

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE CRIMINAL RECORDS (SPENT
CONVICTIONS) LAW, 2016 LAW 42 OF 2016, TO MAKE PROVISION
FOR THE EXPUNGEMENT OF CAUTIONS AND TO CLARIFY THE
APPLICATION PROCESS IN RELATION TO THE EXPUNGEMENT OF
CERTAIN CONVICTIONS; AND FOR INCIDENTAL AND
CONNECTED PURPOSES**

**THE CRIMINAL RECORDS (SPENT CONVICTIONS)(AMENDMENT)
BILL, 2017**

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Criminal Records (Spent Convictions) Law, 2016, Law 42 of 2016, to make provision for the expungement of cautions and to clarify the application process in relation to certain convictions.

Clause 1 of the Bill provides the short title and commencement.

Clause 2 makes provision for a caution administered under the Cautions (Adult) Law, 2017 and the Youth Justice Law (2005 Revision) to be treated as a conviction for the purpose of the Criminal Records (Spent Convictions) Law, 2016 Law 42 of 2016.

Clause 3 repeals section 15 and provides in the substituted section 15 that where a person has been convicted of an offence and has been sentenced for a period not exceeding five years, upon the expiration of the prescribed crime-free period, that person's criminal record shall be treated as expunged.

It further provides in the new section 15A that where a person has been convicted of an offence and has been sentenced for a period exceeding five years, upon the expiration of the prescribed crime-free period, that person may apply to the Board for that person's criminal record to be expunged, Such application shall be in the prescribed manner and accompanied by the prescribed fee.

Clause 4 amends Schedule 3 to make provision for the inclusion of cautions and the applicable crime-free period of three years in relation to an adult and one and a half years in relation to a juvenile.

**THE CRIMINAL RECORDS (SPENT CONVICTIONS)(AMENDMENT)
BILL, 2017**

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Insertion of new section 7A in the Criminal Records (Spent Convictions) Law, 2016, Law 42 of 2016
3. Amendment to section 15 - application for expungement
4. Amendment of Schedule 3 - crime-free periods in relation to sentences

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Criminal Records (Spent Convictions)(Amendment) Law, 2017. Short title and commencement

(2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet.

2. The Criminal Records (Spent Convictions) Law, 2016, Law 42 of 2016, hereinafter referred to as the “principal Law”, is amended by inserting after section 7 the following section - Insertion of new section 7A in the Criminal Records (Spent Convictions) Law, 2016 Law 42 of 2016

“Cautions considered to be convictions Law of 2017 2005 Revision 7A. (1) A caution administered pursuant to the Cautions (Adult) Law, 2017 or section 28 of the Youth Justice Law (2005 Revision) shall be treated as a conviction for the purposes of this Law.

The Criminal Records (Spent Convictions)(Amendment) Bill, 2017

Amendment to section
15 - application for
expungement

3. The Criminal Records (Spent Convictions) Law, 2016 Law 42 of 2016 is amended by repealing section 15 and substituting the following sections -

“Automatic
expungement

15. Where a person has been convicted of an offence and has been sentenced for a period not exceeding five years, upon the expiration of the prescribed crime-free period, that person’s criminal record shall be treated as expunged.

Application for
expungement

15A. (1) Where a person has been convicted of an offence and has been sentenced for a period exceeding five years, upon the expiration of the prescribed crime-free period, that person may apply to the Board for that person’s criminal record to be expunged.

(2) An application for expungement shall be made in the prescribed manner and accompanied by the prescribed fee.”.

Amendment of Schedule
3 - crime-free periods in
relation to sentences

4. The principal Law is amended in Schedule 3 by inserting after Item 6 the following Item -

“6A. Caution administered under the Cautions (Adult) Law, 2017 or section 28 of the Youth Justice Law (2005 Revision)	3 years (adult) 1.5 years (juvenile)”
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Passed by the Legislative Assembly the day of 2017.

Speaker.

Clerk of the Legislative Assembly.