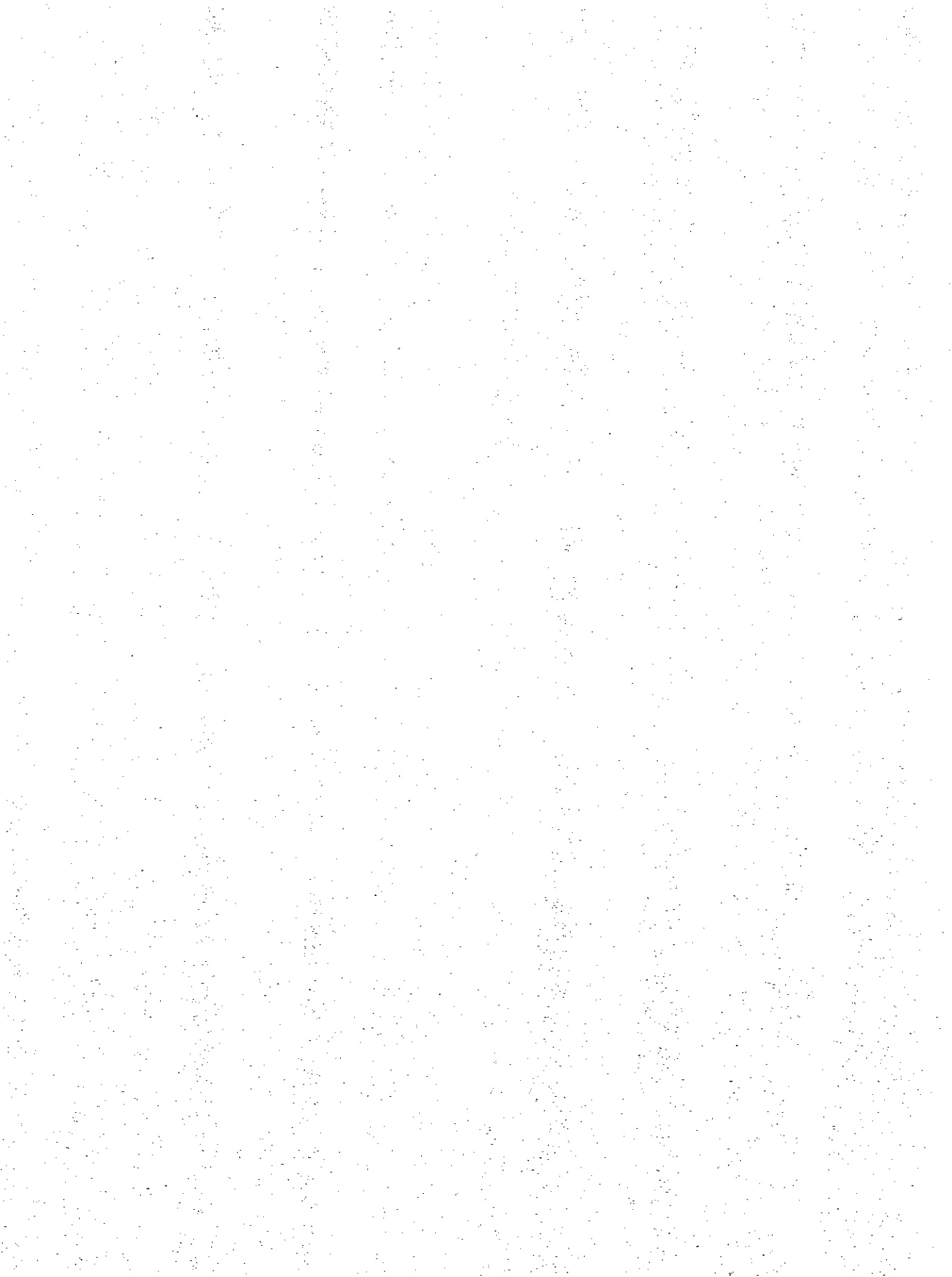


SEXUAL OFFENDERS (REGISTRATION) BILL, 2017

ARRANGEMENT OF CLAUSES

Clause:

1. Establishment the Monitoring Unit.
2. Head of the Monitoring Unit
3. Duties of the Monitoring Unit
4. Duties of the Sexual Offender
5. Duties of the police
6. Information to be supplied by the sexual offender
7. Contents of the sexual offenders register
8. Offences and penalties
9. Computer related offences
10. Miscellaneous offences
11. Prohibited defenses
12. Rules
13. Interpretation
14. Short title



A BILL

FOR

AN ACT TO PROVIDE FOR THE IMPRISONMENT, REGISTRATION AND MONITORING OF PERSONS THAT HAVE BEEN CONVICTED FOR SEXUAL OFFENCE AGAINST CHILDREN UNDER 18 YEARS, THE NOTIFICATION OF LAW ENFORCEMENT AGENCIES; OWNERS OF SCHOOLS, CHILD CARE SERVICE PROVIDERS, SOCIAL WORKERS, EMPLOYERS, AND THE GENERAL PUBLIC AS A CAUTION AGAINST RECURRENCE OF SEXUAL OFFENCE AND TO MAINTAIN A REGISTER OF SUCH SEXUAL OFFENDERS IN THE DESIGNATED REGISTRY; AND FOR RELATED MATTERS

Sponsored by Hon. Ochiglegor Idagbo

[] Commencement

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

- 1 1. There is established for the National Agency for the Prohibition of Trafficking in persons and other related Matters (NAPTIP) a Sexual Offenders Monitoring Unit (in this Bill referred to as "the Monitoring Unit") charged with the responsibility of registering and monitoring all persons who have been convicted of sexual offences against children under 18 years by a court of competent jurisdiction both within and outside Nigeria. Establishment of the Monitoring Unit
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- 7 2. The Monitoring Unit shall be headed by a person who is not below the rank of a deputy director and is skilled in the field of criminology, psychology, criminal law or related discipline. Head of the Monitoring Unit
- 8
- 9
- 10 3. The Monitoring Unit shall: Duties of the Monitoring Unit
- 11 (a) maintain a Sexual Offenders register into which all details of sexual Duties of the offenders convicted within or outside Nigeria are entered and updated regularly;
- 12
- 13 (b) set up a Sexual Offenders registry where Sexual Offenders shall report for routine registration and update as required under this Bill and
- 14
- 15

1 which will be open to the public in search of information about sexual
2 offenders;

3 (c) maintain a Sexual Offenders website where current and relevant
4 details and status of sexual offenders will be accessible to the general public;

5 (d) assign police inspectors and other qualified personnel to monitor
6 the activities of sexual offenders, who have been released from prison, to
7 prevent the recurrence of the sexual offence or to apprehend the sexual
8 offender in the act;

9 (e) collaborate with relevant Organizations and Government
10 Institutions including the Police, 36 States of the Federation, Non-
11 Governmental Organizations, Foreign based Organizations and Departments
12 to get relevant information and embark on surveillance of activities of sexual
13 offenders as well as perform its duties under this Bill;

14 (f) forward details of the Sexual Offenders register to the Police and
15 the Prison where the sexual offender was confined for update of records;

16 (g) register relevant Organizations that collaborate with NAPITIP
17 under paragraph (e);

18 (h) formulate an effective monitoring mechanism that will enable it
19 monitor sexual offenders with ease including tagging and restricting sexual
20 offenders;

21 (i) remove the name of the sexual offender from the register under
22 paragraph (a) and stop all monitoring activities of the sexual offender where he
23 fulfills the requirements of clause 3(f) of this Bill unless the sexual offender
24 commits another sexual offence under this Bill or any other relevant law; and

25 (j) perform such duties as may be assigned to it from time to time.

Duties of the
Sexual Offender

26 4.-(1) A sexual offender shall:

27 (a) report to the Monitoring Unit and supply all details required for
28 registration by the Monitoring Unit;

29 (b) report at the Police Station within his area of residence upon
30 release from imprisonment and supply such details that may be required as and

1 when required according to the provisions of this Bill;

2 (c) notify the Monitoring Unit and the Police Station within his
3 area of residence of any change in the information supplied by him during
4 registration;

5 (d) report in person, each year during the month of his birthday and
6 on the sixth month following his birth month, to the Monitoring Unit and the
7 Police Station in his area of residence, to reregister;

8 (e) maintain registration with the Monitoring Unit and the Police
9 Station in his area for life, except where he receives full pardon or his
10 conviction is set aside by a court of competent jurisdiction;

11 (f) present the certified true copy of the court's written findings,
12 order or certificate of State pardon under paragraph (e) to the Monitoring
13 Unit and the Police Station within his residence as a prerequisite before he
14 can be absolved of liability under this Bill; and

15 (e) perform all duties required under this Bill.

16 (2) A sexual offender who vacates his residence, whether temporal
17 or permanent, and fails to get another residence within 48 hours shall report
18 in person to the police station within his residence and specify the:

19 (a) date he vacated that residence; and

20 (b) address he will be located during the time which it will take him
21 to secure a new residence.

22 5.-(1) Where a sexual offender enrolls or is employed by an
23 educational institution, whether as a volunteer or for compensation, the
24 Police Station within his residence or the Monitoring Unit of NAPTIP shall
25 notify immediately the educational institution of the status of the sexual
26 offender and all necessary details about the sexual offender.

27 (2) The Police shall maintain a sexual offenders register and
28 registry in all 36 States of the Federation.

29 (3) When a sexual offender presents himself at the Police Station
30 within his residence as required under this Bill, the Police officer in charge

Duties of the
Police

1 of the sexual offenders registry or other officer authorized shall take a
 2 photograph, a set of finger prints and palm prints of the sexual offender and a
 3 DNA sample of the sexual offender and forward same alongside additional
 4 information supplied to them by the sexual offender, to the Monitoring Unit.

5 (4) The Police shall perform all such duties that are necessary in
 6 furtherance of the objective of this Bill.

Information to
 be supplied by
 the sexual offender

7 6. The sexual offender shall supply the following personal
 8 information at the Monitoring Unit for the purpose of registration under this
 9 Bill:

- 10 (a) name;
- 11 (b) date of birth;
- 12 (c) National Identity Card number;
- 13 (d) bank verification number;
- 14 (e) address;
- 15 (f) sex; and
- 16 (g) and details listed in the Schedule to this Bill.

Schedule

Contents of the
 sexual offenders
 register

17 7. The sexual offenders register under clause 3 of this Bill shall
 18 contain particulars of conviction and other personal information about the
 19 sexual offender that are listed in the Schedule to this Bill

Offences and
 penalties

- 20 8.-(1) The sexual offender who:
- 21 (a) fails to register with the Monitoring Unit or the Police Station
 22 within his residence as required under this Bill;
 - 23 (b) fails to notify the Monitoring Unit or the Police Station within his
 24 residence of any change in the information supplied by him during registration;
 - 25 (c) vacates a residence or changes his status in any way and fails to
 26 notify the Monitoring Unit or Police Station within his residence as required
 27 under this Bill;
 - 28 (d) fails to report in person On his birthday and on the sixth month
 29 following his birthday to the Monitoring Unit as required under this Bill;
 - 30 (e) fails to report to the Police Station within his residence under the

1 circumstances provided by clause 4(2) of this Bill;

2 (f) fails to respond to any address verification correspondence
3 from the Monitoring Unit or the Police Station within 3 weeks from the date
4 of receipt of such correspondence either by post or electronic mail; or

5 (g) knowingly provides false information during registration as
6 required under this Bill; commits a felony and is liable to a conviction of at
7 least 3 years imprisonment or to a fine of at least N500,000.

8 (2) A person who has constructive notice of a sexual offender's
9 non-compliance with this Bill and with the intent to help the sexual offender
10 escape from the Police, the Monitoring Unit or any other person in search of
11 the sexual offender commits a felony and is liable on conviction to at least 3
12 years imprisonment or to a fine of at least N700,000.

13 (3) A person who:

14 (a) withholds information from or does not notify the Police about
15 the location of the sexual offender;

16 (b) harbours, attempts to harbour or assists another person in
17 harbouring the sexual offender;

18 (c) conceals, attempts to conceal or helps another person in
19 concealing the sexual offender; or

20 (d) provides information to the Police regarding the sexual offender which
21 the person knows to be false information;

22 commits a felony and is liable on conviction to at least 3 years imprisonment
23 or to a fine of at least N800,000.

24 (4) A person who kidnaps a child under the age of 18 years commits
25 an offence and is liable on conviction to imprisonment for life.

26 (5) A person who kidnaps a child under the age of 18 years and in
27 the process commits:

28 (a) aggravated abuse of the child;

29 (b) sexual battery against the child;

30 (c) lewd or lascivious battery, molestation, exhibition or conduct of

1 any kind against the child;

2 (d) a violation relating to prostitution upon the child;

3 (e) exploitation of or allows the child to be exploited; or

4 (f) a violation relating to human trafficking of the child; commits a
5 felony and is liable on conviction to imprisonment for life.

6 (6) A person who engages in a lewd or lascivious battery by:

7 (a) engaging in sexual activity with a child who is 12 years old but less
8 than 16 years; or

9 (b) enticing, encouraging or forcing a child who is less than 16 years
10 old to engage in sadomasochistic abuse, sexual bestiality, prostitution or any
11 other act involving sexual activity commits a felony and is liable on conviction
12 to imprisonment for life without an option of fine.

13 (7) An offender who is less than 18 years old who commits lewd or
14 lascivious molestation against a victim who is 12 years old or more but not
15 older than 16 years of age, the offender shall be punished according to the
16 extant criminal law in force in Nigeria.

17 (8) An offender who is 18 years old or older who commits lewd or
18 lascivious molestation against a victim who is 12 years old or more but not
19 more 16 years old commits a felony and is liable to imprisonment for a term not
20 less 14 years.

Computer related
offence

21 9.-(1) A person who:

22 (a) knowingly complies, enters into, or transmits by use of computer;

23 (b) makes, prints, publishes or reproduces by computerized means;

24 (c) who knowingly causes or allows to be entered into or transmitted
25 by use of computer; or

26 (d) buys, sells, receives, exchanges or disseminates; any notice,
27 statement or advertisement of a minor's name and other particulars including
28 the physical characteristics of the minor to identify the minor for the purpose of
29 facilitating, encouraging, offering or soliciting sexual conduct of or with a
30 minor or the visual depiction of such conduct commits a felony and is liable on

1 conviction to a term of imprisonment not less than 7 years.

2 (2) A person who knowingly uses a computer internet service, local
3 bulletin board service or any other device capable of electronic data storage
4 or transmission to:

5 (a) seduce, solicit, lure or entice or attempt to seduce, lure or entice
6 a child to commit any illegal act or to engage in any sexual conduct with a
7 child; or

8 (b) solicit, lure or entice or attempt to solicit, lure or entice a parent,
9 legal guardian or custodian of a child or a person believed to be the parent,
10 legal guardian or custodian of a child to consent to the participation of such
11 child in a sexual conduct, commits a felony and is liable to conviction to
12 imprisonment for a term of not less than 7 years.

13 (3) The place and computers where the offence under this clause
14 was committed shall be shut down for at least 5 years and the computers and
15 all such electronic device shall be confiscated.

16 (4) A person who intentionally:

17 (a) masturbates or exposes his genitals in a lewd or lascivious
18 manner; or

19 (b) engages in any other sexual act that does not involve actual
20 physical or sexual contact with the victim including:

21 (i) sadomasochistic abuse,

22 (ii) sexual bestiality, or

23 (iii) simulation of any act involving sexual activity live over a
24 computer internet service or local bulletin board service which is an
25 unsecure site, commits lewd or lascivious exhibition is liable on conviction
26 to imprisonment for a term of imprisonment for not less than 4 years.

27 (c) An offender who less than 18 years of age and commits the
28 offence of lewd or lascivious exhibition under this clause and is liable on
29 conviction to be punished according to the criminal laws in force in Nigeria.

30 (5) It is unlawful for any owner or operator of a computer internet

1 service center or local bulletin board service center to knowingly permit a
2 subscriber to use the service to commit the offence of lewd or lascivious
3 exhibition.

4 (6) A person who violates the provision of sub clause (5) commits a
5 misdemeanor and is liable on conviction to pay a fine of not less than
6 N100,000.

Miscellaneous
offences

7 10.-(1) A who travels, attempts to travel or who causes another person
8 to travel or attempt to travel for the purpose of engaging in an illegal act or
9 sexual conduct with a child with whom he made contact through the aid of a
10 computer internet service, local bulletin board service, or any other device that
11 is capable of electronic data storage or transmission to:

12 (a) seduce, solicit, lure or entice or attempts to seduce, solicit, lure or
13 entice a child to engage in any illegal or sexual conduct with the child; or

14 (b) solicit, lure or entice or attempts to solicit, lure or entice a parent,
15 legal guardian or custodian of a child to consent to the participation of such
16 child in any act or otherwise engage in a sexual conduct; commits a felony and
17 is liable on conviction to a term of not less than 8 years imprisonment.

18 (2) A person who knowingly sells, rents, loans, gives away,
19 distributes, transmits or shows any obscene material to a child commits a
20 misdemeanor and is liable on conviction to pay a fine of not less than N100,000
21 or to a term of imprisonment for not less than 1 year.

22 (3) For the purpose of sub clause (2), "obscene material "includes any
23 obscene book, magazine, periodical, pamphlet, newspaper, comic book,
24 motion picture film, video tape or instrument for obscene use:

25 (4) Any parent, legal guardian or other person having custody or
26 control of a minor who sells or otherwise transfer custody or control of the child
27 or, offers to sell or otherwise transfer custody of the child either:

28 (a) with knowledge that the minor will be portrayed in a visual
29 depiction engaging in, or assist another person engage in sexually explicit
30 conduct;

1 (b) with intent to promote either:
 2 (i) the engagement of in sexually explicit conduct by the minor for
 3 the purpose of producing any visual depiction of such conduct, or

4 (ii) the rendering of assistance by the minor to any person to engage
 5 in sexually explicit conduct for the purpose of producing any visual
 6 depiction of such conduct, commits a felony and is liable on conviction to a
 7 term of imprisonment for at least 10 years.

8 (c) A person who receives the child in the circumstances under sub
 9 clause (4) commits a felony and is liable on conviction to a term of
 10 imprisonment for at least 10 years.

11 (d) A person who deals in any form with the child in the
 12 circumstance under sub clause (4) commits a felony and is liable on
 13 conviction to a term of imprisonment for at least 10 years.

14 11.-(1) A sexual offender who fails to register as required under this
 15 Bill or is charged with subsequent failure to re-register as required may not
 16 assert the defense of lack of notice of the duty to register.

Prohibited
defenses

17 (2) Registration after arrest for failure to register is not a defense
 18 against the criminal liability of the sexual offender.

19 (3) The fact that an undercover operative was involved in the
 20 detection and investigation of an offence under clause 9 of this Bill is not a
 21 defense against prosecution.

22 12. The Head of the Monitoring Unit may make rules for the
 23 purpose carrying out the duties under this Bill including rules relating to:

Rules

24 (a) prescription of mode of notification of persons, schools, social
 25 services, employers; domestic help service providers, welfare homes and all
 26 such entities responsible for protecting children of persons that are duly
 27 registered sexual offenders in Nigeria;

28 (b) rehabilitation programmes in collaboration with relevant
 29 agencies that may be organized for sexual offenders;

30 (c) monitoring of sexual offenders; and

1 (d) any matter that is expedient for the purpose of performing the
2 duties under this Bill.

Interpretation

3 13. In this Bill:
4 "coercion" means the use of exploitation, bribe, threat of force or intimidation
5 to gain cooperation or compliance;
6 "consent" means intelligent, knowing and voluntary consent;
7 "kidnapping" means forcibly, secretly or by threat of confining, abducting or
8 imprisoning another person against his or her will and without lawful authority
9 with intent to:

- 10 (a) hold for ransom or reward as a shield or hostage;
- 11 (b) commit or facilitate the commission of a felony;
- 12 (c) inflict bodily harm upon or terrorize the victim or another person;

13 and

- 14 (d) interfere with the performance of any governmental or political
15 duty;

16 "sexual activity" means the oral, anal or vaginal penetration by or, the union
17 with, the sexual organ of another or the anal or vaginal penetration of another
18 of any other object;

19 "victim" includes a person upon whom an offence under this Bill was
20 committed or attempted upon.

Short title

21 14. This Bill may be cited as the Sexual Offenders (Registration) Bill,
22 2017.

23 SCHEDULE

24 Item

- 25 1. Name
- 26 2. Date of Birth
- 27 3. Bank Verification Number
- 28 4. National Identity Card Number
- 29 5. Race
- 30 6. Sex

- 1 7. Height and weight
- 2 8. Hair and eye colour
- 3 9. Tattoos, tribal marks or other identifying marks
- 4 10. Finger prints
- 5 11. Palm prints
- 6 12. Photograph
- 7 13. Occupation and place of employment or school
- 8 14. Residential address including transit home
- 9 15. Vehicle particulars where applicable
- 10 16. All cellular phone numbers
- 11 17. Electronic mail addresses and internet identifiers
- 12 18. Conviction information including date and place of conviction
- 13 and brief description of conviction
- 14 19. Passport information where applicable
- 15 20. Immigration status and documentation
- 16 21. Professional license information
- 17 22. Any other information that may be required by the Monitoring
- 18 Unit and the Police.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the imprisonment, registration and monitoring of persons that have been convicted for sexual offence against children under 18 years, the notification of law enforcement agencies, owners of schools, child care service providers, social workers, employers, and the general public as a caution against recurrence of sexual offence and to maintain a register of such sexual offenders in the designated registry.