

## THE CRIMINAL JUSTICE (SPENT CONVICTIONS) AND CERTAIN DISCLOSURES (BILL) 2012

The Criminal Justice (Spent Convictions) and Certain Disclosures (Bill) 2012 was finally passed in the Dáil on the 27<sup>th</sup> of January 2016 and is to shortly come before the President of Ireland to be signed into law.

The envisaged Act provides that certain criminal convictions will become spent after seven conviction free years have elapsed. The Bill covers custodial sentences of 12 months or less along with certain non-custodial sentences including suspended sentences for less than 24 months where the suspension is not revoked, fines, probation orders, community service orders and restriction on movement orders.

The legislation will apply to those whom satisfy the following conditions;

1. The person must have been 18 years of age or older when the offence was committed.
2. The sentence must not be an 'excluded sentence' which is defined as (a) a sentence of imprisonment for more than 12 months or (b) an offence to be tried by the Central Criminal Court, or (c) for a sexual offence.
3. The person must have served any sentence imposed, or complied with any order made by the court.
4. The person has not been convicted of any other offence during the relevant period that applies to the conviction concerned and no more than 2 convictions may be regarded as 'spent' in respect of a person.

It will however still be necessary for a person to disclose convictions or the circumstances of the conviction in certain instances which include inter alia;

- In terms of a proposal form for an insurance policy or assurance policy where a person is convicted of fraud, deceit or dishonesty;
- Where a person is asked to disclose any previous convictions, including spent convictions in any interview by a member of the Garda Síochána following the arrest of that person;
  - in any proceedings concerning the adoption, guardianship or custody of, or access to, a child, including proceedings under the Child Care Acts 1991 to 2015;
  - in any proceedings relating to the provision by any person of accommodation, care, training or education for a child or a vulnerable person
- Where information in relation to a person's previous convictions is sought by another State, pursuant to the laws of that State.





## **Ruairi De Búrca - February 2016**

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