COMMUNITY SERVICE BILL,2017

ARRANGEMENT OF CLAUSES

Clause:

PART I - COMMUNITY SERVICE ORDERS

1. Community service
2. Duration and requirement of community service order
3. Breach of requirement of community service order
4. Commission of further offence

PART II - AMENDMENT REVIEW AND DISCHARGE OF COMMUNITY SERVICE ORDERS

5. Amendment of community service order
6. Discharge of community service order

PART III - ARRANGEMENT FOR COMMUNITY SERVICE

7. Arrangement for community service
8. Community service committee
9. Regulations and guidelines
10. Transitional provision
11. Interpretation
12. Short title

A BILL

FOR

AN ACT TO PROVIDE FOR AND REGULATE COMMUNITY SERVICE FOR OFFENDERS IN CERTAIN CASES AND TO PROVIDE FOR RELATED MATTERS, 2017

Sponsored by Hon. Johnbull Shekarau

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART I - COMMUNITY SERVICE ORDERS

Community Service

1.-(1) Where a person is convicted of a minor offence, the Court may, instead of sentencing that person to prison, make a community service order.

(2) Before passing a community service order, the court shall consider the circumstances, character and antecedents of the offender and ask him or her whether he or she consents to the order.

(3) Before passing a community service order, the court shall explain to the offender in the language he or she understands, the effect of the order and that if he or she fails in any respect to comply with it, he or she may be liable to be sentenced to such term of imprisonment as the court could have imposed in respect of the offence.

Duration and requirement of community service order

2.-(1) The community service order shall be performed for a period of not more than six months and the offender shall not work for more than five hours a day.

(2) The offender shall be under the supervision of the supervising officer named in the community service order.

(3) The community service order shall contain such requirements as the Court may consider necessary for the supervision of the offender.

(4) The court making the community service order shall give to the

supervising officer a copy of the order together with any other documents and information relating to the case.

Breach of requirement of community service order

3.-(1) If at any time during the community service period, the offender fails to comply with the requirements of the community service order, the Court may issue a summons requiring the offender to appear before it.

(2) The court shall not issue any summons requiring the offender to appear before it except on report by the supervising officer.

(3) If the offender does not appear in obedience to the summons, the supervising court shall issue a warrant of arrest.

(4) If it is proved to the satisfaction of the supervising court that the offender has failed to comply with any of the requirements of the community service order, the court shall either:

(a) vary the order to suit the circumstances of the case; or

(b) impose on him or her a fine not exceeding N30,000; or

(c) cancel the order and sentence the offender to any punishment which could have been imposed in respect of the offence and if the court thinks fit, reducing the sentence taking into account community service already performed.

(5) If a supervising officer employs the offender for his or her personal benefit, the officer shall be liable to a fine not exceeding N500,000 or a term of imprisonment not exceeding one year.

Commission of further offence

4. Where an offender has been ordered to undergo community service conviction by an original court and is convicted by a subsequent court for another offence, the following rules shall apply:

(a) the subsequent court may add to the sentence by imposing a term of imprisonment and cancel the order of community service;

(b) the subsequent court may take into account the period of community service, served in reduction of the additional imprisonment;

(c) where the original court was the High Court and the subsequent court is the subordinate court, the subordinate court shall send the copy of the

proceedings to the High Court and on receipt of the proceedings from the subordinate court, the High Court shall proceed under paragraphs (a) and (b) of this section;

(d) where the original court was a subordinate court, and the subsequent court is the High Court dealing with the matter at first instance or on appeal or otherwise, the High Court shall proceed under paragraphs (a) and (b) of this section;

(e) where a subsequent court has convicted the offender of an offence, that court may pass the sentence other than the imprisonment and order the offender to continue undergoing community service.

PART II - AMENDMENT REVIEW AND DISCHARGE OF COMMUNITY SERVICE ORDERS

Amendment of community service order

5.-(1) An offender who intends to change his or her place of residence shall inform the supervising officer of his or her intention to do so.

(2) On receipt of the information, the supervising officer of body shall inform the supervising court of the information giving the details connected with the case.

(3) The supervising court shall make appropriate amendment in the Community Service order, and inform the court having jurisdiction for the area where the offender intends to go.

(4) The court shall give the offender a copy of the amended community service order which the offender is required to present to the new supervising court.

(5) Where an offender commits an offence outside his or her usual area of residence, the community service order shall be enforced in his or her usual area of residence.

Discharge of community service order

6.-(1) Where an offender has been ordered to undergo community service for a period of more than four months, the supervising officer shall give a report to a supervising court concerning the offender's performance and general conduct.

(2) The supervising court based on the report made by the supervising officer, may reduce the period of the community service specified in the community service order by not more than one third where the offender is of good conduct.

(3) The supervising officer shall make a report to court on the termination of a community service order.

PART III - ARRANGEMENT FOR COMMUNITY SERVICE

Arrangement for community service

7.-(1) The Minister shall, from time to time, notify the Chief-Justice of the Federation in writing in which places and in which areas arrangements exists for the courts to make community service order.

(2) The supervising officer who is to be responsible for the supervision of an offender shall be the officer for the district area for the time being named in the order in which the offender resides, or will reside, and if that supervising officer dies or is unable for any reason to carry out his or her duties, another supervising officer shall be appointed by the supervising court.

(3) Where the offender is a female, the supervising officer shall be female.

Community service order

8.-(1) There shall be a committee to be known as the National Committee on Community Service.

(2) The National Committee shall be a body corporate with perpetual succession and a common seal, and with power to sue and be sued in its corporate name.

(3) The National Committee shall consist of the following:

(a) adjudge nominated by the Chief Justice of the Federation;

(b) the Secretary of the Nigerian Law Reform Commission (or his or her representative);

(c) the Executive Secretary of the National Human Rights Commission;

(d) the Director General of the Legal Aid Council;

(e) the Director of Public Prosecutions (or his or her representative);

(f) the Comptroller General of Prisons (or his or her representative);

(g) the Inspector General of Police (or his or her representative);

(h) three representatives of non-governmental organizations;

(i) two representatives of the public appointed by the Minister;

(j) a representative of State Security Service.

(4) The Chairperson of the National Committee shall be elected by the members of the Committee from among their number.

(5) The Minister may for good cause, revoke the appointment of a person appointed under paragraph 3 of subsection of this section.

(6) A chairperson elected under the subsection (4) of this section shall hold office for one ear but shall be eligible for reelection.

(7) The functions of the National Committee shall be:

(a) to monitor the operation of community service in all its aspects and to liaise and communicate with any officer or persons responsible for the matter in issue;

(b) to propose measures for effective operation of community service;

(c) to receive and consider any complaints or views and make recommendations where possible, on the nature of community service by the offender;

(d) to supervise the work of the supervising officer and in that regards to co-ordinate its activities with the supervising courts;

(e) to undertake any other function required of it under any law for the proper implementation of the Bill.

(8) The Committee shall have State Committees whose composition and functions shall be as specified by the Minister in consultation with the National Committee and the State Attorney General and Commissioner for Justice.

Regulations and guidelines

9.-(1) The Minister may make regulations prescribing:

(a) the duties of the supervising officers;

(b) in consultation with the National Committee and the State Attorney-General and Commissioner for Justice on the composition and functions of the State Community service committees;

(c) any other matters that are necessary for the proper implementation of this Bill;

(d) any forms necessary for the purposes of this Bill.

(2) The Minister may also issue guidelines as to the categories of persons suitable to be appointed as supervising officers and the nature of work considered suitable for community service and in respect of any matter which appears to the Minister necessary for the proper implementation of this Bill.

Transitional provision

10. Notwithstanding any provision of this Bill, all offenders serving punishment of imprisonment imposed on them within the last six months before the coming into force of this Bill may be allowed to apply for community service if otherwise eligible.

Interpretation

11. In this Act, unless the context otherwise requires:

"community service" means' noncustodial punishment by which after conviction, the court with consent of the offender makes an order for the offender to serve the community rather than undergo imprisonment;

"community service order" means an order made under this Bill requiring an offender to perform work within the community for a specified period of time;

"community service period" means the period for which an offender is to perform work;

under the community service order;

"court" means the High Court, or a subordinate court;

"Minister" means the Honourable Attorney General and Minister for Justice;

"Minor offence" means an offence for which the court may pass a sentence of not more than two years imprisonment;

"National Committee" means the National Committee on Community Service

1 established by section 10 of this Bill;

2 "offender" means a person who has been ordered to undergo community

3 service;

4 "original court" means the court which tried the offence in relation to which

5 the community service order was made;

6 "supervising court" means the court which made the community service

7 order includes a court of similar jurisdiction where the offender might

8 subsequently reside;

9 "Supervising officer" means an officer appointed by the court to supervise

10 the offender during the community service.

11 **12.** This Bill may be cited as the Community Service Bill, 2017. Short Title

EXPLANATORY MEMORANDUM

The objective of this Bill is to provide for community service for persons who commit minor offences, in order inter alia:

(a) to reduce congestion in prisons;

(b) to rehabilitate prisoners in their communities by doing productive work;

(c) to prevent minor offenders mixing with hard core criminals.

The Bill seeks to empower a Court which convicts a person of a minor offence, to direct the offender, with the consent of the offender to perform community service in lieu of imprisonment.

The Bill further makes provision for other matters relating to community service.