

AS AMENDED IN THE SENATE

No. 2 of 2019

Fourth Session Eleventh Parliament Republic of
Trinidad and Tobago

SENATE

BILL

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

THE SEXUAL OFFENCES (AMENDMENT) BILL, 2019

Explanatory Notes

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

The purpose of this Bill is to amend the Sexual Offences Act, Chap. 11:28.

Pursuant to section 13 of the Constitution, this Bill would require to be passed by a special majority of three-fifths of all the members of each House of Parliament. The Bill would further provide for the Act for which this is the Bill to have effect even though inconsistent with sections 4 and 5 of the Constitution.

The Bill contains 11 clauses.

Clause 1 would set out the short title of the Bill.

Clause 2 would provide for the Bill to come into operation on Proclamation.

Clause 3 would provide for the Act to have effect even though inconsistent with sections 4 and 5 of the Constitution.

Clause 4 would provide for the interpretation of the words “the Act” to mean the Sexual Offences Act, Chap. 11:28.

Clause 5 would provide for the amendment to section 2 of the Act to insert the definitions of certain words and phrases and for the deletion of the definition of “minor”.

Clause 6 would provide for the deletion of the word “minor” and the substitution of the word “child” throughout the Act and for an amendment to section 27 to delete the word “minor’s” and substitute the word “child’s”.

Clause 7 would provide for the amendment to section 2A of the Act to expressly state that the Act would bind the State.

Clause 8 would provide for section 26 of the Act to be amended to insert a reference to specified sections of the Trafficking in Persons Act, Chap. 12:10, to harmonise the age of liability for the commission of a sexual offence under this Act, the Children Act, Chap. 46:01 and the Trafficking in Persons Act, Chap. 12:10.

Clause 9 would provide for the amendment to section 31 of the Act to expand the number of offences for which specified persons are to report suspected abuse of a minor.

Clause 10 would provide for the repeal and substitution of Part III of the Act to allow for the reestablishment of the National Sex Offender Register and the amendment of the notification requirements for registered sex offenders, the insertion of a new Part IV and Schedules.

Clause 11 would provide for consequential amendments to be made to certain Acts.

THE SEXUAL OFFENCES (AMENDMENT) BILL, 2019

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Act inconsistent with Constitution
4. Interpretation
5. Section 2 amended
6. Amendment of references to "minors"
7. Section 2A inserted
8. Section 26 amended
9. Section 31 amended
10. Section 35 inserted, Part III repealed and substituted and Part IV and Schedules inserted

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3

SCHEDULE 4

SCHEDULE 5

SCHEDULE 6

11. Consequential amendments

SCHEDULE

BILL

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

[, 2019]

WHEREAS it is enacted by section 13(1) of the ^{Preamble} 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 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 Sexual Offences (Amendment) Act, 2019.
Commencement	2. This Act comes into operation on such date as is fixed by the President by Proclamation.
Act inconsistent with Constitution Chap. 1:01	3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
Interpretation Chap.11:28	4. In this Act, “the Act” means the Sexual Offences Act.
Section 2 amended	5. The Act is amended in section 2 by—
	(a) inserting the following definitions in the appropriate alphabetical sequence:
Chap. 5:32	“certified mediator” has the meaning assigned to it under section 2 of the Mediation Act;
	“Chief Immigration Officer” has the meaning assigned to it under section 2 of the Immigration Act;
Chap. 18:01	“child” means a person under the age of eighteen years;

“citizen of Trinidad and Tobago”
means a person who is a
citizen of Trinidad and
Tobago by virtue of the
Constitution or the
Citizenship of the Republic of
Trinidad and Tobago Act;

“Commissioner of Police” means the
person holding or acting in the
office of Commissioner of Police;

“Commissioner of Prisons” means the
person holding or acting in the
office of Commissioner of Prisons;

**“conviction” includes a finding of
guilt;**

“designated officer” means a police
officer of or above the rank of
sergeant;

“health care facility” has the meaning
assigned to it under section 2 of
the Regional Health Authorities Chap. 29:05
Act;

**“intimate sample” has the
meaning assigned to it
under section 4 of the
Administration of Justice
(Deoxyribonucleic Acid) Act;**

“main address”, in relation to a
registered sex offender, means
the place, **whether or not a
fixed structure**, in Trinidad and
Tobago, where the registered sex
offender resides permanently or
habitually;

“mental disorder” has the meaning
assigned to it under section 2 of
the Mental Health Act; Chap. 28:02

- “Minister” means the Minister to whom responsibility for national security is assigned;
- Chap. 5:34 “non-intimate sample” has the meaning assigned to it under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act;
- Chap. 15:01 “police officer” has the meaning assigned to it under section 3 of the Police Service Act;
- Chap. 13:01 “prison” has the meaning assigned to it under section 2 of the Prisons Act;
- “psychiatric hospital” has the meaning assigned to it under section 2 of the Mental Health Act;
- “Psychiatric Hospital Director” has the meaning assigned to it under section 2 of the Mental Health Act;
- Chap. 29:53 **“qualified person” means a registered medical practitioner under the Medical Board Act, or a person registered under Part II or III of the Nurses and Midwives Registration Act, acting under the supervision of a registered medical practitioner;**
- Schedule 1 “registrable offence” means an offence listed in Schedule 1;
- “registered sex offender” means a sex offender who is registered under **section 54** and in relation to whom an order has not been made under **section 61 or 62**;

“Register” means the National Sex Offender Register established under **section 47(1)**;

“Registrar” means the person holding or acting in the office of Registrar and Marshal of the Supreme Court listed in the Second Schedule of the Judicial and Legal Service Act;

“resident” has the meaning assigned to it under section 2 of the Immigration Act;

“sample” means an intimate sample or a non-intimate sample;

“secondary address”, in relation to a registered sex offender, means the place, **whether or not a fixed structure**, where a registered sex offender who does not ordinarily reside in Trinidad and Tobago, resides during his stay in Trinidad and Tobago;

“sex offender” means a person who is convicted of a registrable offence and who at the time of the commission of the registrable offence was eighteen years of age or over;

“sexually transmitted infection” includes the Human Immunodeficiency Virus; and

(b) deleting the definition “minor”.

6. The Act is amended—

(a) by deleting the word “minor” wherever it occurs and substituting the word “child”; and

Amendment of
references to
“minors”

(b) in section 27, deleting the word “minor’s” and substituting the word “child’s”.

Section 2A inserted **7.** The Act is amended by inserting after section 2, the following:

“Act binds
the State” 2A. This Act binds the State.”.

Section 26 amended **8.** Section 26 is amended by deleting all the words after the word “offence” and substituting the **words “listed in Schedule 2”**.

Section 31 amended **9.** The Act is amended in section 31(1)—

(a) in paragraph (c), by deleting after the words “capacity;”, the word “or”;

(b) in paragraph (d), by deleting the comma after the word “child” and substituting the word “;”;

(c) by inserting after paragraph (d), the following new paragraphs:

“(e) is a psychiatrist, psychologist or a certified mediator;

(f) is a police officer, welfare officer (probation) or social worker;

(g) is the owner, manager or an employee of a nursery or day care, the principal of a school or the manager or an employee of a community residence; or

(h) is employed as a guidance counsellor or is the leader of a youth, religious, faith-based, sports, recreational or other group where children are members of the group,”;

- (d)** by deleting the word “sexual” and substituting the word “registrable”; and
- (e)** by deleting the words “under this Act or section 9, 10, 18 or 19 of the Children Act.

9A. The Act is amended by deleting section 31A^{Section 31A amended} and substituting the following new section:

“ 31A. A person who—

(a) prevents a child from—

(i) giving a statement to the police; or

(ii) testifying; or

(b) forces a child to recant a statement that he gave to the police,

in proceedings relating to a sexual offence under this Act or Part VI of the Children Act, commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for twenty years.”.

9B. The Act is amended in section 31D^{Section 31D amended} by deleting the words “Youth Training Camp” and substituting the words “Community Residence”.

9C. (1) The Act is amended in section 34(1) by—^{Section 34 amended}

(a) deleting the words “or for an offence under section 5,”; and

(b) deleting the words “8,11, or 17,” and substituting the word “17”.

(2) The Act is amended in section 34(2) by deleting the words “of an offence under section 5 or 11 or” in both places where they occur.”.

Part III repealed
and substituted
and Parts IV, V
and Schedules
inserted

10. The Act is amended by repealing Part III and inserting the following Parts and Schedules:

PART III

COMPENSATION OF VIRTUAL COMPLAINANTS

Definitions 35. For the purposes of this Part,—

“cohabitant” means—

- (a) in relation to a man, a woman who is living or has lived with a man as his wife in a cohabitational relationship; and**
- (b) in relation to a woman, a man who is living with or has lived with a woman as her husband in a cohabitational relationship;**

“cohabitational relationship” means the relationship between cohabitants, who not being married to each other are living or have lived together as husband and wife on a bona fide domestic basis;

“medical examination” includes the taking of an intimate sample or a non-intimate sample;

“representative” means—

- (a) in relation to an adult virtual complainant—**
 - (i) a spouse or former**

- spouse who was being maintained by the virtual complainant at the time of the virtual complainant's death;
- (ii) a cohabitant who was living in a cohabitational relationship with the virtual complainant immediately before his death;
- (iii) a child of the virtual complainant under the age of eighteen years; or
- (iv) a person who at the time of the virtual complainant's death was financially dependent on him;
- (b) in relation to an adult virtual complainant with a mental disorder, the person with responsibility for him; or

(c) in relation to a child virtual complainant, his parent, guardian or person with responsibility for the child.

Offences to which sections 37 to 42 apply **36. Sections 37 to 42 apply to offences under sections—**

(a) 4, 4A, 9 and 12 of this Act; and

(b) 18 and 19 of the Children Act.

Mandatory medical examination of person charged with certain offence **37. (1) Where a person is charged with an offence referred to in section 36, the police officer who laid the charge shall, without delay, make arrangements for a qualified person to conduct a medical examination of the person charged, for the purpose of determining whether that person has a sexually transmitted infection.**

(2) Where a person referred to in subsection (1) does not consent to a medical examination, he may be medically examined without his consent and the qualified person conducting the medical examination or a person assisting him, may use reasonable force to conduct the medical examination.

(3) Where a medical examination is conducted under this section, a police officer shall record the following:

(a) his name and service number;

(b) the name of the person who is being medically examined;

- (c) the name of the institution at which the medical examination is conducted;
- (d) the name of the qualified person conducting the medical examination;
- (e) the name of any person other than the qualified person who is present when the medical examination is conducted;
- (f) the date on and time at which the medical examination is conducted; and
- (g) any force used in conducting the medical examination and the circumstances surrounding the use of force.

(4) Where the results of a medical examination conducted pursuant to subsection (1) do not reveal a sexually transmitted infection, a police officer may, on the recommendation of a medical practitioner, make arrangements for a qualified person to conduct such number of medical examinations of the person within one year from the date of the first medical examination.

(5) The results of a medical examination conducted pursuant to this section shall be submitted to the investigating officer and the results shall be admissible as evidence in a Court.

Medical
examination
of virtual
complaints

38. (1) Where a report of the alleged commission of an offence referred to in section 36 is made to a police officer, the police officer shall, with the consent of the virtual complainant and without delay, make arrangements for a qualified person to conduct a medical examination of the virtual complainant, for the purpose of determining whether the virtual complainant has a sexually transmitted infection.

(2) A virtual complainant who does not consent to a medical examination pursuant to subsection (1) may, within three months of the date on which the report is made, request that the medical examination be conducted and a police officer shall, without delay, make arrangements for a qualified person to conduct the medical examination of the virtual complainant.

(3) Where the results of a medical examination conducted pursuant to subsection (1) or (2) do not reveal a sexually transmitted infection, a police officer may, with the consent of the virtual complainant and on the recommendation of a medical practitioner, make arrangements for a qualified person to conduct such number of medical examinations of the virtual complainant within one year from the date of the first medical examination.

(4) Where a virtual complainant referred to in subsection (1) is to be medically examined by a qualified person, the qualified person shall obtain the consent of the virtual complainant before conducting the medical examination.

(5) Notwithstanding subsections (1) to (4), where a virtual complainant referred to in subsection (1) is a child or a person with a mental disorder, the police officer or the qualified person, as the case may be, shall obtain the consent of a representative of the virtual complainant for the purposes of those subsections and the representative of the virtual complainant shall be present when the medical examination is being conducted.

(6) A representative referred to in subsection (5) may withdraw his consent for the conduct of a medical examination before the medical examination is conducted.

(7) No force shall be used to conduct a medical examination on a virtual complainant referred to in subsection (1).

(8) Where a medical examination is conducted on a virtual complainant referred to in subsection (1), a police officer shall record the following:

(a) his name and service number;

- (b)** the name of the virtual complainant;
- (c)** the name of the institution at which the medical examination is conducted;
- (d)** the name of the qualified person conducting the medical examination;
- (e)** the names of any person other than the qualified person who is present when the medical examination is conducted;
- (f)** the date on and time at which the medical examination is conducted; and
- (g)** any force used in conducting the medical examination and the circumstances surrounding the use of force.

(9) The results of a medical examination conducted pursuant to this section shall be submitted to the investigating officer and the results shall be admissible as evidence in a Court.

Taking of
a repeat
sample

39. (1) Subject to subsection (2), a police officer may make arrangements for a qualified person to take a repeat sample from a person referred to in section 37(1) or 38(1), where a sample taken from that person—

- (a)** has proved to be either unsuitable or insufficient for testing;

- (b) is lost or destroyed; or**
- (c) cannot be used for any other reason.**

(2) A repeat sample shall not be taken under subsection (1) from a virtual complainant referred to in section 38 without his consent or, where the virtual complainant is a child or a person with a mental disorder, the consent of his representative.

Conditions
for taking
an intimate
sample

40. A qualified person who takes an intimate sample from a person shall ensure that—

- (a) it is taken in circumstances affording reasonable privacy to the person from whom the sample is being taken;**
- (b) it is taken in the presence or view of a person who is of the same sex as the person from whom the sample is being taken and, where the person from whom the sample is being taken so requests in writing, in the presence of a specified person of the opposite sex;**
- (c) it is not taken in the presence or view of a person whose presence is not necessary for the purpose of taking the intimate sample;**
- (d) the taking of the sample does not involve the removal of more clothing than is necessary;**

- (e) the taking of the sample does not involve more visual inspection than is necessary; and
- (f) the procedure is carried out in a manner consistent with appropriate medical or other relevant professional standards.

Collection,
packaging,
storage and
delivery of
sample

41. (1) A qualified person who takes a sample from a person pursuant to section 37, 38 or 39 shall—

- (a) place the sample in a container;
- (b) seal and label the container with an identifying mark;
- (c) place the container in a package;
- (d) seal the package; and
- (e) label the package with the same identifying mark that is shown on the label affixed to the container.

(2) A qualified person who takes a sample from a person pursuant to section 37, 38 or 39 shall—

- (a) as soon as possible, submit the sample for analysis;
- (b) ensure that between the time the sample is taken and the time of delivery to the institution conducting the analysis, the package containing the sample is properly stored; and

(c) record the fact that these actions were taken.

Compensa-
tion

42. (1) Where the results of a medical examination of a person referred to in section 37(1) reveal that the person examined has a sexually transmitted infection, information to that effect shall be immediately communicated to—

- (a) the person examined;
- (b) the virtual complainant;
- (c) a representative, where the virtual complainant is a child or a person with a mental disorder or has died; and
- (d) the complainant.

(2) Where the results of a medical examination of a virtual complainant reveal that the virtual complainant has a sexually transmitted infection which the virtual complainant may reasonably have contracted from a person referred to in section 37(1), the High Court may, upon—

- (a) application by—
 - (i) the virtual complainant; or
 - (ii) a representative, where the virtual complainant is a child or a person with a mental disorder or has died; and

(b) being satisfied on a balance of probabilities that the virtual complainant contracted the infection from the person referred to in section 37(1),

order the person referred to in section 37(1) to pay compensation to the virtual complainant or his representative.

(3) An application made under subsection (2) shall be made before the expiration of four years after the date on which the results referred to in subsection (1) are received by the virtual complainant or his representative.

Confident-
iality

43. Subject to sections 37(5), 38(9) and 41(1), the results of a medical examination conducted in accordance with this Part shall be kept confidential by all persons involved in the matter.

Further com-
pensation

44. (1) Notwithstanding section 42 or any other law to the contrary, where a person is convicted of a registrable offence, the virtual complainant may also apply to the Court for compensation, and the Court shall order that the convicted person pay compensation to the virtual complainant.

(2) A virtual complainant of a registrable offence is also eligible for relief under section 29 of the Criminal Injuries Compensation Act.

(3) Where an order for compensation to the virtual complainant seeks further compensation in another Court, the Court

that awards further compensation shall take into account the amount of compensation already ordered where the Court makes a further order.

PART IV
NATIONAL SEX OFFENDER REGISTER

Application of
Part IV **45.** This Part applies to a sex offender who—

(a) is a citizen of Trinidad and Tobago or a resident and who was convicted of a registrable offence by a court within or outside Trinidad and Tobago on or after 25th September, 2000 and who—

(i) completed his sentence before the commencement of this Part; or

(ii) has not completed his sentence before the commencement of this Part; or

(b) is a citizen of Trinidad and Tobago or a resident and who is convicted of a registrable offence by a court outside Trinidad and Tobago on or after the commencement of this Part; and

(c) is convicted of a registrable offence by a Court in Trinidad and Tobago on or after the commencement of this Part.

Non-applica-
tion of
Part IV **46.** This Part shall not apply to a person who was—

(a) a child at the time of the commission of a registrable offence; or

(b) suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts or omissions in the commission of a registrable offence.

Establish-
ment of
National Sex
Offender
Register

47. (1) There shall be a Register to be known as “the National Sex Offender Register”.

Schedule 3

(2) The Register shall, in relation to each registered sex offender, contain the information listed in Schedule 3 and pursuant to section 54.

(3) Subject to section 49(4)(c), the Register shall not be accessible to the public.

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

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

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

(c) ensuring that the information entered in the Register is accurate.

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

Public access to information on registered sex offender 48. (1) The Commissioner of Police shall establish a website designated for the publication of the information referred to in subsection (2)(a) in relation to a registered sex offender referred to in subsection (3).

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

(a) contain the following information in relation to a registered sex offender:

- (i) name, former names and aliases;
- (ii) date of birth;
- (iii) photograph;
- (iv) main address or secondary address; and
- (v) convictions of registrable offences committed by the registered sex offender, including the date of each conviction; and

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

(3) Where the Court determines that the information referred to in subsection **(2)(a)** on the sex offender shall be published on the website in accordance with section **49(4)(c)**, the Registrar shall forward the name of the sex offender to the Commissioner of Police who shall publish the information.

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

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

Court to
order sex
offender to
comply with
Part IV

49. (1) Where a person is convicted of a registrable offence, on or after the commencement of this Part, the Court—

(a) shall order that the person report to a police station at the time that he is required to report in accordance with

section 54(1), for the purposes of registering as a registered sex offender, where the person is convicted of an offence under—

(i) section 4, 4A, 9 or 12 of the Act; and

(ii) section 18 of the Children Act; or

(b) may order that the person report to a police station at the time that he is required to report in accordance with section 54(1), for the purposes of registering as a registered sex offender, where the person is convicted of any registrable offence other than an offence referred to in paragraph (a),

and to comply with the provisions of this Part.

(2) The Court, before making a determination under subsection (1), shall request a mental assessment report from a psychiatrist.

(3) The Court, in making a determination under subsection (1), shall take into account—

(a) the findings of the mental assessment report referred to in subsection (2);

(b) the nature and gravity of the offence;

- (c) whether the sex offender has been charged or convicted of any other registrable offence during his reporting period;**
- (d) the risk of reoffending;**
- (e) the risk of harm to the victim or any other person;**
- (f) whether the victim was a child or a person with a mental disorder;**
- (g) whether the sex offender was in a position of care, authority or supervision of the victim; and**
- (h) any other compelling reasons in the circumstances of the case.**

(4) Where a Court makes an order under subsection (1) requiring a person to register as a registered sex offender, the Court shall state—

- (a) the duration of the reporting period;**
- (b) the frequency of the reporting; and**
- (c) whether or not the information on the sex offender shall be published on the website referred to in section 48.**

(5) The Court may order that the sex offender serve a reporting period less than that specified in Schedule 5.

(6) Where a person referred to in subsection (1) is convicted of a registrable offence and the Court makes an order

under subsection (1), the Registrar shall serve a copy of the order on the Commissioner of Police.

Appeal
against
conviction

50. Notwithstanding section 49, where a sex offender has appealed his conviction, the Court shall withhold making a determination on whether the sex offender shall register or report pursuant to this Part, pending the completion of the appeal.

Citizen and
resident to
comply with

51. (1) Where citizen of Trinidad and Tobago or a resident does an act in a country outside Trinidad and Tobago which, if it were done in Trinidad and Tobago, would constitute a registrable offence under this Act, he shall be required to comply with the provisions of this Part on entry into Trinidad and Tobago.

(2) The Chief Immigration Officer shall inform the Commissioner of Police of the name and secondary address of any sex offender referred to in subsection (1), within forty-eight hours of the entry of the sex **offender** into Trinidad and Tobago.

Police to be
notified of
discharge of
sex offender

52. (1) Within four months of the discharge of a sex offender from—

- (a) a prison, the Commissioner of Prisons; or
- (b) a psychiatric hospital where the sex offender is admitted to the psychiatric hospital under section 13(4)(b) of the Mental Health Act, the Psychiatric Hospital Director,

shall notify the Commissioner of Police, in writing, of the date of discharge of the sex offender from the prison or psychiatric hospital.

(2) The Commissioner of Police shall inform the victim and his family of the impending release of the sex offender, within one month of receiving the information referred to in subsection (1).

Police to
collect
information
from sex
offender
before
discharge

53. (1) The Commissioner of Police shall, **within two months before** the discharge of a sex offender referred to in **section 52**, cause a designated officer to attend the prison or psychiatric hospital to—

- (a) interview the sex offender;
- (b) collect the following information:
 - (i) name, former names and aliases;
 - (ii) date of birth;
 - (iii) photograph;
 - (iv) the address of the place in Trinidad and Tobago that the sex offender intends to reside permanently or habitually after his discharge; and
 - (v) convictions of registrable offences committed by the sex offender; and
- (c) inform the sex offender of his duty to report to the police station nearest to the address given pursuant to paragraph (b)(iv), within seven

calendar days of his discharge from the prison or psychiatric hospital.

(2) A designated officer shall, within three days of collecting the information under subsection (1), forward the information to the designated officer of the police station nearest to the address referred to in subsection (1)(c)(iv).

(3) A designated officer who fails without reasonable excuse—

(a) to collect the information referred to in subsection (1); or

(b) to forward the information collected pursuant to subsection (1) to the designated officer of the police station nearest to the address referred to in subsection (1)(c)(iv),

commits a disciplinary offence and is liable under the Police Service Regulations.

Initial report
of a sex
offender

54. (1) A sex offender shall report to the police station nearest to his main or secondary address—

(a) within seven calendar days of his discharge from prison or a psychiatric hospital, where he is convicted by a Court in Trinidad and Tobago;

(b) within seven calendar days of his discharge from prison, where he is transferred to Trinidad and Tobago pursuant to the Transfer of Prisoners Act to complete his sentence;

- (c) within seven calendar days of his entry into Trinidad and Tobago, where he is deported to Trinidad and Tobago;
- (d) **within forty-eight hours, where he is convicted by a Court in Trinidad and Tobago and a non-custodial sentence was imposed on him;**
- (e) within forty-eight hours of his entry into Trinidad and Tobago, where he is convicted by a court outside Trinidad and Tobago and is in Trinidad and Tobago for more than two calendar days; or
- (f) within six months of the commencement of this Part, where he is a sex offender referred to in **section 45(a)(i)**.

(2) A sex offender shall, within the applicable period prescribed in subsection (1), report to the police station nearest to his main or secondary address in person and where he is a registered sex offender with a mental disorder, he may be accompanied by a representative of his own choice.

(3) Where a sex offender reports to a police station pursuant to subsection (1) and (2), a designated officer shall interview the sex offender and request that he provides the information referred to in **Schedule 4** and such documentary evidence as the designated officer may require.

(4) A sex offender shall comply with the request of a designated officer made under subsection (3).

(5) The designated officer shall record the information provided by the sex offender pursuant to subsection (4) and—

- (a) take a photograph of the sex offender;
- (b) take the fingerprints of the sex offender; **and**
- (c) take a non-intimate sample from the sex offender.

(6) Where a sex offender refuses to allow a designated officer to take his photograph, his fingerprints or a non-intimate sample pursuant to subsection (5)(a), (b) or (c), the designated officer shall take—

- (a) the photograph without his consent pursuant to section 50 of the Police Service Act;
- (b) the fingerprints without his consent pursuant to section 50A of the Police Service Act; or
- (c) the sample without his consent pursuant to section 13(1)(a) of the Administration of Justice (Deoxyribonucleic Acid) Act,

and shall record that the items listed at paragraphs (a) to (c) were taken without the consent of the sex offender.

(7) A designated officer shall give a sex offender a written acknowledgement that—

- (a) the sex offender has reported to a police station for the purpose of registering as a registered sex offender; **and**

(b) the designated officer has complied with the requirements of subsection (5) and (6), as the case may be.

(8) An acknowledgement referred to in subsection (7) shall bear—

(a) the date that the sex offender reported to the police station;

(b) the police station to which the sex offender reported; and

(c) the name, the signature and the service number of the designated officer who recorded the information provided by the sex offender in accordance with subsection (3).

(9) Within seven days of recording the information of a sex offender provided pursuant to sub-section (4), a designated officer shall—

(a) verify that the information he recorded is correct before he enters it into the Register;

(b) register the sex offender as a registered sex offender; and

(c) notify the registered sex offender, in writing, that he has been registered as a registered sex offender.

(10) A sex offender who, without reasonable excuse, fails to—

(a) report to a police station pursuant to subsection (1); **or**

(b) comply with a request made by a designated officer under this section,

commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for fifteen years.

Frequency of reporting

55. (1) Subject to **section 58**, a registered sex offender shall report to the police station nearest to his main or secondary address **as ordered by the Court**, for the duration of his reporting period as determined in accordance with **section 56** and provide any information as the designated officer may require.

(2) A registered sex offender who fails to report to the police station nearest to his main or secondary address **as ordered by the Court**, commits an offence and is liable on summary conviction to a fine of seventy-five thousand dollars and to imprisonment for ten years.

(3) This section shall not apply to a registered sex offender referred to in **section 45(a)(i)**.

Duration of reporting period

Schedule 5

56. (1) The reporting period of a registered sex offender on whom a sentence specified in the First Column of **Schedule 5** was imposed upon conviction for a registrable offence, shall be the corresponding period specified in the Second Column of that Schedule.

(2) **The reporting period in Schedule 5 shall be the maximum reporting period for each offence listed in that Schedule and shall not be reduced by any reduction in the sentence imposed on the registered sex offender.**

(3) Where a registered sex offender is sentenced in respect of two or more registrable offences to consecutive terms of imprisonment or to terms of imprisonment which are partly concurrent, subsection (1) shall apply in respect of each of the offences to a term of imprisonment which—

- (a) in the case of consecutive terms, is equal to the aggregate of those terms; or
- (b) in the case of concurrent terms, is equal to the aggregate of those terms after making such deduction as may be necessary to secure that no period of time is counted more than once.

(4) The reporting period of a registered sex offender shall commence on the date on which he reported to the police station pursuant to **section 54**.

Registered
sex offender
to inform of
change
information

57. (1) Where there is a change in any of the information provided by a registered sex offender under **sections 54 and 55**, he shall report to the police station nearest to his main or secondary address and provide a designated officer with information on the change within fourteen calendar days after the occurrence of the change and shall provide documentary evidence of the change.

(2) Where a registered sex offender wishes to correct information contained in the Register in relation to him, he shall report to the police station nearest to his main or secondary address and provide a designated officer with information on the correction and shall provide documentary evidence of the correction.

- (3) The designated officer shall—
- (a) record the change in or correction to the information provided by a registered sex offender in accordance with subsection (1) or (2);
 - (b) give the registered sex offender a written acknowledgement of the notification of the change or correction that bears—
 - (i) the date that the registered sex offender reported to the police station;
 - (ii) the police station to which the sex offender reported; and
 - (iii) the name, the signature and the service number of the designated officer who recorded the change or correction; and
 - (c) verify that the information provided by the registered sex offender is correct before he enters it into the Register, **within seven days of the receipt of the information.**

(4) Where the designated officer after investigations, verifies that the information provided by the registered sex offender under subsection (1) is correct, he shall—

- (a) record the change in the Register, **within two days of the receipt of the information;** and

(b) forward the information to the Commissioner of Police within three days of recording the change.

(5) A registered sex offender who fails to inform a designated officer of the change in any of the information provided by the registered sex offender under **sections 54 and 55** commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for five years.

Suspension
from
reporting

58. (1) A registered sex offender shall not be required to report to a police station during any period in which he is—

- (a) detained at a police station;
- (b) remanded in or committed to custody by an order of a Court;
- (c) serving a sentence of imprisonment;
- (d) warded at a health care facility;
or
- (e) outside Trinidad and Tobago in accordance with information provided by him under **section 59**.

(2) Where a registered sex offender to whom subsection (1) applies—

- (a) is discharged from detention or imprisonment;
- (b) is discharged from a health care facility; or
- (c) re-enters Trinidad and Tobago,

he shall report to the police station nearest to his main or secondary address within

forty-eight hours of his release, discharge or re-entry and provide reasons for not reporting.

(3) Nothing in subsection (2) shall affect the duty of a registered sex offender to report to a police station in accordance with **section 55**.

(4) A registered sex offender who, without reasonable excuse, fails to report to the police station nearest to his main or secondary address within forty-eight hours of his release, discharge or re-entry in accordance with subsection (2), commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

(5) The period that a registered sex offender is not required to report pursuant to subsection (1) shall not be computed as part of his total reporting period.

Offender to
inform of
intention to
travel outside
jurisdiction

59. (1) Where a registered sex offender who resides in Trinidad and Tobago intends to travel outside Trinidad and Tobago, he shall, at least seven calendar days before his departure, report to the police station nearest to his main or secondary address and provide a designated officer with the following information:

- (a) the date of his intended departure;
- (b) the countries of his intended stay;
- (c) any country through which he may transit;

- (d) the addresses of the places of his intended stay;
- (e) the duration of his stay in each country;
- (f) the duration of his stay abroad;
- (g) the date of his intended return;
- (h) **a copy of his travel itinerary; and**
- (i) any other relevant information as the designated officer may require.

(2) Where, due to exceptional circumstances, a registered sex offender who resides in Trinidad and Tobago intends to travel outside Trinidad and Tobago in less than seven calendar days, he shall report to the police station nearest to his main or secondary address and provide a designated officer with the information referred to in subsection (1) not less than twenty-four hours before his intended time of departure and shall state his reasons for failing to comply with the period specified in subsection (1).

(3) For the purposes of subsection (2), “exceptional circumstances” includes circumstances in relation to—

- (a) death or serious illness of a relative or friend;
- (b) business or family affairs of an urgent nature; or
- (c) obtaining employment, medical treatment or other assistance.

(4) Where, as a result of a change in his travel plans, a registered sex offender no longer intends to leave, or does not

leave, Trinidad and Tobago on the date referred to in subsection (1)(a), he shall report to the police station nearest to his main or secondary address before the expiration of two calendar days after that date, and inform the designated officer of the change.

(5) Where a registered sex offender becomes aware of any change in the information provided under subsection (1) before he travels outside Trinidad and Tobago, he shall report to the police station nearest to his main or secondary address, within two calendar days of his becoming aware of the change, and inform a designated officer of the change.

(6) A registered sex offender who, without reasonable excuse, fails to **report to and** provide a designated officer with any information **in relation to his intention to travel outside of Trinidad and Tobago**, pursuant to this section commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

Persons to accompany offender with mental disorder

60. Where a registered sex offender with a mental disorder is required to report to a police station pursuant to this Part, he may be accompanied by a representative of his own choice.

Exemption from registering or reporting

61. (1) A person may apply to the High Court to be exempt from—

(a) registering as a registered sex offender pursuant to section 54; or

(b) reporting pursuant to section 55,

and shall show cause why he should be exempt from registering or reporting.

(2) Where a sex offender or a registered sex offender makes an application under subsection (1), the Registrar shall inform the victim or the family of the victim of the application and the victim or his family may make oral or written representations for or against the application to the High Court stating reasons.

(3) The High Court, before making a determination pursuant to an application made under subsection (1), shall request a mental assessment report from a psychiatrist.

(4) The High Court, in making a determination pursuant to an application made under subsection (1), shall take into account—

- (a) the findings of the mental assessment report referred to in subsection (3);**
- (b) the nature and gravity of the offence;**
- (c) whether the registered sex offender has been charged or convicted of any other registrable offence during his reporting period;**
- (d) the risk of reoffending;**
- (e) the risk of harm to the victim or any other person;**

- (f) whether the victim was a child or a person with a mental disorder;
- (g) whether the sex offender was in a position of care, authority or supervision of the victim;
- (h) whether the registered sex offender has positive and pro-social family support and other sources of support;
- (i) whether the registered sex offender's employment and residence status are stable;
- (j) whether the conviction has been overturned or the registered sex offender has been pardoned under section 87 of the Constitution; and
- (k) any other compelling reasons in the circumstances of the case.

Application to
Court for
cessation of
reporting
period

62. (1) A registered sex offender may apply to the **High** Court for the cessation of his reporting period where—

- (a) he was not subject to a requirement to report for twenty-five years;
- (b) he has served three-quarter of his reporting period; and
- (c) he has not been charged with or convicted of any other registrable offence during his reporting period.

(2) The **High** Court shall inform the Commissioner of Police of an application made under subsection (1) and the

Commissioner shall, within seven days, inform the public on the website referred to in **section 48(1)**, of the application of the registered sex offender to cease his reporting period.

(3) Where a registered sex offender makes an application under subsection (1), the Registrar shall inform the victim or the family of the victim of the application and the victim or his family may make oral or written representations for or against the application to the High Court stating reasons.

(4) The High Court, before making a determination pursuant to an application made under subsection (1), shall request a mental assessment report from a psychiatrist.

(5) The High Court, in making a determination pursuant to an application made under subsection (1), shall take into account—

- (a) the findings of the mental assessment report referred to in subsection (4);**
- (b) the nature and gravity of the offence;**
- (c) whether the registered sex offender has been charged or convicted of any other registrable offence during his reporting period;**
- (d) the risk of reoffending;**
- (e) the risk of harm to the victim or any other person;**

- (*f*) whether the victim was a child or a person with a mental disorder;
 - (*g*) whether the sex offender was in a position of care, authority or supervision of the victim;
 - (*h*) whether the registered sex offender has positive and prosocial family support and other sources of support;
 - (*i*) whether the registered sex offender's employment and residence status are stable;
 - (*j*) whether the conviction has been overturned or the registered sex offender has been pardoned under section 87 of the Constitution; and
 - (*k*) any other compelling reasons in the circumstances of the case.
- (6) The **High Court** may,—
- (*a*) after considering an application made under subsection (1) and any **factor referred to in subsection (5)**; and
 - (*b*) one month after the expiration of the period referred to in subsection (2),

make an order for the cessation of the reporting period of the registered sex offender.

Information
to be
expunged
from Register

- 63.** (1) A registered sex offender may,—
- (*a*) on the completion of his reporting period; or

(b) on the basis of any compelling reasons,

apply to the **High Court** to have the information contained in the Register in relation to him expunged.

(2) Where a registered sex offender makes an application under subsection (1), the Registrar shall inform the victim or the family of the victim of the application and the victim or his family may make oral or written representations for or against the application to the High Court stating reasons.

(3) The High Court, before making a determination pursuant to an application made under subsection (1), shall request a mental assessment report from a psychiatrist.

(4) The High Court, in making a determination pursuant to an application made under subsection (1), shall take into account—

- (a) the findings of the mental assessment report referred to in subsection (3);
- (b) the nature and gravity of the offence;
- (c) whether the registered sex offender has been charged or convicted of any other registrable offence during his reporting period;
- (d) the length of time between the commission of one registrable offence and another registrable offence;

- (e) the risk of reoffending;
- (f) the risk of harm to the victim or any other person;
- (g) whether the conviction has been overturned or the registered sex offender has been pardoned under section 87 of the Constitution; and
- (h) any other compelling reasons in the circumstances of the case.

(5) The Commissioner of Police shall designate an officer to expunge the information contained—

- (a) in the Register; and
- (b) on the website referred to in section 48(1),

in relation to a registered sex offender where the High Court makes an order in relation to that registered sex offender pursuant to subsection (1).

(6) Where a registered sex offender has completed his reporting requirement pursuant to this Part, his information shall be removed from the website referred to in subsection (1).

(7) The officer designated by the Commissioner to expunge information contained in the Register pursuant to subsection (1), shall, in the form set out in **Schedule 6**, certify the removal of the record of the registered sex offender from the Register.

Schedule 6

(8) The Commissioner of Police shall ensure that a record is kept of—

- (a) the information expunged from the Register;

(b) the reason for expunging the information; and

(c) the certificates issued under **subsection (7)**.

(9) The Commissioner of Police shall, before 31st March in each year, submit a report to the Minister, of the information expunged from the Register including—

(a) the names of the persons expunged from the Register;

(b) the registrable offences for which the persons expunged from the Register were convicted; and

(c) the reason for expunging the information.

Offence of
providing
false
information

64. A registered sex offender **or his representative** who provides a designated officer with any information required to be provided pursuant to this Part which the offender **or his representative** knows or ought reasonably to have known to be false, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for seven years.

Confidential-
ity

65. (1) A person involved in the administration of **Part III or** this Part shall keep all facts, information and records obtained or furnished under this Act confidential, except in so far as this Act or any other written law permits the person to disclose them or report or take official action in relation to them.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of seventy-five thousand dollars and to imprisonment for ten years.

Immunity **66. (1) No proceedings, civil or criminal, shall be brought against a person using reasonable force in respect of the performance of his duty in accordance with this Part.**

(2) Subsection (1) shall not apply to any proceedings on the ground of any negligent act or omission in the performance of the duty.

PART V MISCELLANEOUS

Minister to amend Schedules 1, 2, 3, 4 and 6 **67. (1) The Minister may, by order subject to affirmative resolution of Parliament, amend Schedules 1 and 2.**

(2) The Minister may, by order subject to negative resolution of Parliament, amend Schedules 3, 4 and 6.

Annual Reports **67A. The Minister shall cause to be laid in both Houses of Parliament, annually, a report on the administration of this Act.**

Regulations **68. (1) The Minister may make Regulations to give effect to the provisions of this Act.**

(2) Regulations made under this Act shall be subject to negative resolution of Parliament.

(3) Notwithstanding section 63 of the Interpretation Act, a person who contravenes Regulations made under this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months.

SCHEDULE 1

(Section 2)

REGISTRABLE OFFENCES

(a) The following offences under this Act,:

Section	Offence
4	Rape
4A	Grievous sexual assault
9	Incest
12	Sexual intercourse with a mentally subnormal person
14	Bestiality
15	Indecent assault
17	Procuration
18	Procuring defilement of a person
19	Detention of a person
20	Abduction of a female
22	Suppression of brothels
23	Person living on the earnings of prostitution
24	Aiding in prostitution

(b) The following offences under the Trafficking in Persons Act, Chap. 12:10:

Section	Offence
16	Trafficking in persons, where a sexual assault was committed against the trafficked person
17	Inciting, organising or directing another person to traffic in persons, where a sexual assault was committed against the trafficked person
18	Trafficking in children, where a sexual assault was committed against the trafficked child
19	Inciting, organising or directing another person to traffic in children, where a sexual assault was committed against the trafficked child

SCHEDULE 1—CONTINUED

(Section 2)

REGISTRABLE OFFENCES

Section	Offence
23	Transporting a person for the purpose of exploiting that person's prostitution; and
(c) The following offences under the Children Act, Chap. 46:01:	
Section	Offence
9	Offence of female genital mutilation
10	Offence of aiding and abetting, counselling or procuring a girl to engage in female genital mutilation
11	Allowing children to be in brothels
12	Causing or encouraging the seduction, prostitution or sexual penetration of a child
13	Paying for sexual services of a child
14	Causing or inciting prostitution
15	Controlling a child prostitute
16	Arranging or facilitating child prostitution
18	Sexual penetration of a child
19	Sexual touching of a child
21	Causing or inciting a child to engage in sexual activity
22	Causing or inciting a child to engage in sexual activity with an animal
23	Engaging in sexual activity in the presence of a child
24	Causing a child to watch a sexual act
25	Meeting a child following sexual grooming
29	Abuse of positions of trust and familial relationships

SCHEDULE 1—CONTINUED

(Section 2)

REGISTRABLE OFFENCES

Section	Offence
40	Child pornography
41	Exposing a child to pornography
42	Inciting or facilitating child pornography.

SCHEDULE 2

(Section 26)

OFFENCES FOR WHICH A PERSON UNDER THE AGE OF
TWELVE YEARS IS DEEMED INCAPABLE OF COMMITTING*(a)* The following offences under this Act,:

Section	Offence
4	Rape
4A	Grievous sexual assault
9	Incest
12	Sexual intercourse with a mentally subnormal person
14	Bestiality
15	Indecent assault
17	Procuration
18	Procuring defilement of a person
19	Detention of a person
20	Abduction of a female
22	Suppression of brothels
23	Person living on the earnings of prostitution
24	Aiding in prostitution
31	Mandatory reporting of suspected abuse of children
31A	Obstructing prosecution
31D	False written statement tendered in evidence

SCHEDULE 2—CONTINUED

(Section 26)

OFFENCES FOR WHICH A PERSON UNDER THE AGE OF
TWELVE YEARS IS DEEMED INCAPABLE OF COMMITTING

Section	Offence
48(4)	Reproducing, sharing or using information contained on the website
53(3)	Failure of a designated officer to collect and forward information
54(10)	Failure of sex offender to report or to comply
55(2)	Failure of a registered sex offender to report
57(6)	Failure of a registered sex offender to inform of change of information
58(4)	Failure of a registered sex offender to report on release, discharge or re-entry into Trinidad and Tobago
59(7)	Failure to report and provide information in relation to intention to travel outside Trinidad and Tobago
64	Providing false information
65	Breach of confidentiality;

(b) The following offences under the Trafficking in Persons Act, Chap. 12:10:

Section	Offence
16	Trafficking in persons, where a sexual assault was committed against the trafficked person
17	Inciting, organising or directing another person to traffic in persons, where a sexual assault was committed against the trafficked person
18	Trafficking in children, where a sexual assault was committed against the trafficked child

SCHEDULE 2—CONTINUED

(Section 26)

OFFENCES FOR WHICH A PERSON UNDER THE AGE OF
TWELVE YEARS IS DEEMED INCAPABLE OF COMMITTING

Section	Offence
19	Inciting, organising or directing another person to traffic in children, where a sexual assault was committed against the trafficked child
23	Transporting a person for the purpose of exploiting that person's prostitution; and
(c) The following offences under the Children Act, Chap. 46:01:	
Section	Offence
9	Offence of female genital mutilation
10	Offence of aiding and abetting, counselling or procuring a girl to engage in female genital mutilation
11	Allowing children to be in brothels
12	Causing or encouraging the seduction, prostitution or sexual penetration of a child
13	Paying for sexual services of a child
14	Causing or inciting prostitution
15	Controlling a child prostitute
16	Arranging or facilitating child prostitution
18	Sexual penetration of a child
19	Sexual touching of a child
21	Causing or inciting a child to engage in sexual activity
22	Causing or inciting a child to engage in sexual activity with an animal
23	Engaging in sexual activity in the presence of a child

SCHEDULE 2—CONTINUED

(Section 26)

OFFENCES FOR WHICH A PERSON UNDER THE AGE OF
TWELVE YEARS IS DEEMED INCAPABLE OF COMMITTING

Section	Offence
24	Causing a child to watch a sexual act
25	Meeting a child following sexual grooming
29	Abuse of positions of trust and familial relationships
40	Child pornography
41	Exposing a child to pornography
42	Inciting or facilitating child pornography.”.

SCHEDULE 3

[Section 47(2)]

INFORMATION TO BE CONTAINED IN THE NATIONAL
SEX OFFENDER REGISTER

1. Name, former name and aliases
2. Date of birth
3. **Place of birth**
4. Sex
5. **Country of citizenship**
6. **Nationality**
7. Main address or secondary address
8. Address of any other place he visits regularly **or volunteers**
9. Name of educational institution attending
10. Address of educational institution attending
11. **Telephone number of the educational institution**
12. Place of employment
13. Address of place of employment

SCHEDULE 3—CONTINUED

[Section 47(2)]

INFORMATION TO BE CONTAINED IN THE NATIONAL
SEX OFFENDER REGISTER

14. **Telephone number of the place of employment**
15. National identification card number
16. Passport number and dates of issue and expiry of passport
17. Driver's permit number
18. Telephone number or an alternate telephone number at which the offender may be regularly contacted
19. Height, weight and a physical description of the offender, including any distinguishing or identifying marks
20. Offences committed, including dates offences committed
21. Convictions, including dates of convictions and penalties imposed
22. Acquittals or pardons
23. Number of the licence plate of the vehicle for which the offender has regular control or use, or which he owns or operates
24. **Description of the vehicle for which the offender has regular control or use, or which he owns or operates**
25. Names and ages of children residing in the same dwelling house in which the offender is residing
26. Name, address and contact information for the offender's next of kin
27. Name, address and contact information of any club, **association** or organization whose membership includes children and with which the offender is affiliated
28. Details of travel information provided by the offender pursuant to **section 59**
29. Fingerprints
30. DNA profile compiled from sample taken from the offender
31. Medical history including information on any communicable diseases contracted by the offender
32. Photograph

SCHEDULE 3—CONTINUED**[Section 47(2)]****INFORMATION TO BE CONTAINED IN THE NATIONAL
SEX OFFENDER REGISTER**

- 33** Information on the IP address of any device regularly used by the offender
- 34.** Email address

For the purposes of this Schedule, “device” means any electronic programmable device used, whether by itself or as a part of a computer network, an electronic communications network or any other device or equipment, or any part thereof, to perform pre-determined arithmetic, logical, routing or storage operations and includes—

- (a) an input device;
- (b) an output device;
- (c) a processing device;
- (d) a computer data storage medium;
- (e) a program; or
- (f) equipment,

that is related to, connected with or used with such a device or any part thereof.

SCHEDULE 4**[Section 54(3)]****INFORMATION TO BE PROVIDED BY REGISTERED SEX OFFENDER**

- 1.** Name, former name and aliases
- 2.** Date of birth
- 3. Place of birth**
- 4.** Sex
- 5. Country of citizenship**
- 6. Nationality**
- 7.** Main address or secondary address
- 8.** Address of any other place he visits regularly **or volunteers**
- 9.** Name of educational institution attending
- 10.** Address of educational institution attending
- 11. Telephone number of the educational institution**

SCHEDULE 4—CONTINUED

[Section 54(3)]

INFORMATION TO BE PROVIDED BY REGISTERED SEX OFFENDER

12. Place of employment
13. Address of place of employment
14. **Telephone number of the place of employment**
15. National identification card number
16. Passport number and dates of issue and expiry of passport
17. Driver's permit number
18. Telephone number or an alternate telephone number at which the offender may be regularly contacted
19. Height, weight and a physical description of the offender, including any distinguishing or identifying marks
20. Offences committed, including dates offences committed
21. Convictions, including dates of convictions and penalties imposed
22. Acquittals or pardons
23. Number of the licence plate of the vehicle for which the offender has regular control or use, or which he owns or operates
24. **Description of the vehicle for which the offender has regular control or use, or which he owns or operates**
25. Names and ages of children residing in the same dwelling house in which the offender is residing
26. Name, address and contact information for the offender's next of kin
27. Name, address and contact information of any club, **association** or organisation whose membership includes children and with which the offender is affiliated
28. Details of travel information provided by the offender pursuant to **section 59**
29. Medical history including information on any communicable diseases contracted by the offender
30. Email address

SCHEDULE 5

[Section 56(1)]

DURATION OF REPORTING PERIOD

First Column <i>Sentence</i>	Second Column Maximum <i>Reporting period</i>
No sentence	1 year
Non-custodial	2 years
Imprisonment for 5 years or less	5 years
Imprisonment for 5 to 10 years	10 years
Imprisonment for 10 to 15 years	15 years
Imprisonment for more than 15 years, not including imprisonment for life	25 years

SCHEDULE 6

[Section 63(7)]

CERTIFICATE OF REMOVAL OF RECORD FROM REGISTER

I.....
do certify that the record of
.....
was removed from the National Sex Offender Register on the
..... day of, ..”.

11. The written laws listed in the First Column of the Schedule are amended to the extent specified in the Second Column of that Schedule. Consequential amendments

SCHEDULE

(Section 11)

CONSEQUENTIAL AMENDMENTS

First Column	Second Column
The Criminal Injuries Compensation Act, Chap. 5:31	<p>In the First Schedule,—</p> <p>(a) in paragraph (i), by deleting the full-stop; and</p> <p>(b) by inserting after paragraph (i), the following new paragraph:</p> <p style="padding-left: 40px;">“(j) Offences under the Children Act.”.</p>
The Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34	<p>A. In section 4 by inserting the following definition in the appropriate alphabetical sequence:</p> <p style="padding-left: 40px;">““sex offender” has the meaning assigned to it under section 2 of the Sexual Offences Act;”.</p> <p>B. In section 13(1)(a) by deleting the words “or accused” and substituting the words “, accused or a sex offender”.</p> <p>C. In section 34 by inserting after subsection (2), the following new subsection:</p> <p style="padding-left: 40px;">“(3) Notwithstanding section 63 of the Interpretation Act, a person who contravenes Regulations made under this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months.”.</p>
The Immigration Act, Chap. 18:01	<p>A. In section 2, by inserting the following definition in the appropriate alphabetical sequence:</p> <p style="padding-left: 40px;">““registrable offence” has the meaning assigned to it under section 2 of the Sexual Offences Act;”</p> <p>B. In section 8, by inserting after paragraph (d), the following new paragraph:</p> <p style="padding-left: 40px;">“(da) persons who have been convicted of an offence which would have been a registrable offence if it were committed in Trinidad and Tobago;”.</p>

SCHEDULE—CONTINUED

(Section 11)

CONSEQUENTIAL AMENDMENTS

First Column

Second Column

C. In section 9(4), by inserting after paragraph (b), the following new paragraph:

“(ba) has been convicted of an offence which would have been a registrable offence if it were committed in Trinidad and Tobago;”.

The Police Service
Act, Chap. 15:01

A. In section 3 by inserting the following definition in the appropriate alphabetical sequence:

““registered sex offender” has the meaning assigned to it under section 2 of the Sexual Offences Act;”.

Chap. 11:28

B. In section 50(1) by deleting the words “or an accused” and substituting the words “, an accused or a registered sex offender”.

C. In section 50A(1)(a) by deleting the words “or an accused” and substituting the words “, an accused or a registered sex offender”.

The Family and
Children Division
Act, 2016

Insert after section 38, the following new section:

“Assignment
of Children’s
Probation
Officer and
welfare
officer
(probation)
for
registrable
offence

38A. (1) Where a person who was a child at the time of the commission of a registrable offence is convicted of the registrable offence, the Children Court shall assign a Children’s Probation Officer to the child to monitor the child’s compliance with the sentence, sanction or any other requirement imposed by the Court.

(2) Notwithstanding subsection (1), the Court may make an order that the child referred to in that subsection shall report to a Children’s Probation Officer for a period specified by the Court.

(3) Where a person was a child at the time of the commission of a registrable offence and was convicted of

SCHEDULE—CONTINUED

(Section 11)

CONSEQUENTIAL AMENDMENTS

First Column

Second Column

the offence, attains the age of eighteen years while serving the sentence, sanction or any other requirement imposed by the Court pursuant to subsections (1) and (2), the Court may place the person under the supervision of a welfare officer (probation) to whom the person shall report for a period specified by the Court.

(4) For the purposes of this section, “registrable offence” means an offence listed in Schedule 1 of the Sexual Offences Act.

Chap. 11:28

**The Children Act,
Chap. 46:01** **By repealing section 25 and substituting the
following new sections:**

“Luring a
child

25. (1) Where a person—

(a) communicates with a child or a person whom he reasonably believes to be a child; or

(b) coerces or tricks a child or attempts to coerce or to trick a child or a person whom he reasonably believes to be a child into communicating with the person,

by any means, including electronic means, for the purpose of meeting the child or the person whom he reasonably believes to be a child with the intention of engaging in sexual activity, or doing anything to or in respect of the child or the person whom he reasonably believes to be a child, during or after the meeting in Trinidad and Tobago or elsewhere, and which if

SCHEDULE—CONTINUED

(Section 11)

CONSEQUENTIAL AMENDMENTS

First Column

Second Column

done in Trinidad and Tobago would constitute the commission of an offence under Parts IV to VI of this Act or the Sexual Offences Act, the person commits an offence.

(2) A person who commits an offence under subsection (1) is liable—

(a) on summary conviction, to a fine of one hundred thousand dollars and to imprisonment for ten years; and

(b) on conviction on indictment, to a fine of two hundred thousand dollars and to imprisonment for twenty years.

(3) Notwithstanding subsections (1) and (2), where the person who is reasonably believed to be a child is a constable pretending to be a child while engaged in the detection or investigation of a crime, the constable shall not be liable for the offence of luring.

Sexual
communica-
tion with a
child

25A. (1) Where a person—

(a) communicates with a child or a person whom he reasonably believes to be a child; or

(b) coerces or tricks a child or attempts to coerce or to trick a child or a person whom he reasonably believes to be a child,

by any means, including electronic means, and the communication is

SCHEDULE—CONTINUED

(Section 11)

CONSEQUENTIAL AMENDMENTS

First Column

Second Column

sexual, and intended for the purpose of—

(c) obtaining sexual gratification; or

(d) encouraging the child to make communication which is sexual, to the person or any other person,

the person commits an offence.

(2) A person who commits an offence under subsection (1) is liable—

(a) on summary conviction to a fine of one hundred thousand dollars and to imprisonment for ten years; and

(b) on conviction on indictment to a fine of two hundred thousand dollars and to imprisonment for twenty years.

(3) Notwithstanding subsections (1) and (2), where the person who is reasonably believed to be a child is a constable pretending to be a child while engaged in the detection or investigation of a crime, the constable shall not be liable for the offence of sexual communication with a child.

Sexual grooming of a child

25B. (1) Where a person has on at least two earlier occasions,—

(a) met or communicated with a child; or

(b) communicated with a person whom he reasonably believes to be a child,

SCHEDULE—CONTINUED

(Section 11)

CONSEQUENTIAL AMENDMENTS

First Column

Second Column

in Trinidad and Tobago or elsewhere, by any means, including electronic means, for the purpose of sexual grooming, and—

(c) he meets, attempts to meet or travels;

(d) he arranges for or persuades the child to travel; or

(e) he arranges for the person whom he reasonably believes to be a child to travel,

for the purpose of meeting the child or the person whom he reasonably believes to be a child, in Trinidad and Tobago or elsewhere, with the intention of doing anything to or in respect of the child or the person whom he reasonably believes to be a child, during or after the meeting, which if done in Trinidad and Tobago would constitute the commission of an offence under Parts IV to VI of this Act or the Sexual Offences Act, the person commits an offence.

(2) A person who commits an offence under subsection (1) is liable—

(a) on summary conviction, to a fine of one hundred thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment, to a fine of two hundred thousand dollars and to imprisonment for twenty years.

SCHEDULE—CONTINUED

(Section 11)

CONSEQUENTIAL AMENDMENTS

First Column

Second Column

(3) Notwithstanding sub-sections (1) and (2), where the person who is reasonably believed to be a child is a constable pretending to be a child while engaged in the detection or investigation of a crime, the constable shall not be liable for the offence of sexual communication with a child.

(4) For the purposes of this section, “sexual grooming” means gaining the trust of a child, or of a person who takes care of the child, for the purpose of sexual activity with the child.”

Passed in the Senate this 6th day of June, 2019.

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

No. 2 of 2019

FOURTH SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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

Received and read the

First time

Second time

Third time