MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Sexual Offences Act, 2012 to make provision for the increase of the maximum penalty for rape and sexual penetration of a child from fifteen years to life imprisonment; to make provision for the introduction of the offence of aggravated sexual assault; to make provision for an alternative conviction of aggravated sexual assault; to make provision for the prosecution of offences under the Act; and to provide for the making of rules by the Rules of Court Committee to further regulate the practice and procedure under the Act.

MADE this

No.

day of April, 2019.

DR. PRISCILLA SCHWARTZ, Attorney–General and Minister of Justice.

Freetown Sierra Leone April, 2019. mondmont) Act 2010

BILL

Supplement to the Sierra Leone Gazette Extraordinary Vol. CXLX, No. 43

dated 15h May, 2019



2019

Sierra Leone

A BILL ENTITLED

The Sexual Offences (Amendment) Act, 2019

Short title.

Being an Act to amend the Sexual Offences Act, 2012, to make provision for the increase of the maximum penalty for rape and sexual penetration of a child from fifteen years to life imprisonment; to make provision for the introduction of the offence of aggravated sexual assault; to make provision for an alternative conviction of aggravated sexual assault; to make provision for the prosecution of offences under the Act; to make provision for the making of rules, by the Rules of Court Committee, to further regulate the practice and procedure under the Act and to provide for other related matters.

>] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

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2	No.	Sexual Off	fen	aces (Amendment) Act,	2019
Amendment of section 1 of Act No. 12 of 2012.	-		fter	exual Offences Act, 2012 is am the definition of "person with r w definition -	•
				means an act performed with sexual gratification;	another
Amendment of section 6 of Act No. 12 of 2012. Amendment of section 19 of Act No. 12 of 2012.	2. repealing			Sexual Offences Act, 2012 is am t section with the following new	•
		0 V C C	of s with con	berson who intentionally commi exual penetration with another hout the consent of that other p mits the offence of rape and is b viction to a term of imprisonme than 15 years or life imprisonme	person person liable on ent not
	3.	Section 19 of the	he	Sexual Offences Act, 2012 is am	ended by
			-	ealing and replacing that section owing new section -	with the
		"Sexual penetration of a child	n	19. Subject to section 24 of the or and Young Persons Act (Ca person who engages in an sexual penetration with a child an offence and is liable on co to life imprisonment".	p 44), a n act of commits
		((b)	inserting immediately after that	at section

the following new section -

"Aggravated 19. A. (1) A person who, in a sexual manner, coerces or physically forces another assault. person, to engage in any sexual act, including any form of sexual violence, drug facilitated sexual assault, groping or torture, commits the offence of aggravated sexual assault and is liable on

not less than 15 years.

conviction to a term of imprisonment

Where a person is charged with rape or sexual (2)penetration of a child, he may, if the evidence so warrants, be acquitted of rape or sexual penetration of a child and convicted of aggravated sexual assault although he was not charged with that offence and is liable on conviction to a term of imprisonment not less than 15 years."

Sexual Offences (Amendment) Act,

Amendment		Section 42 of the Sexual Offences Act,
of section 42 of Act No. 12		2012 is amended by repealing and re-
of 2012.		placing that section with the following
		new section-

"Prosecution of offences.

No.

sexual

- 42. (1) Where the Attorney-General is of the opinion that the findings in any investigation warrants prosecution under this Act, the Attorney-General shall do so in the High Court.
 - An indictment relating to an offence (2)under this Act shall be preferred without any previous committal for trial and it shall in all respects be deemed to have been pretered pursuant to a consent in been preferred pursuant to a consent in

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writing by a judge granted under subsection (1) of section 136 of the Criminal Procedure Act, (No. 32 of 1965) and shall be proceeded with accordingly.

- On a trial on indictment preferred under (3) this section, an extract of the findings of the police or investigators, signed by the Attorney-General to the effect that a particular person is, or particular persons are implicated in any offence under this Act shall, without more, be sufficient authority for preferring that indictment in respect of such offence as is disclosed in or based on the report of those findings.
- An indictment preferred under this sec-(4)tion shall be filed and served on the accused together with the summary of the evidence of the witnesses which the Attorney-General rely on for the proof of the charge contained in that indictment and the names of such witnesses shall be listed on the back of the indictment.
- The Attorney-General may, upon giving (5) to the Registrar of the Court and to the accused a notice of its intention to do

so together with a summary of the evidence to be given by that witness, call as additional witness any person not listed on the back of the indictment who may give necessary or material evidence at the trial of any indictment under this section, whether or not that person gave any evidence during an investigation by the police or investigators.

The trial of any offence under this Act (6)shall have priority of hearing in the Court over any other indictment except an indictment for treason, murder or other capital offence."

Section 42of the Sexual Offences Act,

2012 is amended by inserting immed-

Amendment 5. of section 42 of Act No. 12 of 2012.

No.

Court Committee to make rules.

42 A. (1) Notwithstanding section 42, the Rules of Court Committee may make rules for regulating the practice and procedure under this Act, including the application of special measures in accordance with section 40."

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iately after that section the following new section -

"Rules of