The Committee agreed to consider the Bail (Amendment) Bill, 2010 clause by clause at the next meeting carded for February 7, 2011.
- 5.3 The Committee also agreed to review the list of amendments made to the Anti-Gang Bill, 2010.

## **ADJOURNMENT**

6.1 The Chairman thanked Members for their participation. The meeting was adjourned to Monday, February 7, 2011 at 9.30 a.m.

6.2 The adjournment was taken at 11.30 a.m.

**I certify that the Minutes are true and correct.**

**Sgd.  
Chairman  
Sgd.  
Secretary**

***January 31, 2011***

**JOINT SELECT COMMITTEE ESTABLISHED TO CONSIDER AND REPORT  
ON THE ANTI-GANG BILL, 2010 AND THE BAIL (AMENDMENT) BILL, 2010  
HELD IN COMMITTEE ROOM 3, RED HOUSE, PORT OF SPAIN,  
ON MONDAY, FEBRUARY 7, 2011**

**PRESENT**

|                                |                      |
|--------------------------------|----------------------|
| Mr. Anand Ramlogan             | Chairman             |
| Mr. Herbert Volney             | Member               |
| Mr. Colm Imbert                | Member               |
| Mr. Subhas Panday              | Member               |
| Mr. Jairam Seemungal           | Member               |
| Brig. John Sandy               | Member               |
| Mrs. Corinne Baptiste-McKnight | Member               |
| Ms. Marlene Mc Donald          | Member               |
| Mr. Stephen Cadiz              | Member               |
| Mr. Fitzgerald Hinds           | Member               |
| Mrs. Lily Broomes              | Secretary            |
| Ms. Candice Skerrette          | Assistant Secretary  |
| Mr. Vinda Dean Maharaj         | Senior Legal Officer |

**ABSENT**

|                         |                  |
|-------------------------|------------------|
| Mr. Prakash Ramadhar    | Member (excused) |
| Mr. Elton Prescott S.C. | Member           |

**OFFICIALS FROM LAW REFORM COMMISSION**

|                    |                              |
|--------------------|------------------------------|
| Mr. Nakool Maharaj | Senior Parliamentary Counsel |
| Ms. Tamara Dookran | Parliamentary Counsel II     |

**INTRODUCTION**

- 1.4 The chairman called the meeting to order at 9:44 a.m.

**CONFIRMATION OF MINUTES**

- 2.1 The motion for the confirmation of Minutes was moved by Mr. Panday and seconded by Mrs. McKnight.
- 2.2 The minutes were thereby confirmed.

## **MATTERS ARISING**

- 3.1 The Chairman confirmed the receipt of submissions from the Trinidad and Tobago Criminal Bar Association on the Anti-Gang Bill, 2010 and the Bail (Amendment) Bill, 2010. He further confirmed that these submissions together with a Research Paper on 'Magistrate Sentencing' were circulated to members.
- 3.2 The Committee agreed that, the name of the member of the Trinidad and Tobago Police Service would be expunged from all committee records, to protect his identity given the nature of his work.

## **CONSIDERATION OF BILLS**

- 4.5 The Committee reviewed the list of amendments made by the Law Reform Commission on the Anti-Gang Bill, 2010 at the Fourth Meeting held on January 31, 2011.
- 4.5.1 The Committee continued consideration of the Anti-Gang Bill, 2010 and then commenced discussion on the Bail (Amendment) Bill, 2010 clause by clause.

## **OTHER BUSINESS**

- 5.1 The Committee agreed that the legal advice of either Mr. Russell Martineau or Mr. Israel Khan should be requested on "the maximum sentence that can be imposed by a Magistrate in Trinidad and Tobago'. A deadline date of February 14, 2011 was given.
- 5.2 The Committee directed the Officials of the Law Reform Commission to provide a Consolidated Version of the Bail (Amendment) Bill, 2010 and the Anti-Gang Bill, 2010, highlighting all the amendments made by the Committee.
- 5.3 The Officials were further directed to provide a spreadsheet of proposed amendments, inclusive of its effect on other clauses in respect of the Bail (Amendment) Bill, 2010.

## **ADJOURNMENT**

6.1 The Chairman thanked Members for their participation. The meeting was adjourned to Monday, February 14, 2011 at 9.30 a.m.

6.2 The adjournment was taken at 12.41 p.m.

**I certify that the Minutes are true and correct.**

**Sgd.  
Chairman  
Sgd.  
Secretary**

***February 7, 2011***

**JOINT SELECT COMMITTEE ESTABLISHED TO CONSIDER AND REPORT  
ON THE ANTI-GANG BILL, 2010 AND THE BAIL (AMENDMENT) BILL, 2010  
HELD IN COMMITTEE ROOM 3, RED HOUSE, PORT OF SPAIN,  
ON MONDAY, FEBRUARY 14, 2011**

**PRESENT**

|                                |                      |
|--------------------------------|----------------------|
| Mr. Anand Ramlogan             | Chairman             |
| Mr. Herbert Volney             | Member               |
| Mr. Colm Imbert                | Member               |
| Mr. Subhas Panday              | Member               |
| Mr. Jairam Seemungal           | Member               |
| Brig. John Sandy               | Member               |
| Mrs. Corinne Baptiste-McKnight | Member               |
| Mr. Prakash Ramadhar           | Member               |
| Mr. Stephen Cadiz              | Member               |
| Mr. Fitzgerald Hinds           | Member               |
|                                |                      |
| Mrs. Lily Broomes              | Secretary            |
| Ms. Candice Skerrette          | Assistant Secretary  |
| Mr. Vinda Dean Maharaj         | Senior Legal Officer |

**ABSENT**

|                         |                  |
|-------------------------|------------------|
| Ms. Marlene Mc Donald   | Member (excused) |
| Mr. Elton Prescott S.C. | Member           |

**OFFICIALS FROM LAW REFORM COMMISSION**

|                    |                              |
|--------------------|------------------------------|
| Mr. Nakool Maharaj | Senior Parliamentary Counsel |
| Ms. Tamara Dookran | Parliamentary Counsel II     |

**INTRODUCTION**

- 1.1 The chairman called the meeting to order at 10:40 a.m.
- 1.2 The Chairman indicated that Ms. Mc Donald would not be attendance at the meeting.

**CONFIRMATION OF MINUTES**

- 2.1 The motion for the confirmation of Minutes was moved by Mr. Hinds and seconded by Mr. Volney.
- 2.2 The minutes were thereby confirmed.

## **MATTERS ARISING**

- 3.1 The Chairman confirmed the receipt of the legal opinion which was requested from Mr. Russell Martineau.
- 3.2 The Committee recalled its prior agreement to expunge from all the Committee records the name of the member of the Trinidad and Tobago Police Service who facilitated the presentation on Criminal Street Gangs. Item 3.2 was amended accordingly.
- 3.3 The Chairman welcomed the Representatives from the Law Reform Commission.

## **CONSIDERATION OF BILLS**

- 1.2 The Committee reviewed the list of amendments made by the Law Reform Commission on the Anti-Gang Bill, 2010 at the Fifth Meeting held on February 7, 2011.
- 4.1.2 The Committee continued its consideration of the Anti-Gang Bill, 2010 and then commenced discussion on the Bail (Amendment) Bill, 2010 clause by clause.

## **OTHER BUSINESS**

- 5.1 The Committee agreed that the agenda for its next meeting would be the consideration of the final versions of the amended bills as well as the draft report.

## **ADJOURNMENT**

- 6.1 The Chairman thanked Members for their participation. The meeting was adjourned to Monday, February 21, 2011 at 10.30 a.m.
- 6.2 The adjournment was taken at 12.02 p.m.

**I certify that the Minutes are true and correct.**

**Sgd.  
Chairman  
Sgd.  
Secretary**

***February 14, 2011***

**JOINT SELECT COMMITTEE ESTABLISHED TO CONSIDER AND REPORT  
ON THE ANTI-GANG BILL, 2010 AND THE BAIL (AMENDMENT) BILL, 2010  
HELD IN COMMITTEE ROOM 3, RED HOUSE, PORT OF SPAIN,  
ON MONDAY, FEBRUARY 21, 2011**

**PRESENT**

|                         |                      |
|-------------------------|----------------------|
| Mr. Anand Ramlogan      | Chairman             |
| Mr. Jairam Seemungal    | Member               |
| Mr. Elton Prescott S.C. | Member               |
| Ms. Marlene McDonald    | Member               |
| Mr. Prakash Ramadhar    | Member               |
| Mr. Stephen Cadiz       | Member               |
| Mr. Fitzgerald Hinds    | Member               |
|                         |                      |
| Mrs. Lily Broomes       | Secretary            |
| Ms. Candice Skerrette   | Assistant Secretary  |
| Mr. Vinda Dean Maharaj  | Senior Legal Officer |

**ABSENT**

|                                 |                  |
|---------------------------------|------------------|
| Brig. John Sandy                | Member (excused) |
| Mr. Colm Imbert.                | Member (excused) |
| Mr. Herbert Volney              | Member (excused) |
| Mrs. Corinne Baptiste-Mc Knight | Member (excused) |
| Mr. Subhas Panday               | Member           |

**OFFICIALS FROM LAW REFORM COMMISSION**

|                    |                              |
|--------------------|------------------------------|
| Mr. Nakool Maharaj | Senior Parliamentary Counsel |
| Ms. Tamara Dookran | Parliamentary Counsel II     |

**INTRODUCTION**

- 1.1 The chairman called the meeting to order at 10:43 a.m.
- 1.2 The Chairman indicated that Brig. John Sandy, Mr. Colm Imbert, Mr. Herbert Volney and Mrs. Corinne Baptiste-Mc Knight would not be attendance at the meeting.

**CONFIRMATION OF MINUTES**

- 2.1 The motion for the confirmation of Minutes was moved by Mr. Jairam Seemungal and seconded by Mr. Fitzgerald Hinds.
- 2.2 The minutes were thereby confirmed.

## **MATTERS ARISING**

- 3.1 There were no matters arising from the Minutes.

## **CONSIDERATION OF BILLS**

- 4.1 The Committee reviewed the list of amendments made by the Law Reform Commission on the Anti-Gang Bill, 2010 and the Bail (Amendment) Bill at the Sixth Meeting held on February 14, 2011.
- 4.2 The Committee agreed to a list of amendments on the Anti-Gang Bill, 2010 and the Bail (Amendment) Bill, 2010.
- 4.3 The Committee reviewed and agreed to list of offences and penalties under on the Anti-Gang Bill, 2010.

## **OTHER BUSINESS**

- 5.1 The Chairman directed the Secretary to circulate the Final Amended Bills and the Draft Report to all Members of the Committee.
- 5.2 The Committee agreed to convey their decision regarding the approval of the Final Amended Bills and the Draft Report by Thursday.

## **ADJOURNMENT**

- 6.1 The Committee thanked the representatives of the Law Reform Commission and the staff of the Parliament especially the Hansard Unit for their work with the committee.
- 6.2 The adjournment was taken at 1.18 p.m.

**I certify that the Minutes are true and correct.**

**Sgd.  
Chairman  
Sgd.  
Secretary**

***February 21, 2011***

**JOINT SELECT COMMITTEE ESTABLISHED TO CONSIDER AND REPORT  
ON THE ANTI-GANG BILL, 2010 AND THE BAIL (AMENDMENT) BILL, 2010  
HELD IN COMMITTEE ROOM 3, RED HOUSE, PORT OF SPAIN,  
ON MONDAY, FEBRUARY 28, 2011**

**PRESENT**

|                                 |                      |
|---------------------------------|----------------------|
| Mr. Anand Ramlogan              | Chairman             |
| Mr. Jairam Seemungal            | Member               |
| Ms. Marlene McDonald            | Member               |
| Mr. Prakash Ramadhar            | Member               |
| Mr. Stephen Cadiz               | Member               |
| Mr. Fitzgerald Hinds            | Member               |
| Brig. John Sandy                | Member               |
| Mr. Colm Imbert.                | Member               |
| Mr. Herbert Volney              | Member               |
| Mrs. Corinne Baptiste-Mc Knight | Member               |
| Mr. Subhas Panday               | Member               |
|                                 |                      |
| Mrs. Lily Broomes               | Secretary            |
| Ms. Candice Skerrette           | Assistant Secretary  |
| Mr. Vinda Dean Maharaj          | Senior Legal Officer |

**ABSENT**

|                         |                  |
|-------------------------|------------------|
| Mr. Elton Prescott S.C. | Member (Excused) |
|-------------------------|------------------|

**OFFICIALS FROM LAW REFORM COMMISSION**

|                    |                              |
|--------------------|------------------------------|
| Mr. Nakool Maharaj | Senior Parliamentary Counsel |
| Ms. Tamara Dookran | Parliamentary Counsel II     |

**INTRODUCTION**

- 1.1 The Chairman called the meeting to order at 10:23 a.m.
- 1.2 The Chairman indicated that Mr. Elton Prescott S.C. would not be in attendance at the meeting.

**CONFIRMATION OF MINUTES**

- 2.1 The motion for the confirmation of Minutes was moved by Mr. Prakash Ramadhar and seconded by Mr. Stephen Cadiz.
- 2.2 The minutes were thereby confirmed.

## **MATTERS ARISING**

- 3.1 There were no matters arising from the Minutes.

## **CONSIDERATION OF BILLS**

- 4.6 The Committee reviewed the list of amendments made by the Law Reform Commission on the Anti-Gang Bill, 2010 and the Bail (Amendment) Bill at the Seventh Meeting held on February 21, 2011.
- 4.7 The Committee agreed to the list of amendments on the Anti-Gang Bill, 2010 and the Bail (Amendment) Bill, 2010.

## **OTHER BUSINESS**

- 5.1 Members requested the circulation of the Draft Final Report to all Members of the Committee inclusive of the list of amendments and the amended Bills.
- 5.2 The Committee considered the Draft Report and amended the Report at Item 14.1 under the heading-Recommendations as follows:-

*Delete Items 14.1 to 14.8 and insert the following: -*

***“Your Committee recommends that these Bills be accepted by the House at the earliest opportunity, subject to the amendments listed at appendix I. The Committee further recommends that an aggressive public education campaign should be implemented as promised and with haste, to ensure that members of the public are informed about the legislation and the penalties applied for violation thereof.”***

- 5.2 While the majority of Members approved the amended Report, other members agreed to convey their final decision to the Secretariat.

## **ADJOURNMENT**

- 6.1 The adjournment was taken at 1.18 p.m.

**I certify that the Minutes are true and correct.**

**Sgd.  
Chairman  
Sgd.  
Secretary**

***February 28, 2011***

# PERMANENT ATTENDANCE RECORD

## JOINT SELECT COMMITTEE ESTABLISHED TO CONSIDER AND REPORT ON THE ANTI-GANG BILL, 2010 AND THE BAIL (AMENDMENT) BILL, 2010

| MEMBERS                        | 1st<br>Meeting<br>11.01.2011<br>1 | 2 <sup>nd</sup><br>Meeting<br>17.01.2011 | 3 <sup>rd</sup><br>Meeting<br>24.01.2011 | 4 <sup>th</sup><br>Meeting<br>31.01.2011 | 5 <sup>th</sup><br>Meeting<br>7.02.2011 | 6 <sup>th</sup><br>Meeting<br>14.02.2011 | 7 <sup>th</sup><br>Meeting<br>21.02.2011 | 8 <sup>th</sup><br>Meeting<br>28.02.2011 |
|--------------------------------|-----------------------------------|------------------------------------------|------------------------------------------|------------------------------------------|-----------------------------------------|------------------------------------------|------------------------------------------|------------------------------------------|
| Mr. Prakash Ramadhar           | √                                 | ex                                       | √                                        | √                                        | ex                                      | √                                        | √                                        | √                                        |
| Mr. Stephen Cadiz              | abs                               | √                                        | √                                        | √                                        | √                                       | √                                        | √                                        | √                                        |
| Mr. Jairam Seemungal           | √                                 | √                                        | √                                        | abs                                      | √                                       | √                                        | √                                        | √                                        |
| Mr. Herbert Volney             | √                                 | √                                        | ex                                       | √                                        | √                                       | √                                        | ex                                       | √                                        |
| Ms. Marlene Mc Donald          | √                                 | ex                                       | √                                        | √                                        | √                                       | ex                                       | √                                        | √                                        |
| Mr. Colm Imbert                | √                                 | √                                        | √                                        | √                                        | √                                       | √                                        | ex                                       | √                                        |
| Mr. Anand Ramlogan             | √                                 | √                                        | √                                        | √                                        | √                                       | √                                        | √                                        | √                                        |
| Brig. John Sandy               | √                                 | √                                        | √                                        | √                                        | √                                       | √                                        | ex                                       | √                                        |
| Mr. Subhas Panday              | ex                                | √                                        | √                                        | √                                        | √                                       | √                                        | abs                                      | √                                        |
| Mr. Fitzgerald Hinds           | √                                 | √                                        | ex                                       | √                                        | √                                       | √                                        | √                                        | √                                        |
| Mrs. Corinne Baptiste-McKnight | √                                 | √                                        | √                                        | √                                        | √                                       | √                                        | ex                                       | √                                        |
| Mr. Elton Prescott, S.C.       | √                                 | √                                        | √                                        | √                                        | abs                                     | abs                                      | √                                        | ex                                       |