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Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to make provision for certain criminal convictions of offenders to become spent, to be expunged from the record and for other related matters

THE CRIMINAL RECORDS (REHABILITATION OF
OFFENDERS) BILL, 2026

Explanatory Note

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

The main purpose of the Bill is to provide for the rehabilitation of offenders and to give effect to the principle that if a person has not been reconvicted of a serious offence for a certain period of time, he is entitled to have his conviction erased from the record. The Bill provides that after a specified rehabilitation period, which is dependant on the sentence imposed, a conviction resulting in a non-custodial or a custodial sentence of not more than three years must be treated in law as a spent conviction.

The general aim of the Bill is to alleviate the problems faced by persons who have a criminal record and who must live the rest of their lives with the damaging stigma of this record, even though they maintain a clean record from then on. A person who has become a rehabilitated person for the purpose of the Bill in respect of a conviction is to be treated in law as a person who has not committed or been charged with or prosecuted for or convicted of or sentenced for the offence which was the subject of that conviction. The Bill contains 28 clauses and requires a simple majority vote.

Part I deal with preliminary matters.

Clause 1 seeks to provide the short title of the Act, for which this is the Bill, and the commencement provision.

Clause 2 seeks to provide the interpretation provision.

Clause 3 seeks to provide the purpose of the Act.

Clause 4 seeks to provide that the Act will not apply to a person who has been convicted of an offence listed in the First Schedule.

Clause 5 seeks to provide sentences that are excluded from rehabilitation.

Part II deals with spent convictions.

Clause 6 seeks to provide that after a specified time convictions for criminal offences are to be regarded as “spent” and the convicted person becomes a “rehabilitated person”.

Clause 7 seeks to provide that where a person is convicted of an offence in a country other than Trinidad and Tobago, this Act shall apply as it relates to a conviction and sentence in Trinidad and Tobago if certain conditions are met.

Clause 8 makes reference to the Second Schedule which sets out the rehabilitation periods applicable to the sentences specified in the Second Schedule.

Clause 9 seeks to give effect to the broad aim of the Act, that is, to place a rehabilitated person in the position that he would have been had he not committed the particular offence. This clause also seeks to restrict the evidence which may be given in proceedings before a Court.

Clause 10 seeks to provide certain exceptions relating to the disclosure of spent convictions in relation to criminal proceedings, disciplinary proceedings and various proceedings concerning the welfare of minors. This clause also proposes that the rehabilitated person may consent to the admission of the evidence of a spent conviction if he is a witness.

Clause 11 seeks to provide that a rehabilitated person, who is requested to do so, must disclose particulars of a spent conviction when seeking to become a member of a professional body or when seeking particular forms of employment. However, this clause proposes to restrict the publication of the particulars of a spent conviction which have been disclosed to a duly authorised person.

Clause 12 seeks to provide that it is an offence for a person who is required to disclose particulars of a spent conviction and fails to do so. However, for the offence to be committed, the Court must be satisfied that the person received a benefit which he would not have otherwise received if he had made the disclosure.

Clause 13 seeks to allow a rehabilitated person to bring an action in defamation against any person who maliciously publishes matters imputing that the rehabilitated person committed or had been convicted, charged or prosecuted for an offence which was the subject of a spent conviction.

Part III deals with the expungement of spent convictions.

Clause 14 seeks to provide the High Court with the jurisdiction to hear applications for the expungement of spent convictions from the record.

Clause 15 seeks to provide that a person may, in accordance with Rules of Court, apply to the High Court for the expungement of spent convictions from his criminal record, and where an order is granted in favour of the applicant, it shall also be served on the Commissioner of Police for him to expunge the spent conviction.

Clause 16 seeks to provide a right of appeal against a decision of the High Court to the Court of Appeal.

Clause 17 seeks to provide that an applicant cannot re-apply where his application has been rejected or his appeal has been dismissed.

Clause 18 seeks to provide that certain information in relation to an application or an appeal shall not be published, except with leave of the Court.

Clause 19 seeks to provide that a person whose conviction has been expunged from the record will be deemed in law to be a person who has not been convicted.

Part IV deals with miscellaneous provisions.

Clause 20 seeks to protect the prerogative of mercy vested in the President by the Constitution.

Clause 21 seeks to provide that it is an offence for a person who has had access to official records to make an unauthorised disclosure of the information relating to the spent conviction of a rehabilitated person.

Clause 22 seeks to provide that it is an offence for a person to dismiss or exclude from any profession a person whose conviction has been expunged from the record.

Clause 23 seeks to provide the penalties for offences committed under the Act.

Clause 24 seeks to provide that the Criminal Records Office shall be responsible for keeping records of spent and expunged convictions separate and apart from other criminal records.

Clause 25 seeks to provide the Attorney General with the power, by Order and subject to parliamentary scrutiny, to amend any Schedule to the Act.

Clause 26 seeks to repeal parts of section 5D of the Dangerous Drugs Act, Chap. 11:25.

Clause 27 seeks to save any application pending before the Commissioner of Police or the President, as the case may be, made pursuant to section 5D of the Dangerous Drugs Act, Chap. 11:25, at the time this Act comes into force.

Clause 28 seeks to provide the Attorney General with the power to make regulations to give effect to the purpose of the Act.

THE CRIMINAL RECORDS (REHABILITATION OF
OFFENDERS) BILL, 2026

Arrangement of Clauses

Clause

PART I—PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Purpose of the Act
4. Non-application of Act
5. Excluded sentence

PART II—SPENT CONVICTIONS

6. Spent convictions
7. Conviction in a foreign jurisdiction
8. Rehabilitation periods
9. Effect of rehabilitation
10. Limitation on rehabilitation
11. Disclosure of spent convictions
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PART III—EXPUNGEMENT OF SPENT CONVICTIONS

14. Jurisdiction of Court
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- 23. Penalties
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- 27. Savings
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 - FIRST SCHEDULE- Excluded Offences
 - SECOND SCHEDULE- Rehabilitation Periods
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 - FOURTH SCHEDULE- Offices of Employment
 - FIFTH SCHEDULE- Nature of Business
 - SIXTH SCHEDULE- Application for Expungement of a Criminal Record of a Child

BILL

AN ACT to make provision for certain criminal convictions of offenders to become spent, to be expunged from the record and for other related matters

[, 2026]

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

PART I—PRELIMINARY

1. (1) This Act may be cited as the Criminal Records Short title and commencement (Rehabilitation of Offenders) Act, 2026.

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

Interpretation

2. In this Act—

“conviction” includes references, however expressed, to—

- (a) a conviction by or before a Court of competent jurisdiction outside of Trinidad and Tobago; and
- (b) any finding, other than a finding linked with a finding of insanity, in any criminal proceedings that a person has committed an offence or done the act or made the omission charged;

“Criminal Records Office” means the department of the Police Service responsible for keeping the record of all persons convicted of crimes in Trinidad and Tobago;

“Police Service” means the Trinidad and Tobago Police Service established by section 4 of the Police Service Act;

“proceedings before a Court” does not include any proceedings before a military tribunal or Court-martial;

“rehabilitation period” has the meaning given to that expression in section 8;

“sentence” includes any order made by a Court dealing with a person in respect of his conviction of any offence, other than an order for committal, or any other order made in default of payment of any fine or other sum adjudged to be paid by or imposed on a conviction or for want of sufficient distress to satisfy any such fine or other sum;

“the record” means the register of all persons convicted of crimes in Trinidad and Tobago

Chap. 15:01

and kept in accordance with section 3 of the
Prevention of Crimes Act and filed at the Chap. 10:01
Criminal Records Office.

3. (1) The purpose of this Act is to provide for certain Purpose of the Act
criminal convictions to be spent and consequently
expunged from the criminal record of a person if that
person becomes a rehabilitated person within the
meaning of this Act.

(2) When a person becomes a rehabilitated person
as provided by this Act, then the conviction shall be
regarded as spent and, subject to some exceptions, shall
not form part of the criminal record of the person.

4. (1) Notwithstanding section 6, this Act shall not Non-application of
apply to a person convicted of an offence set out in the Act
First Schedule. First Schedule

(2) This Act shall not apply to a person who had
imposed on him in respect of a—

- (a) conviction, an excluded sentence; and
- (b) subsequent conviction during the rehabilita-
tion period applicable to the first mentioned
conviction, an excluded sentence.

(3) This Act shall not apply to a member of the Chap. 14:01
Trinidad and Tobago Defence Force who is convicted of
an offence under the Defence Act, except an offence
specified under sections 204 to 210 of the Defence Act.

5. For the purpose of section 4(2), an excluded Excluded sentence
sentence is —

- (a) a sentence of imprisonment for life;
- (b) a sentence of imprisonment for thirty-six or
more months;
- (c) a sentence of preventive detention;
- (d) a sentence of detention during the State's
pleasure or for life; or

Chap. 13:05

Chap. 46:01

- (e) a sentence of imprisonment exceeding thirty-six months passed under the Child Rehabilitation Centres Act or under Part IV of the Children Act.

PART II—SPENT CONVICTIONS

Spent convictions

Second Schedule

6. (1) Subject to this Act, where a person is convicted of a criminal offence, whether before or after the coming into force of this Act, and that person, since his conviction, is not convicted of any other offence during the relevant rehabilitation period as set out in the Second Schedule, he shall be treated as a rehabilitated person in respect of the offence of which he was convicted, and the conviction shall be treated as a spent conviction.

(2) Notwithstanding subsection (1), a person referred to in that subsection shall not be treated as a rehabilitated person unless that—

- (a) was the first conviction of that person; and
- (b) person has served or otherwise undergone or complied with any sentence or condition of sentence imposed on him in respect of that conviction.

(3) Notwithstanding subsection (1), where a person has been convicted of one or more offences for which—

- (a) the sentence imposed was imprisonment for not more than three years; or
- (b) no custodial sentence was imposed, and he has not since the last conviction been convicted of any other offence during the relevant rehabilitation period referred to in section 8,

he shall be treated as a rehabilitated person in respect of those offences, and the convictions shall be treated as spent.

(4) Notwithstanding subsection (1), where a person was under the age of eighteen years at the time of conviction of—

- (a) a summary offence and has not been convicted of any other offence between the time of his eighteenth and twenty-first year; or
- (b) an indictable offence and has not been convicted of any other offence between the time of his eighteenth and twenty-third year,

then, for the purpose of this Act, that person shall be treated as a rehabilitated person, and the conviction shall in either case be treated as spent and, subject to subsection (5), shall be expunged from the record, and no application is required to be made under section 15.

(5) Where a person has satisfied subsection (4)—

- (a) the parent or guardian of the person, if the person is a child at the time of making the application; or
- (b) the person,

is entitled to make an application to the Commissioner of Police in accordance with the form set out in the Sixth Schedule for the expungement of the criminal record of the person, and the Commissioner of Police shall ensure that the spent conviction is accordingly expunged.

(6) If a person was convicted of an offence before the coming into force of this Act, this Act is deemed to have been in force at the time of his conviction and continued in force.

(7) Notwithstanding the Probation of Offenders Act, a conviction in respect of which an order is made placing a convicted person on probation or discharging him absolutely or conditionally shall, for purpose of this Act, be treated as a conviction, and the person may become a rehabilitated person in respect of the conviction within the meaning of this Act.

Sixth Schedule

Chap. 13:51

Conviction in a
foreign jurisdiction

7. Where a person has been convicted in a country other than Trinidad and Tobago of an offence against or arising under the law of that country, this Act shall apply in like manner as it applies in relation to a conviction and sentence in Trinidad and Tobago if—

- (a) there is kept and maintained in the Criminal Records Office of Trinidad and Tobago, particulars of that conviction and sentence; and
- (b) the circumstances constituting the offence would, if they had occurred in Trinidad and Tobago, constitute an offence against the law of Trinidad and Tobago.

Rehabilitation
periods

Second Schedule

8. (1) For the purpose of this Act, the rehabilitation period applicable to a sentence specified in column 1 of the Second Schedule is the period specified in column 2 of that Schedule in relation to that sentence.

(2) Subject to subsection (3), a rehabilitation period referred to in subsection (1) shall commence, in the case of—

- (a) a custodial sentence, from the date of release of the person from custody; and
- (b) a non-custodial sentence, from the date of the conviction.

(3) Where an order is made, in respect of a conviction, imposing on the convicted person any disqualification, disability, prohibition, or other penalty, the rehabilitation period applicable to such sentence shall be a period beginning on the date on which the disqualification, disability, prohibition, or other penalty, as the case may be, ceases or ceased to have effect.

(4) Where more than one sentence is imposed in respect of a conviction in separate proceedings, and the convicted person is not excluded from rehabilitation under this Act, then, if the periods applicable to those

sentences in accordance with the Second Schedule differ, the rehabilitation period to the conviction shall be the longer or the longest, as the case may be, of those periods.

(5) Consecutive terms of imprisonment or of detention under the Child Rehabilitation Centres Act and concurrent terms imposed in respect of offences of which a person was convicted in the same proceedings shall be treated as one sentence. Chap. 13:05

9. (1) Subject to this Act, a person who is a rehabilitated person within the meaning of this Act shall be treated, for all purpose in law, as a person who has not committed, been charged with, prosecuted for, convicted of or been sentenced for an offence which was the subject of a spent conviction. Effect of rehabilitation

(2) Notwithstanding any written or unwritten law to the contrary—

- (a) no evidence shall be admissible in any proceedings before a Court to prove that a person has committed, been charged with, prosecuted for, convicted of or sentenced for an offence which was the subject of a spent conviction;
- (b) a person shall not, in any proceedings before a Court, be asked, and, if asked, shall not be required to answer, any question relating to his past which cannot be answered without acknowledging or referring to a spent conviction or any circumstances ancillary thereto; and
- (c) where a person has been asked in any proceedings before a Court a question relating to his past and he inadvertently discloses a spent conviction or any circumstances ancillary to a spent conviction such disclosure shall be disregarded by the Court.

(3) Subject to this Act, where a question seeking information with respect to a person's previous convictions, offences, conduct or circumstances is put to him or to any other person, otherwise than in proceedings before a Court—

- (a) the question shall be treated as not relating to spent convictions or to any circumstances ancillary to spent convictions, and the answer to that question may be framed accordingly; and
- (b) the person questioned shall not be subjected to any liability or otherwise prejudiced in law by reason of any failure to acknowledge or disclose a spent conviction in his answer to the question.

(4) Subject to this Act—

- (a) an obligation imposed on a person by any rule of law, agreement or arrangement to disclose any matter to another person shall not extend to requiring him to disclose a spent conviction whether or not the conviction is his own; and
- (b) a conviction which has become spent, or any failure to disclose a spent conviction, shall not be a proper ground for dismissing or excluding a person from any office, profession, occupation or employment, or for prejudicing him in any way in any office, profession, occupation or employment.

(5) The Attorney General may, by Order, subject to affirmative resolution of Parliament, make such provision as he considers appropriate for excluding or modifying the application of this section as may be specified in the Order.

(6) For the purpose of this section, any of the following are circumstances ancillary to a spent conviction:

- (a) any offence which was the subject of that conviction;
- (b) any conduct constituting the offence;
- (c) any process or proceedings preliminary to that conviction;
- (d) any sentence imposed in respect of that conviction and anything done in pursuance of or undergone in compliance with any such sentence; and
- (e) any proceedings, whether by way of appeal or otherwise, for reviewing that conviction.

(7) For the purpose of this section, “proceedings before a Court” includes proceedings before any tribunal, commission, body or person, having power—

- (a) by virtue of any written or unwritten law, custom or practice;
- (b) under the rules governing any association, institution, profession, occupation or employment; or
- (c) under any provision of an agreement or arrangement providing for arbitration, with respect to questions arising thereunder,

to determine any question affecting the rights, privileges, obligations or liabilities of a person, or to receive evidence affecting the determination of any such question.

10. (1) Nothing in section 9(1) shall affect any of the following: Limitation on rehabilitation

- (a) the enforcement by any process or proceedings of a fine or other sum adjudged to be paid by or imposed on a spent conviction;

- (b) the issue of any process for the purpose of proceedings in respect of a breach of a condition or requirement applicable to a sentence imposed in respect of a spent conviction;
- (c) the operation of any written law by virtue of which, in consequence of a conviction, a person is subject otherwise than by way of sentence, to any disqualification, disability, prohibition or other penalty the period of which extends beyond the rehabilitation period applicable in accordance with section 8(1) to the conviction;
- (d) any civil or criminal proceedings where justice cannot be done without admitting or requiring evidence relating to the spent conviction of a person; and
- (e) the disclosure of previous convictions where the person is informed by a person duly authorized to do so that spent convictions are to be disclosed for the purpose of safeguarding national security.

(2) A person shall be excluded from rehabilitation under this Act who either before or after the commencement of this Act is detained under section 14(1) of the Mental Health Act in respect of a criminal offence.

(3) Nothing in section 8 shall affect the determination of any issue, or prevent the admission or requirement of any evidence, relating to the previous conviction of a person or to circumstances ancillary to such conviction in any—

- (a) criminal proceedings before a Court including any appeal or reference in a criminal matter;
- (b) disciplinary proceedings or in any proceedings on appeal from any disciplinary proceedings;

- (c) proceedings or enquiries relating to adoption or to the guardianship, wardship, custody, care and control of, access to, any child, or to the provision by any person of accommodation, care or schooling for any child;
- (d) proceedings in which he is a party or witness, if, on the occasion when the issue or the admission or requirement of the evidence falls to be determined, he consents to the determination of the issue or, as the case may be, the admission or requirement of the evidence notwithstanding section 9.

(4) For the purpose of subsection (3)(b), “disciplinary proceedings” means disciplinary proceedings before any tribunal, commission, body or person, but does not include any proceedings under the Defence Act. Chap. 14:01

11. (1) A person shall, if requested to do so, disclose Disclosure of spent convictions in relation to himself, particulars of any spent conviction—

- (a) when seeking to be made a member of a professional body of any of the professions specified in the Third Schedule; Third Schedule
- (b) when seeking to be appointed to any office of employment specified in the Fourth Schedule; or Fourth Schedule
- (c) when seeking to become engaged in any business of the type specified in the Fifth Schedule. Fifth Schedule

(2) A disclosure of particulars of a spent conviction pursuant to subsection (1) shall be made—

- (a) to a person duly authorised by—
 - (i) the professional body, or
 - (ii) the organisation responsible for the office of employment; or

(b) in relation to any business referred to in subsection (1)(c), to such person as may be designated by the Attorney General for the purpose.

(3) The particulars of a spent conviction, disclosed to a duly authorised person pursuant to subsection (2) (a) or (b), shall not be published or communicated except on the following conditions only:

- (a) the publication or communication shall be in accordance with the rules or regulations for the time being in force of the professional body, office of employment or business, as the case may be, of which the person making the disclosure under subsection (1) was aware when he made the disclosure; and
- (b) the rules or regulations referred to in paragraph (a) shall not authorise the general disclosure or publication of the particulars of a spent conviction other than to persons who, by virtue of their position or relationship with the professional body, office of employment or business, as the case may be, are authorised by the said rules or regulations to have such particulars communicated to them.

(4) A person who contravenes subsection (3) commits an offence.

Misrepresentation

12. (1) A person who, being required under section 11 to disclose particulars of a spent conviction, fails to make such disclosure or makes a disclosure he knows or believes to be false or do not believe to be true, with intent to deceive any person authorised to make enquiries for the purpose stated in that section commits an offence.

(2) A person shall not be convicted of an offence under subsection (1) unless the Court is satisfied that a benefit was conferred on that person and that such benefit would not have been so conferred if he had not committed the act alleged to constitute the offence.

(3) For the purpose of subsection (2), a benefit is deemed to have been conferred on a person against whom an allegation of an offence under this section is made on proof that such person was—

- (a) conferred with membership of a professional body of any of the professions specified in the Third Schedule; Third Schedule
- (b) appointed to any office of employment of the nature specified in the Fourth Schedule; or Fourth Schedule
- (c) authorised to become engaged in any business specified in the Fifth Schedule. Fifth Schedule

13. (1) This section applies to an action for defamation-Defamation actions began after the commencement of this Act by a rehabilitated person and instituted upon the publication of any matter imputing that the rehabilitated person has committed or has been charged with, or prosecuted for, or convicted of, or sentenced for, an offence which was the subject of a spent conviction.

(2) A defendant is not entitled to rely on any defence of justification, fair comment, or of qualified or absolute privilege if it is proved that the publication was made with malice.

(3) This section shall not apply to an action where the publication complained of took place before the conviction in question became spent.

PART III—EXPUNGEMENT OF SPENT CONVICTIONS

14. (1) Subject to this Act, the High Court shall have Jurisdiction of Court the jurisdiction to—

- (a) receive and consider an application made under section 15 for the expungement from the record of a spent conviction;

- (b) consider representations made to the Court by or on behalf of the applicant who has applied to the Court for the expungement from his criminal record of a spent conviction; and
- (c) grant or reject such application.

(2) In considering an application made under section 15, the High Court shall balance the interest of the applicant in concealing his criminal record against the wider public interest in the safety of the community, recognising that an awareness of the previous conviction of a person is appropriate in certain cases, and also be satisfied that no interest of justice or of national security would be prejudiced by expunging from the record the spent conviction in respect of which the application was made.

(3) Subject to Rules of Court, the Court may call for and receive as evidence any statement, document, information, matter, or thing that, in the Court's opinion, may assist it to grant or reject the application.

(4) In considering an application under section 15, the High Court may, on its own motion or at the request of the applicant, consider the application in camera.

(5) The Court may dismiss an application that it considers is frivolous, vexatious, or an abuse of the procedure of the Court.

Application to Court **15.** (1) Subject to this Part, a spent conviction of a rehabilitated person shall be expunged from the record.

(2) A person who has completed his rehabilitation period and is eligible to have his spent conviction expunged in accordance with this Act may make an application to the High Court for an order that his spent conviction shall be expunged from the record.

(3) Every application made under subsection (2) shall be in writing and shall include the following:

- (a) the full name and age of the applicant;
- (b) the offence of which the applicant was convicted;
- (c) the sentence imposed by the Court in respect of that conviction;
- (d) the date and place of that conviction;
- (e) the Court before which the applicant was convicted;
- (f) the date on which, where applicable, the applicant completed the serving of his sentence, and shall include the date on which any period of disqualification, disability or prohibition ceased and the extent to which any condition attaching to such sentence has been complied with;
- (g) the date from which the conviction was treated as a spent conviction and the date from which, by virtue of the expiry of the additional rehabilitation period, he became eligible to make the application;
- (h) any other written representation on which the applicant relies in support of his application; and
- (i) any other relevant information as may be required by Rules of Court.

(4) The Rules Committee may make Rules of Court to give effect to the purpose of this Part.

(5) Where the Court orders that the spent conviction of the applicant be expunged from the record in respect of which the application was made, a copy of the order shall be served on the Commissioner of Police who shall, without delay, ensure that the spent conviction is accordingly expunged.

Appeal

16. (1) A person may appeal to the Court of Appeal as of right against the decision of the High Court to refuse to make an order under section 14.

(2) No appeal shall lie from any decision of the Court of Appeal given in an appeal brought in accordance with subsection (1).

(3) An appeal under this section shall be brought in accordance with the appropriate Rules of Court, or within such further time as the Court of Appeal may allow on application made before or after the expiration of any period specified in Rules of Court.

(4) An appeal under this section shall be by way of rehearing.

(5) On the hearing of an appeal under this section, the Court of Appeal may confirm, reverse, or modify the decision appealed against.

No further applica-
tion

17. A person who has made an application under section 15 or appealed under section 16 is not entitled to make any further application under section 15 in relation to the spent conviction of that application.

Restriction on
publication

18. (1) A person shall not publish any information in any cause, matter or proceedings for the purpose of identifying or having the effect of identifying an applicant under section 15 or appellant under section 16, unless the publication is authorised by order of the relevant Court.

(2) The relevant Court may make an order under this section only if the relevant Court is satisfied that it is in the interest of any person including, without limitation, the applicant or appellant, or the public interest, or in the interest of justice to do so.

(3) Before making an order under this section, the relevant Court shall give the applicant or appellant, as the case may be, a reasonable opportunity to be heard on the application for the order.

(4) The relevant Court may at any time vary or revoke an order made under this section.

(5) Nothing in this section affects any prohibition of the publication of any matter under any other written law.

(6) A contravention of the prohibition on publication under this section is punishable as contempt of court.

(7) For the purpose of this section, “relevant Court” means the the High Court or Court of Appeal, as the case may be.

Legal status of
person whose
conviction has been
expunged

19. Where a spent conviction has been expunged in accordance with this Part, a rehabilitated person is, in relation to that expunged conviction, deemed to be a person who has never been charged with, prosecuted for, convicted of or sentenced for, the offence to which that conviction relates.

PART IV—MISCELLANEOUS PROVISIONS

Act not to affect
President’s right

20. Nothing in this Act shall be construed as affecting any right vested in the President under section 87 of the Constitution or any other written or unwritten law.

Unauthorised
disclosure

21. (1) Subject to this Act, a person who, in the course of his duties, has or had at any time the custody of, or access to, any official record or the information contained in that record, commits an offence if, knowing or having reasonable cause to suspect that any information he had obtained in the course of those duties is specified information, he discloses it, otherwise than in the course of those duties, to another person.

(2) In any proceedings for an offence under subsection (1) it shall be a defence for the defendant to show that the disclosure was made to—

- (a) a rehabilitated person to whom the information relates or to another person upon the request of the rehabilitated person;

- (b) a person whom he reasonably believed to be the rehabilitated person or to another person upon the request of a person whom he reasonably believed to be the rehabilitated person.

(3) Proceedings for an offence brought under subsection (1) shall not be instituted except with the written consent of the Director of Public Prosecutions.

(4) Nothing in subsection (3) shall prevent the arrest, or the issue of a warrant for the arrest of any person in respect of an offence referred to in subsection (1), or the remanding in custody or on bail of any person charged with such an offence.

(5) A person who—

- (a) obtains any specified information from any official record by any fraud or bribery, or dishonest or unlawful means; or
- (b) falsifies any specified information on any official record,

commits an offence.

(6) For the purpose of this section—

“official record” means any record kept for the purpose of its functions by any Court, Police Service, department of Government, local or public authority, being in either case a record containing information about persons convicted of offences; and

“specified information” means information to the effect that a named or otherwise identifiable rehabilitated living person has committed or has been charged with, or prosecuted for, or convicted of, or sentenced for, an offence which is the subject of a spent or expunged conviction.

22. (1) Subject to this Act, a person who—Exclusion from
employment

- (a) dismisses or excludes any other person from any office, profession, occupation or employment because of a conviction which he knows or has reasonable cause to suspect is a spent or an expunged conviction and which is not required to be disclosed under any written or unwritten law;
- (b) with malice, discloses any spent or expunged conviction or the existence of any record or fact of the conviction; or
- (c) offers a bribe to any member of the Police Service or to any other person having custody or control of the record to falsify the record so as to show a conviction as a spent or an expunged conviction,

commits an offence.

(2) Subject to this Act, the non-disclosure of a spent or an expunged conviction shall not be the basis to void an insurance policy made with a company carrying on insurance business under the Insurance Act, 2018.

Act No. 4 of 2018

(3) Subject to this Act, a company carrying on insurance business under the Insurance Act, 2018 commits an offence when it knowingly attempts to avoid a policy of insurance made with the company because of non-disclosure of a spent or an expunged conviction.

23. (1) A person who commits an offence under Penalties
section 12(1) is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for three years.

(2) A person who commits an offence under section 11, 21(1), or 22(1) is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for five years.

(3) A company which commits an offence under section 22(3) is liable on summary conviction to a fine of five hundred thousand dollars.

Custody of records

24. The Criminal Records Office shall be responsible for keeping separate and apart from other criminal records, a record of all spent and expunged convictions and ensuring that there is a clear indication on the criminal record of any person, that a conviction has become a spent or an expunged conviction for the purpose of this Act.

Amendment of
Schedules

25. (1) The Attorney General may, by Order, subject to affirmative resolution of Parliament, amend the Second Schedule.

(2) The Attorney General may, by Order, subject to negative resolution of Parliament, amend the First, Third, Fourth or Fifth Schedule.

Written law
amended
Chap. 11:25

26. Section 5D(3),(4) and (5) of the Dangerous Drugs Act are repealed.

Savings

Chap. 11:25

27. (1) Notwithstanding the repeal of section 5D (3) and (4) of the Dangerous Drugs Act by section 26, an application which is pending before the Commissioner of Police at the date of commencement of this Act shall, if such an application has, at that date, not been concluded, be continued and concluded under the Dangerous Drugs Act as if section 5D (3) and (4) of the Dangerous Drugs Act had not been repealed.

(2) Notwithstanding the repeal of section 5D (5) of the Dangerous Drugs Act by section 26, an application which is pending under section 87 of the Constitution at the date of commencement of this Act shall, if such an application has, at that date, not been concluded, be continued and concluded under section 87 of the Constitution as if section 5D (5) of the Dangerous Drugs Act had not been repealed.

28. (1) The Attorney General may make regulations^{Regulations} prescribing anything required by this Act to be prescribed and generally to give effect to the purpose of this Act.

(2) The Attorney General may, by Order, subject to affirmative resolution of Parliament, vary the circumstances in which spent convictions may be disclosed.

FIRST SCHEDULE

[Section 24(1)]

EXCLUDED OFFENCES

1. Murder
2. Treason
3. Piracy or hijacking
4. Conspiring or soliciting to commit murder
5. Manslaughter
6. Shooting or wounding with intent to do grievous bodily harm
7. Unlawful wounding
8. Assault occasioning bodily harm
9. Robbery, robbery with aggravation, armed robbery
10. Arson
11. Kidnapping
12. Kidnapping for ransom
13. Knowingly negotiating to obtain a ransom
14. Rape
15. Grievous sexual assault
16. Sexual intercourse with female under fourteen years
17. Sexual intercourse with female between fourteen and sixteen years
18. Sexual intercourse with male under sixteen years

19. Incest
20. Sexual intercourse with adopted minor
21. Sexual intercourse with minor employee
22. Sexual intercourse with mentally subnormal person
23. Trafficking in a dangerous drug
24. Possession of a dangerous drug for the purpose of trafficking
25. Possession of more than one hundred grammes of cannabis or more than fourteen grammes of cannabis resin
26. Offences under the Anti-Terrorism Act, Chap. 12:07
27. Offences under the Firearms Act, Chap. 16:01
28. Offences under the Trafficking in Persons Act, Chap. 12:10
29. Offences under the Proceeds of Crime Act, Chap. 11:27
30. Offences under the Interception of Communication Act, Chap. 15:08
31. Offences under sections 7 and 8 and Parts 5 to 8 of the Children's Act, Chap. 46:01.

SECOND SCHEDULE

(Sec. 8)

REHABILITATION PERIODS

Column 1 Sentence	Column 2 Rehabilitation Periods
A non-custodial sentence	3 years
A sentence of imprisonment not exceeding 6 months	5 years
A sentence of imprisonment exceeding 6 months but not exceeding 18 months	8 years
A sentence of imprisonment exceeding 18 months but not exceeding 3 years	10 years

THIRD SCHEDULE

[Secs. 11(1) & 12(3)]

PROFESSIONS

1. Attorney-at-law
2. Medical Practitioner
3. Veterinary Surgeon
4. Dentist
5. Optician
6. Pharmacist
7. Land Surveyor
8. Certified or Chartered Accountant
9. Teacher
10. Registered Nurse
11. Registered Midwife

FOURTH SCHEDULE

[Secs. 11(1) & 12(3)]

OFFICES OF EMPLOYMENT

Office of Employment	Categories of Employment
Civil Service	All
Judicial and Legal Service	All
Educational Institutions, including public schools, assisted schools, private schools and special schools	All
Healthcare and Medical Institutions, including Hospitals and Private Hospitals	All
The Police Service	All
Hotels	All
Insurance Companies	Director, Manager, Secretary, Salesman
Banks (Commercial)	All
Juvenile Correctional Centres	All
Security Service Organisations	Director, Manager, Security Guards
Unit Trust Schemes	Manager, Trustee

FIFTH SCHEDULE

[Secs. 11(1) & 12(3)]

NATURE OF BUSINESS

1. Dealing in Bonds and other Securities
2. Firearms Dealer
3. Stockbroking
4. Real Estate Agents
5. Security Service Organizations

SIXTH SCHEDULE

[Sec. 6(5)]

APPLICATION FOR EXPUNGEMENT OF A CRIMINAL RECORD OF A CHILD

I, (state full name and surname of applicant)
of (state address, both postal and residential if both are not the same)

hereby apply to have the criminal record of my child/my criminal record expunged pursuant to section 6(5) of the Criminal Records (Rehabilitation of Offenders) Act, 2026.

Please provide the following contact details:

1. Home or work telephone;
2. Cell number;
3. Work or personal email;

Please provide a copy of one of the following:

1. National Identification Card;
2. Driver Licence;
3. Passport (only the page bearing your photograph); or
4. Birth Certificate.

State whether you are applying as a parent or guardian

State the full name and surname of your child

State the address of your child

SIXTH SCHEDULE—CONTINUED

Please provide a copy of one of the following in relation to the child:

1. National Identification Card;
2. Driver Licence;
3. Passport (only the page bearing the child's photograph); or
4. Birth Certificate.

The child/ I was convicted of the following offence(s) on the date(s) appearing below:

Offence	Date
1.	
2.	
3.	

Indicate with a **X** (next to the penalty) which of the following penalty(ies) was imposed on you/ the child:

1. Imprisonment;
2. Non-custodial sentence;
3. Fine.

Please provide an office copy of the order of conviction and sentence of the Court, for each offence specified in this application.

The child has/ I have not been convicted of any other offence during the period specified in section 6(4) of the Act.

A period ofyears has lapsed after the date of his /her / my conviction.

I request that the criminal record(s) mentioned above in this application be expunged from the criminal record of the child/ my criminal record in terms of section 6(5) of the Act.

I make this application conscientiously believing the same to be true and I am aware that if there is any statement in this application which is false in fact, which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Signature of applicant.....

Date

Passed in the House of Representatives this day
of , 2026.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2026.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 10 of 2026

FIRST SESSION
THIRTEENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to make provision for certain
criminal convictions of offenders to
become spent, to be expunged from
the record and for other related
matters

Received and read the

First time

Second time

Third time