

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,598, 24 ta' Ġunju, 2016

Taqsim C

Nru. 163

24. 06. 2016

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Carmelo Abela, M.P., Ministru għall-Intern u s-Sigurtà Nazzjonali, u moqri għall-Ewwel darba fis-Seduta tal-21 ta' Ġunju, 2016.

A BILL introduced by the Honourable Carmelo Abela, M.P., Minister for Home Affairs and National Security, and read the First time at the Sitting of the 21st June, 2016.

**ATT biex jemenda l-Att dwar il-*Probation*,
Kap 446.**

**AN ACT to amend the *Probation Act*,
Cap 446.**

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT biex jemenda l-Att dwar il-Probation, Kap 446.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harġet b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 li jemenda l-Att dwar il-*Probation*, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-*Probation*, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għad-Dipartiment tal-*Probation* u *Parole* jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal finijiet differenti u dispożizzjonijiet differenti ta' dan l-Att.

2. Minnufih wara l-artikolu 3 tal-Att prinċipali għandu jiziddied l-artikolu ġdid li ġej:

Iżid artikolu
ġdid mal-Att
prinċipali.

"Analizi fil-laboratorju dwar testijiet għal drogi jew alkohol.

3A. (1) Id-Direttur jew ir-rappreżentant tiegħu jista' jordna lil min ikun taħt *probation* u lil min ikun fuq *parole* sabiex jagħti kampjun għall-iskop li jiżgura, permezz ta' analiżi fil-laboratorju jew ta' apparat approvat mill-Ministru, jekk huwa jkollu xi droga jew alkohol fil-ġisem tiegħu.

Kap. 101.
Kap. 31.

(2) F'dan l-artikolu "drogi" tfisser kull medicina perikoluża kif imfisser fl-artikolu 12 tal-Ordinanza dwar Medicieni Perikolużi, jew kwalunkwe droga speċifikata jew ristretta taht l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha.

(3) Meta jkun mehtieg li min ikun taht *probation* u lil min ikun fuq *parole* jagħti kampjun, id-Direttur jew ir-rappreżentant tiegħu għandu, safejn ikun raġonevolment prattikabbli, jinforma lil min ikun taht *probation* u lil min ikun fuq *parole*:

(a) li qed jiġi mitlub li jagħti kampjun għall-iskop ta' dan l-Att; u

(b) li r-rifjut li jiġi pprovdut kampjun jista' jwassal għal ksur ta' liċenza tal-*parole* jew ksur ta' kwalunkwe sanzjoni komunitarja.

(4) Il-kampjun għandu jkun kampjun gdid, hieles minn adulterazzjoni.

(5) Meta jitlob kampjun lil min ikun taht *probation* u lil min ikun fuq *parole*, id-Direttur jew ir-rappreżentant tiegħu għandu jagħmel dawk l-arranġamenti u jagħti lil min ikun taht *probation* u lil min ikun fuq *parole*, dawk l-istruzzjonijiet għall-provvista tal-kampjun kif ikun raġonevolment mehtieg sabiex jipprevjeni jew jiskopri adulterazzjoni jew falsifikazzjoni tiegħu.

Kap. 516.

(6) Għall-fini ta' dan l-artikolu "min ikun fuq *parole*" għandha l-istess tifsira mogħtija lilha bl-artikolu 2 tal-Att dwar il-Gustizzja Riparatrici."

Għanijiet u Raġunijiet

L-għanijiet ta' dan l-Abbozz ta' Ligi huma sabiex jipprovdi għat-tehid ta' kampjuni għall-iskop li jiġi żgurat, permezz ta' analiżi fil-laboratorju jew ta' apparat approvat mill-Ministru, jekk min ikun taht *probation* u min ikun fuq *parole* jkollux xi droga jew alkoħol fil-ġisem tiegħu

**A BILL
entitled**

AN ACT to amend the Probation Act, Cap 446.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. (1) The short title of this is the Probation (Amendment) Act, 2016, and this Act shall be read and construed as one with the Probation Act, hereinafter in this Act referred to as "the principal Act".

Short title and commencement.

(2) This Act shall come into force on such a date as the Minister responsible for the Department of Probation and Parole may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

2. Immediately after article 3 of the principal Act there shall be added the following new article:

Adds new article to the principal Act.

"Laboratory analysis regarding tests for drugs or alcohol.

3A. (1) The Director or his representative may order a probationer or a parolee to provide a sample for the purpose of ascertaining by means of laboratory analysis or by a device approved by the Minister whether he has any drugs or alcohol in his body.

(2) In this article "drugs" means any dangerous drug as defined in article 12 of the Dangerous Drugs Ordinance, or any specified or restricted drug under the Medical and Kindred Professions Ordinance.

Cap. 101.

Cap. 31.

C 634

(3) When requiring a probationer or parolee to provide a sample, the Director or his representative shall, as far as is reasonably practicable, inform the probationer or parolee:

(a) that he is being required to provide a sample for the purpose of this Act; and

(b) that a refusal to provide a sample may lead to a breach of parole licence or a breach of any community based sanction.

(4) The sample shall be a fresh sample, free from adulteration.

(5) When requiring a sample from a probationer or a parolee, the Director or his representative shall make such arrangements and give the probationer or parolee such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(6) For the purpose of this article 'parolee' has the same meaning assigned to it by article 2 of the Restorative Justice Act."

Cap. 516.

Objects and Reasons

The objects of this Bill are to provide for the taking of samples for the purpose of ascertaining by means of laboratory analysis or by a device approved by the Minister, whether a probationer or a parolee has any drugs or alcohol in his body.

