THE PROBATION OF OFFENDERS (AMENDMENT) BILL, 2026

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 Probation of Offenders Act, Chap. 13:51 to provide for the Court to sentence an offender to imprisonment and thereafter to a period of probation and for other related matters.

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

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

Clause 3 would provide for the interpretation provision.

Clause 4 would provide for section 2 of the Probation of Offenders Act, Chap. 13:51 (the Act) to be amended to define the terms "dangerous drugs", "electronic monitoring device", "non-intimate sample", "probation officer" and "firearm".

Clause 5 would provide for section 3 of the Act to be amended to include that an assessment may be considered by the Court before making a probation order. The section would also be amended to enable the Court to sentence an offender who has been convicted of an offence carrying a term of imprisonment of five or more years, to a term of imprisonment and thereafter to make a probation order.

Clause 6 would provide for section 4 of the Act to be amended to allow for the period of probation to be extended from the current maximum period of three years to five years.

Clause 7 would provide for section 6 of the Act to be amended to delete the word "summary", in order to allow restitution to be made at a Court.

Clause 8 would provide for section 7 of the Act to be amended to increase the quantum of damages that may be granted, and to provide additional provisions which may be contained in a probation order.

Clause 9 would provide for section 9 of the Act to be amended to enable a probation officer to lay a complaint before the Court where a probationer is in breach of the probation order.

Clause 10 would provide for section 10 of the Act to be amended to enable a probation officer to lay a complaint in writing before the Court and to increase the fine for failing to comply with any provisions of the probation order.

Clause 11 would provide for section 13 of the Act be amended to allow for variation of the duration of the probation order from three years to five years to ensure consistency with the amendment in section 4 which extends the duration of a probation order.

Clause 12 would provide for a new section 15A which would allow for an offender to apply to the Court for an order to have his record sealed.

Clause 13 would provide for section 17 of the Act to be amended by including residences as a place for the reception of persons placed under the supervision of probation officers.

Clause 14 would provide for the Act to be amended throughout by deleting the words "welfare officer (probation)" wherever they occur and substituting the words "probation officer".

Clause 15 would provide for the term "welfare officer (probation)" to be substituted with the words "probation officer" wherever they occur in any written law.

THE PROBATION OF OFFENDERS (AMENDMENT) BILL, 2026

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Interpretation
4. Section 2 amended
5. Section 3 amended
6. Section 4 amended
7. Section 6 amended
8. Section 7 amended
9. Section 9 amended
10. Section 10 amended
11. Section 13 amended
12. Section 15A inserted
13 Section 17 amended
14. Act amended
15. Consequential amendments

BILL

An Act to amend the Probation of Offenders Act, Chap. 13:51 and for other related matters

[,2026]

Enactment

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

Short title

1. This Act may be cited as the Probation of Offenders (Amendment) Act, 2026.

Commencement

2. This Act comes into operation on such date as is fixed by the President by Proclamation.

Interpretation
Chap. 13:51

3. In this Act, "the Act" means the Probation of Offenders Act.

Section 2 amended

4. Section 2 of the Act is amended by inserting the following definitions in the appropriate alphabetical sequence:

Chap. 11:25

"dangerous drugs" has the meaning assigned to it in section 3 of the Dangerous Drugs Act;

Act No. 11 of 2012

"electronic monitoring device" has the meaning assigned to in section 3 of the Administration of Justice (Electronic Monitoring) Act, 2012;

Chap 16:01

"firearm" has the meaning assigned to it in section 2 of the Firearms Act;

Chap. 5:34

"non-intimate sample" has the meaning assigned to it in section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act;

"probation officer" means an officer of the Probation Services Division holding, or acting in the public office of probation officer, including a person employed on contract who performs similar duties as a probation officer;".

Section 3 amended

5. Section 3 of the Act is amended –

(a) by repealing subsection (2) and substituting the following new subsections:

"(2) Subject to subsections (3), (4) and (5) where any person is convicted on indictment of an offence punishable with imprisonment, and the Court is of opinion that, having regard to an assessment, the character, antecedents, home surroundings, health or mental condition of the offender, or to the nature of the offence, or to any extenuating circumstances in which the offence was committed, the Court may -

(a) in lieu of sentencing him to a term of imprisonment, make a probation order; or

(b) in the case of an offence punishable with imprisonment for five or more years, sentence him to imprisonment and, after he has served the term of imprisonment, release him on a probation order on such terms as the Court considers just.

(3) The Court, before making a probation order, may request an assessment of the offender from the probation officer.

(4) For the purpose of subsection (2)(b), "term of imprisonment" means –

(a) in relation to a person serving one sentence, one half of his sentence; or

(b) in relation to a person serving –

(i) two or more concurrent sentences, two-thirds of the aggregate of those terms; or

(ii) two or more consecutive sentences, two-thirds of the aggregate of those terms, after making such deduction as may be necessary to ensure that no period of time is counted more than once.";

(b) by renumbering subsection (3) as subsection (5); and

(c) in the renumbered subsection (5), by deleting paragraph (b) and substituting the following paragraph:

"(b) in the case of –

(i) subsection (2)(a), to be sentenced for the original offence; or

(ii) subsection (2)(b), to complete the remainder of the term of imprisonment for which he was sentenced.".

Section 4 amended

6. Section 4(1) of the Act is amended by deleting the word "three" and substituting the word "five".

Section 6 amended

7. Section 6 of the Act is amended by deleting the word "summary".

Section 7 amended

8. Section 7 of the Act is amended –

(a) in subsection (1) by deleting the words "one hundred and fifty dollars" and substituting the words "three thousand dollars"; and

(b) by inserting after subsection (3) the following new subsection:

"(4) Where the Court makes a probation order, that order may contain further provisions that the offender –

(a) participate in community service for a period of time, at a specified location and for a specified number of hours as the Court may determine;

(b) wear an electronic monitoring device for a specified period of time as determined by the Court;

(c) adhere to any curfew imposed by the Court;

(d) provide, for the purpose of analysis, a non-intimate sample prescribed by the Court at intervals that are specified by the probation officer, where a provision of the order requires the offender to abstain from the consumption of alcohol or any dangerous drugs;

(e) actively participate and cooperate with the programme of supervision;

(f) maintain steady employment;

(g) actively pursue educational, technical or vocational training as prescribed by the Court;

(h) reside in a geographic area or facility pursuant to an order of the Court, unless written permission to reside outside that geographic area or at another facility is obtained from the Court;

(i) abstain from communicating, directly or indirectly, with any victim, witness or other person identified in the order or from going to any place or geographic area specified in the order, except in accordance with any specified provisions that the Court considers necessary;

(j) attend specialised rehabilitative programmes;

(k) abstain from owning, possessing or carrying a firearm; or

(l) comply with such other provisions as the Court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender.".

Section 9 amended

9. Section 9 of the Act is amended by repealing subsection (1) and substituting the following subsection:

"(1) Where it appears to a Court or a probation officer that a probationer has been convicted of an offence committed while the probation order was in force, the-

(a) probation officer may lay a complaint before the Court; or

(b) Court may issue a –

(i) summons requiring the probationer to appear at the place and time specified in the summons; or

(ii) warrant for the arrest of the probationer,

but the Court shall not issue the summons except on information, and shall not issue the warrant except on information in writing and on oath.".

Section 10 amended

10. Section 10 of the Act is amended –

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

"(1) Where a probationer has failed to comply with any provisions of the probation order, the –

(a) probation officer may lay a complaint before the Court; or

(b) Court may issue a –

(i) summons requiring the probationer to appear at the place and time specified in the summons; or

(ii) warrant for the arrest of the probationer,

but the Court shall not issue the summons except on information and shall not issue the warrant except on information in writing and on oath."; and

(b) in subsection 4(a) by deleting the words "three hundred dollars" and substituting the words "five thousand dollars".

Section 13 amended

11. Section 13(1) of the Act is amended by deleting the word "three" and substituting the word "five".

Section 15A inserted

12. The Act is amended by inserting after section 15, the following new section:

"Sealing of records

15A. Where a probationer has completed all the provisions of the probation order to the satisfaction of-

(a) the probation officer; and

(b) the Court,

he may apply to the Court for an order that the proceedings be sealed and not divulged without an order of the Court.".

Section 17 amended

13. Section 17 of the Act is amended by deleting the words "or hostels" and substituting the words ", hostels or residences".

Act amended

14. The Act is amended by –

(a) deleting the words "welfare officer (probation)" wherever they occur and substituting the words "probation officer"; and

(b) deleting the words "welfare officers (probation)" wherever they occur and substituting the words "probation officers".

Consequential amendments

15. In any written law, where there is a reference to "welfare officer (probation)" such reference shall be substituted with a reference to "probation officer".

Passed by the Senate this day of , 2026.

Clerk of the Senate

I confirm the above

President of the Senate

Passed by the House of Representatives this day of 2026.

Clerk of the House

I confirm the above.

Speaker