

**ANTIGUA AND BARBUDA**



**NATIONAL SEX OFFENDER REGISTER BILL, 2022**

**NO. OF 2022**



**ANTIGUA AND BARBUDA**  
**NATIONAL SEX OFFENDER REGISTER BILL, 2022**  
**ARRANGEMENT OF CLAUSES**

**CLAUSE**

**PART I**

**PRELIMINARY**

1.	Short title and Commencement .....	5
2.	Interpretation .....	5
3.	Application of this Act .....	6

**PART II**

**ESTABLISHMENT OF NATIONAL SEX OFFENDER REGISTER**

4.	Establishment of the National Sex Offender Register .....	6
5.	Contents of the Register .....	7
6.	Purpose of the sex offender register .....	7
7.	Public access to information on the sex offender register .....	8

**PART III**

**REGISTRATION AND REPORTING REQUIREMENTS**  
**OF A REGISTERED SEX OFFENDER**

8.	Registration of convicted sex offender .....	9
9.	Court may make registration Order .....	9
10.	Registration after sentence of imprisonment .....	9
11.	Duty of sex offender to report to police station .....	10
12.	Notification of change in information by registered sex offender .....	11

13. Reporting period for registered sex offender ..... 13

14. Reporting to be in person ..... 13

15. Reporting requirements where sex offender has appealed conviction ..... 14

16. Reporting requirement where registered sex offender convicted of subsequent registrable offence ..... 14

17. Suspension of reporting requirement of registered sex offender..... 15

18. Sex offender required to inform the Police of intention to travel out of the jurisdiction ..... 15

19. Application by registered sex offender to have information removed from Register ..... 17

**PART IV**

**MISCELLANEOUS**

20. Sharing of information with participating Member States ..... 18

21. Confidentiality and disclosure of information ..... 18

22. Regulations ..... 19

- SCHEDULE 1**
- SCHEDULE 2**
- SCHEDULE 3**
- SCHEDULE 4**
- SCHEDULE 5**
- SCHEDULE 6**

**ANTIGUA AND BARBUDA**  
**NATIONAL SEX OFFENDER REGISTER BILL, 2022**  
**NO. OF 2022**

**AN ACT** to provide for the establishment of a National Sex Offender Register that aims to reduce incidence of sexual reoffending through the monitoring of convicted sex offenders, the sharing of sex offender information with participating jurisdictions within the Organization of Eastern Caribbean States and for other matters connected or incidental thereto.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**PART I**  
**PRELIMINARY**

**1. Short title and Commencement**

- (1) This Act may be cited as the National Sex Offender Register Act, 2021.
- (2) This Act shall come into force on a date to be appointed by the Minister by Notice published in the Gazette.

**2. Interpretation**

“designated officer” means a police officer of or above the rank of sergeant;

“main address”, in relation to a registered sex offender, means the place in Antigua and Barbuda where he resides permanently or habitually;

“OECS” refers to the Organization of Eastern Caribbean States established by the Treaty of Basseterre 1981 and revised in 2010 and the member States thereto;

“Minister” means the Minister with responsibility for public safety;

“Register” means the National Sex Offender Register established under section 4;

“registered sex offender” means a person whose name and information has been registered in the National Sex Offender Register in accordance with this Act;

“registrable offence” means an offence listed in Schedule 1;

“registrable offender” means a person who is convicted of a registrable offence in Schedule 1;

“secondary address”, in relation to a sex offender or a registered sex offender who does not ordinarily reside in Antigua and Barbuda, means the place in Antigua and Barbuda where he resides during his stay in Antigua and Barbuda.

### **3. Application of this Act**

- (1) This Act applies to a person, age 18 years or older, who has been convicted by a Court in Antigua and Barbuda or by a court of competent jurisdiction in a Member State of the OECS of a registrable offence.
- (2) This Act also applies to a person, age 18 years or older, who has been convicted of a registrable offence by a Court of competent jurisdiction in any other Territory with which Antigua and Barbuda has a mutual agreement for the sharing of information on registered sex offenders.

## **PART II**

### **ESTABLISHMENT OF NATIONAL SEX OFFENDER REGISTER**

#### **4. Establishment of the National Sex Offender Register**

- (1) The Commissioner of Police shall establish and maintain a database to be known as the National Sex Offender Register (hereinafter “the Register”).

- (2) The Commissioner of Police shall have control and custody of the Register and shall be responsible for ensuring that the required information is entered accurately in accordance with this Act.
- (3) Subject to section 6, the Register shall not be accessible to the public.
- (4) The Commissioner of Police shall make reasonable security arrangements to protect the information contained in the Register against unauthorized access, collection, misuse, alteration, disclosure or disposal.

## **5. Contents of the Register**

- (1) Register shall, in relation to each registered sex offender, contain the information prescribed in Schedule 2 which shall include –
  - (a) the bio-metric and DNA profile of the registered sex offender;
  - (b) the information to be provided by the sex offender and confirmed by the police pursuant to Schedule 4; and
  - (c) such other information as the Commissioner of Police may determine to be relevant.
- (2) Where for any reason, the biometric information or DNA profile of the registered sex offender is not available to the Commissioner of Police, the Commissioner of Police may—
  - (a) at the sentencing stage, request the Court to make an order that the sex offender submit to the taking of the offender's biometric details and DNA profile;
  - (b) if the sex offender has already served or is nearing the end of the sentence imposed, apply to the Court for an Order that the sex offender shall submit to the taking of the offender's biometric details and DNA profile by the appropriate authority.

## **6. Purpose of the sex offender register**

The purposes of the Register are—

- (a) to reduce the opportunities for sexual reoffending by convicted sex offenders;
- (b) to promote public safety by establishing a system for the monitoring and tracking of sex offenders following their reintegration into society;
- (c) to protect children and other vulnerable persons in the society against potential sexual offenders;
- (d) to provide the authorities with valuable information about convicted sex offenders; and

- (e) to share information on the status and location of registered sex offenders with participating Member States of the OECS.

**7. Public access to information on the sex offender register**

- (1) A person may apply to the Commissioner of Police for confirmation of whether a named individual is a registered sex offender.
- (2) An application to the Commissioner of Police under subsection (1) shall be in the Form as set out in Schedule 3.
- (3) The persons who may be made privy to the information on the Register include, but shall not be limited to—
  - (a) principals and managers of schools, childcare facilities, and any other bodies involved with the care and education of children;
  - (b) managers of facilities responsible for the care of vulnerable persons; and
  - (c) any person who has received written authorization from the Commissioner of Police.
- (4) A person commits an offence who—
  - (a) by false pretenses, obtains from the Commissioner of Police information on any registered sex offender;
  - (b) misuses information to which he or she was granted access regarding a registered sex offender;
  - (c) with intent, maliciously disseminates information obtained from the sexual offender's register.
- (5) A person who commits an offence under subsection (4) is liable on summary conviction to a fine of \$10,000 or 3 years imprisonment, or to both such fine and imprisonment.

**PART III**

**REGISTRATION AND REPORTING REQUIREMENTS OF A REGISTERED SEX OFFENDER**



## **8. Registration of convicted sex offender**

Every person who is convicted of a registrable offence shall be registered on the Register in the manner provided in this Act unless a court determines otherwise.

## **9. Court may make registration Order**

- (1) Where a person who is convicted of a registrable offence receives a non-custodial sentence, the Court may make an Order that the offender be registered and comply with certain reporting requirements.
- (2) Before a court makes an Order under subsection (1), the court shall take into consideration whether the offender poses a potential risk to the lives or sexual safety of any person or to persons generally.
- (3) In making a determination under subsection (2) the court shall consider—
  - (a) the nature and type of sexual offence that was committed;
  - (b) the period of time that has elapsed since the offence was committed;
  - (c) the age of the offender;
  - (d) the age of the victim of the offence at the time the offence was committed;
  - (e) the difference in age between the victim and the offender at the time the offence was committed;
  - (f) any statement or evidence given by the victim;
  - (g) any written assessment of risk posed by the offender;
  - (h) such other matter as the court may consider relevant.
- (4) Where the court makes an order under this section, the Registrar of the court shall –
  - (a) provide the offender with written notice of the offender’s reporting obligations and the penalties for non-compliance with the reporting obligations; and
  - (b) send written notice of the order of the court to the Commissioner of Police.
- (5) The Commissioner of Police shall, upon receipt of the notice from the Registrar, provisionally register the offender pending the offender’s initial reporting to a designated police station and confirmation of the offender’s personal information by the Commissioner of Police or an appropriate officer.

## **10. Registration after sentence of imprisonment**

- (1) Where a court imposes a sentence of imprisonment upon a person who is convicted of a registrable offence, the court shall, at the time of sentencing, explain—

- (a) that the offender is a registrable offender under this Act;
- (b) that the offender has an obligation to report to a designated police station in accordance with this Act at the end of the period of imprisonment.

(2) Failure of the court to give the explanation required by subsection (1) shall not render the sentence void or negate neither the order for registration nor the offender's reporting obligations.

(3) The Superintendent of Prisons shall, no later than one (1) month prior to the release of a sex offender from prison, inform the Commissioner of Police by notice in writing of the following—

- (a) the name of the registrable offender;
- (b) the date of birth of the registrable offender;
- (c) date of intended release;
- (d) nature of conviction;
- (e) duration of sentence.

(4) The Superintendent of Prisons shall give written notice to the registrable offender of—

- (a) the offender's reporting obligations; and
- (b) the penalties for failing to comply with these obligations.

## **11. Duty of sex offender to report to police station**

(1) A registrable offender shall report at the police station nearest to the registrable offender's primary or secondary address to be registered —

- (a) within 72 hours of—
  - (i) an Order being made under section 9;
  - (ii) the release of the registrable offender from prison; or
  - (iii) following the outcome of an appeal in which the conviction was upheld.

(b) within 24 hours of the entry of the registrable offender into Antigua and Barbuda .

(2) A registrable offender shall, on the initial reporting, provide the appropriate police officer with the information outlined in Schedule 4.

- (3) An appropriate police officer shall, within 72 hours of the offender's initial reporting—
- (a) verify that the address, telephone number and other personal information provided by the offender is correct;
  - (b) register the offender on the National Sex Offender Register; and
  - (c) send written notice to the registered sex offender that the offender has been registered.
- (4) An appropriate officer shall, where applicable, or if requested by the registered sex offender, give the offender written acknowledgment that the offender reported to the designated police station for the purpose of registering under this Act.
- (5) An acknowledgment referred to in subsection (4) shall bear—
- (a) the date that the sex offender reported to the police station;
  - (b) the name and designation of the police station to which the sex offender reported; and
  - (c) the name, the signature and the service number of the appropriate officer who recorded the information provided by the sex offender in accordance with subsection (2).
- (6) A registrable offender who fails, without reasonable excuse, to report to the police station and in the time required by this section, commits an offence and is liable on summary conviction to imprisonment for 1 year.

## **12. Notification of change in information by registered sex offender**

- (1) A registered sex offender shall, pursuant to subsections (2) and (3), report any change or correct any inaccuracy in the information contained in the Register in relation to the offender by attending in person at the police station nearest to the main or secondary address of the offender.
- (2) Where the change of the registered sex offender's information is to –
- (a) the offender's address, the report of the change of address shall be made at least 1 week prior to the change of address;
  - (b) the details on the Register regarding –
    - (i) the description and registration details of the car under the control or used by the registered sex offender;
    - (ii) the details of any passport or passports held by the registered sex offender;

(iii) the registered sex offender's telephone number,

the report of the change of information shall be made within 36 hours of the change;

- (c) the offender's employment, the report of the change shall be made within 48 hours of the change occurring;
- (d) in relation to any matter not covered by paragraphs (a), (b) or (c), the report of the change of information shall be made within 48 hours.

(3) A registered sex offender who wishes to make a correction to the information contained in the Register in relation to the offender, shall as soon as possible after becoming aware of the inaccuracy in the information, report to the police station nearest to the offender's main or secondary address and provide a designated officer with the information on the correction and such documentary evidence of the correction.

(4) A designated officer shall —

- (a) record the change in or correction to the information provided by a registered sex offender in accordance with subsection (2) or (3);
- (b) give the registered sex offender a written acknowledgement of the notification of the change or correction that bears —
  - (i) the date that the registered sex offender reported to the police station;
  - (ii) the police station to which the sex offender reported; and
  - (iii) the name, the signature and the service number of the designated officer who recorded the change or correction; and
- (c) verify that the information provided by the registered sex offender is correct before he enters it into the Register, within seven days of the receipt of the information.

(5) Where the designated officer after investigations, verifies that the information provided by the registered sex offender under subsection (2) or (3) is correct, he shall —

- (a) record the change in the Register of the receipt of the information; and
- (b) forward the information to the Commissioner of Police within three days of recording the change.

(6) A registered sex offender who fails to inform a designated officer of any change in the information provided by the registered sex offender under section 11 commits an offence and is liable on summary conviction to a fine of \$10,000 and to imprisonment for five years.

### 13. Reporting period for registered sex offender

- (1) The reporting period for a registered sex offender shall commence on the date of the offender's making of the initial report under section 11 and thereafter periodic reports shall be made by the sex offender to the police station nearest the sex offender's main or secondary address —
  - (a) upon the expiration of six months from the date of the initial report and every six months thereafter; and
  - (b) for the duration of the reporting period as determined in accordance with subsection (2).
- (2) The duration of the reporting period of a registered sex offender on whom, upon conviction for a registrable offence —
  - (a) a non-custodial sentence was imposed, shall be three years;
  - (b) a term of imprisonment of not more than five years was imposed, shall be five years;
  - (c) a term of imprisonment of more than five but not more than ten years was imposed, shall be seven years;
  - (d) a term of imprisonment of more than ten years but not more than fifteen years was imposed, shall be ten years;
  - (e) a term of imprisonment of more than fifteen years was imposed, shall be fifteen years;
- (3) The reporting period under subsection (2) shall be the maximum reporting period in respect of conviction for a single registrable offence.
- (4) a registered sex offender is convicted and sentenced in respect of two or more registrable offences the duration of the reporting period shall be determined by the aggregate of the sentences imposed by the court regardless of whether the sentences are to run concurrently or consecutively unless a court orders otherwise.
- (5) A registered sex offender who fails, without reasonable excuse, to report to the police station nearest to his or her main or secondary address in accordance with subsection (1) commits an offence and is liable on summary conviction to a fine of \$10,000 and to imprisonment for five years.

### 14. Reporting to be in person

A sex offender who is required to report to a police station under this Act shall report in person but may be accompanied by a representative of his choice.

**15. Reporting requirements where sex offender has appealed conviction**

(1) Where a convicted sex offender has filed an appeal against conviction—

(a) before the time has passed within which to make an initial report to the police station under section 11; or

(b) after the sex offender had made an initial report under section 11,

the obligation of the offender to make the initial report or to continue to report to the police station pursuant to this Act shall be suspended pending the outcome of the appeal.

(2) If, on appeal, the conviction of the sex offender is quashed—

(a) the sex offender shall have no reporting obligations under this Act; and

(b) if an initial report was made prior to the filing of the appeal, all information provided to the police on the initial report shall be destroyed.

(3) If on appeal the conviction is upheld, the sex offender shall, within 72 hours of the decision of the court of appeal, personally attend at the police station nearest to the offender's main or secondary address to be registered or re-registered as the case may be.

(4) The Registrar of the Court of Appeal shall, within 48 hours of the decision of the Court, send written notification to the Commissioner of Police of the outcome of the appeal.

**16. Reporting requirement where registered sex offender convicted of subsequent registrable offence**

The reporting requirement to be imposed on a registered sex offender who is convicted of a subsequent registrable offence that was committed during a period established under section 13(2) shall—

(a) be calculated in the same manner as under section 13(2); and

(b) commence at the end of the period for which the offender is already obligated to make periodic reports.

**17. Suspension of reporting requirement of registered sex offender**

- (1) The reporting requirement of a registered sex offender shall be suspended during any period in which the registered sex offender is —
  - (a) detained at a police station;
  - (b) remanded in or committed to custody by an order of a Court;
  - (c) serving a sentence of imprisonment;
  - (d) warded at a health care facility; or
  - (e) outside Antigua and Barbuda in accordance with information provided by him under section 18.
- (2) Where a registered sex offender to whom subsection (1) applies—
  - (a) is discharged from detention or imprisonment;
  - (b) is discharged from a health care facility; or
  - (c) re-enters Antigua and Barbuda ,

he shall report to the police station nearest to his or her main or secondary address within forty-eight (48) hours of release, discharge or re-entry and shall provide written proof to the satisfaction of the Commissioner of Police as to reason for not reporting.

(3) The period during which the reporting obligation of a registered sex offender is suspended under this Act shall not be computed as part of his total reporting period.

(4) A registered sex offender who, without reasonable excuse, fails to report to the police station nearest to his or her main or secondary address, within forty-eight hours of his release, discharge, or re-entry in accordance with subsection (2), commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for five years.

**18. Sex offender required to inform the Police of intention to travel out of the jurisdiction**

- (1) A registered sex offender who intends to travel outside of Antigua and Barbuda shall, at least seven (7) calendar days before the offender's anticipated departure, make a report to the designated officer at the police station nearest to the offender's main or secondary address of the intention to travel out of the jurisdiction.
- (2) The registered sex offender shall, at the time of making the report, provide a designated officer with—

- (a) a copy of the travel itinerary;
- (b) a detailed address of the place or places where the offender intends to stay;
- (c) the duration of the offender's stay in each country or territory;
- (d) the date of the offender's intended return; and
- (e) any other relevant information the designated officer may require.

(3) Where, due to exceptional circumstances, the registered sex offender is not able to provide the information in the time specified at subsection (1), the offender shall report to the police station nearest to his or her main or secondary address not less than twenty-four (24) hours before his or her intended time of departure and shall state his or her reasons for failing to comply with the period specified in subsection (1).

(4) The designated officer shall, upon being informed that the registered sex offender intends to travel to a participating Member State, inform the registered sex offender, in writing, of the offender's obligation to report to a specified police station within the participating Member State or other Territory within 24 hours of the offender's entry into that jurisdiction and of the penalty for not doing so.

(5) For the purposes of subsection (3), "exceptional circumstances" includes circumstances in relation to—

- (a) death or serious illness of a relative or friend;
- (b) business or family affairs of an urgent nature; or
- (c) obtaining employment, medical treatment or other assistance.

(6) Where because of a change of travel plans, a registered sex offender no longer intends to leave, or does not leave, on the date notified to the police in subsection (1), the offender shall report to the police station nearest to his or her main or secondary address before the expiration of two (2) calendar days after that date and inform the designated officer of the change.

(7) Where a registered sex offender becomes aware of any change in the information provided under subsection (1) before traveling outside Antigua and Barbuda, the sex offender shall inform a designated officer of the change prior to his or her departure.

(8) A registered sex offender who, without reasonable excuse –

- (a) fails to make a report of his or her intention to travel in accordance with this Act;
- (b) fails to provide a designated officer with the information required by subsection (2);  
or



(c) departs from the jurisdiction without making a report to a designated officer, commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars (\$25,000.) and to imprisonment for five years.

### **19. Application by registered sex offender to have information removed from Register**

(1) A registered sex offender may —

- (a) on the completion of his reporting period; or
- (b) on the basis of any compelling reasons,

apply to the High Court for an order that the information contained in the Register in relation to the sex offender be expunged.

(2) The High Court, before making a determination on an application made under subsection (1), shall request a mental assessment report on the offender from a psychiatrist.

(3) The High Court, in determining an application under subsection (1)(a) shall grant the application, unless —

- (a) the offender has subsequently been charged with committing a registrable offence;
- (b) the trial of the offender on the subsequent charge has not been concluded; and
- (c) there is good and compelling reason not to grant the application.

(4) The High Court, in determining an application made on the basis of compelling reasons, shall take into account —

- (a) the findings of the mental assessment report referred to in subsection (2);
- (b) the nature and gravity of the offence;
- (c) whether the registered sex offender has been charged or convicted of any other registrable offence during the reporting period;
- (d) the risk of reoffending;
- (e) the risk of harm to the victim or any other person;
- (f) whether the registered sex offender has been pardoned under section 84 of the Constitution; and
- (g) any other compelling reasons in the circumstances of the case.

(5) Where the High Court grants an application made pursuant to subsection (1) and orders that the information in the Register relating to the sex offender is to be expunged, the Commissioner of Police shall designate an officer to expunge the information contained in the Register.

(6) The officer designated by the Commissioner to expunge the information contained in the Register shall, in the prescribed form, certify that the information on the registered sex offender contained in the Register has been expunged pursuant to the order of the court.

(7) Where the information on the registered sex offender is expunged, the Commissioner of Police shall ensure that—

- (a) the information on the Register in relation to the sex offender is sealed;
- (b) a record of the information in the Register is kept in the custody of and is accessible only by the Commissioner of Police; and
- (c) a copy of the certificate of expungement of the record is kept on the file in the possession of the Commissioner of Police.

## **PART IV**

### **MISCELLANEOUS**

#### **20. Sharing of information with participating Member States or other Territory**

Where a registered sex offender reports an intention to travel to a participating Member State or other territory, the Commissioner of Police shall –

- (a) forthwith inform the Commissioner of Police in the participating Member State or other territory of the details of the travel plans of the registered sex offender; and
- (b) send a copy of the travel itinerary of the registered sex offender to the Commissioner of Police in the participating Member States.

#### **21. Confidentiality and disclosure of information**

- (1) The Commissioner of Police, designated officer and any other relevant person who is involved in the maintenance and administration of the Register prior to undertaking their duties,

(2) shall sign a confidentiality agreement in which they agree to keep all information pertaining to registered sex offenders confidential except—

- (a) for disclosures which the Commissioner of Police considers necessary under section 7; and
- (b) when required to do so by the Court.

(3) The Commissioner of Police, designated officer and any other relevant person who has access to the data or information on the Register shall not share such access with an unauthorized person.

(4) The Commissioner of Police, designated officer and any other relevant person who is involved in the maintenance and administration of the Register shall not accept any fee, payment or other gift from any person in connection with the provision or disclosure of any information on the Register.

(5) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of \$50,000 and to imprisonment for 7 years.

## **22. Regulations**

(1) The Minister may by Order —

- (a) amend any of the Schedules to this Act;
- (b) prescribe the procedure for the exchange of information with participating Member States; and
- (c) prescribe anything required or authorized to be prescribed under this Act.

(2) The Minister may enter into mutual agreement with any State or territory outside of the OECS for the exchange of sex offender information as contemplated herein, and such agreements shall have the same force and effect as if it were an agreement with a Member State of the OECS.

**SCHEDULE 1**  
**REGISTRABLE OFFENCES**

(Section 2)

1. Rape
2. Sexual Assault
3. Sexual Intercourse with a person under the age of 16
4. Sexual Intercourse with a person under the age of 14
5. Sexual Intercourse with minor employee
6. Sexual Grooming
7. Sexual intercourse by an adult person who is in a position of trust in relation to a child under the age of 16
8. Sexual intercourse with a minor who is a stepchild, foster child, ward, dependant or adopted child of the adult
9. Sexual intercourse with a mentally subnormal person
10. Indecent assault
11. Serious indecency
12. Buggery
13. Offences involving the trafficking of persons for sexual exploitation as defined in the Trafficking in Persons Act 2010
14. Prostitution involving a minor
15. Sexual communication with a minor under the age of 16
16. Incest

17. Procuration
18. Procuring defilement of a person
19. Permitting defilement of a minor
20. Possession of child pornography
21. Housebreaking coupled with an intent to commit rape or other sexual offence
22. Kidnapping or Abduction of a person coupled with an intent to commit rape or other sexual offence

**SCHEDULE 2**  
**INFORMATION TO BE CONTAINED**  
**IN THE NATIONAL SEX OFFENDER REGISTER**

(Section 5)

1. Name, former name and aliases
2. Date of birth
3. Place of birth
4. Sex
5. Country of citizenship (List all countries citizen of)
6. Nationality
7. Main address or secondary address
8. Address of any other place he visits regularly or volunteers
9. Name of educational institution attending
10. Address of educational institution attending
11. Telephone number of the educational institution
12. Place of employment
13. Name of employer
14. Address of place of employment
15. Telephone number of the place of employment
16. The number of any identification card issued by the Government

17. Passport number or numbers, the issuing authority, and dates of issue and expiry of the passport or passports
18. Driver's permit number
19. Telephone number or an alternate telephone number at which the offender may be regularly contacted
20. Height, weight and a physical description of the offender, including any distinguishing or identifying marks
21. Number of the licence plate of the vehicle for which the offender has regular control or use, or which he owns or operates
22. Description of the vehicle for which the offender has regular control or use, or which he owns or operates
23. Names and dates of birth of children residing in the same dwelling house in which the offender is residing
27. Name, address and contact information for the offender's next of kin
28. Name, address and contact information of any club, association or organization whose membership includes children and/or vulnerable persons and with which the offender is affiliated
29. Details of travel information provided by the offender pursuant to section (12) of the Act
30. Fingerprints
31. Photograph
32. Email addresses attributed to the offender
33. The name of the medical institution or medical practitioner of the offender
34. Fact summary of the circumstances surrounding the commission of offence

**SCHEDULE 3**

**REQUEST FOR INFORMATION ON REGISTERED SEX OFFENDER**

(Section 7)

All requests shall be recorded and kept confidential, except to assist or defend in a criminal prosecution.

Requestor's name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ day of \_\_\_\_\_ [year] \_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone number: \_\_\_\_\_

Reason for requesting information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



---

---

Requestor's signature I solemnly declare that I am the above-named person, at least 18 years of age, and I am requesting information for my own protection, the protection of a child under 16 years of age, or for the protection of another person for whom I have responsibility, care or custody.

Requestor's signature: \_\_\_\_\_

Date \_\_\_\_\_

I hereby request that the following information be used to determine whether the identified individual is a sex offender required to register in Antigua and Barbuda.

Subject's name (PLEASE PRINT): \_\_\_\_\_

Date of birth: \_\_\_\_\_ day of \_\_\_\_\_ [year]

OR approximate age: \_\_\_\_\_

Address:

---

---

---

Personal identifying characteristics:

Sex: \_\_\_\_\_

Race: \_\_\_\_\_

Height: \_\_\_\_\_ (or approximate height)

Weight: \_\_\_\_\_

Eye Color: \_\_\_\_\_

Hair Color: \_\_\_\_\_

Other information (e.g. license plate number, parents' names, etc.):

---

---

---

---

---

---

---

---

A photograph of the requested person IS/IS NOT attached to this request form

. \* \* Tick as appropriate.

**SCHEDULE 4**  
**INFORMATION TO BE PROVIDED BY**  
**REGISTERED SEX OFFENDERS**

(Section 11)

1. Name, former name and aliases
2. Date of birth
3. Place of birth
4. Sex
5. Country of citizenship
6. Nationality
7. Main address or secondary address
8. Address of any other place he visits regularly or volunteers
9. Name of educational institution attending
10. Address of educational institution attending
11. Telephone number of the educational institution
12. Place of employment
13. Address of place of employment
14. Telephone number of the place of employment
15. The number of any identification card issued by the Government
16. Passport number and dates of issue and expiry of passport
17. Driver's permit number

18. Telephone number or an alternate telephone number at which the offender may be regularly contacted

19. Number of the licence plate of the vehicle for which the offender has regular control or use, or which he owns or operates

20. Description of the vehicle for which the offender has regular control or use, or which he owns or operates

21. Names and dates of birth of children residing in the same dwelling house in which the offender is residing

22. Name, address and contact information for the offender's next of kin

23. Name, address and contact information of any club, association or organization whose membership includes children and/or vulnerable persons and with which the offender is affiliated

24. Details of travel information provided by the offender pursuant to section 18 of the Act

25. Height, weight and a physical description of the offender, including any distinguishing or identifying marks

26. Photograph

27. Information relevant to ascertaining the IP address of any device regularly used by the offender

28. Email addresses attributed to the offender.

29. The name of the medical institution or medical practitioner of the offender 30. Social media profiles attributed to the offender.

30. Names of vulnerable persons residing in the same dwelling house in which the offender is residing.

**SCHEDULE 5**

**APPLICATION TO HAVE RECORD REMOVED FROM THE REGISTER**

(Section 19)

1. On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ I was convicted of the following offence:

\_\_\_\_\_

2. I [  ] received (tick appropriate box)

[  ] did not receive

a custodial sentence for this offence.

I completed the term of confinement for this offence on the \_\_\_\_\_ day of

\_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_ years have passed since I was released from confinement for the conviction and I have

not been convicted of any offence listed in Schedule 1 of the National Sex Offender Act 20 [ ] since the date of my conviction or the date of my release from any confinement for this conviction.

3. I request that the court issue an order to discontinue sex offender registration as provided by law.

**SCHEDULE 6**

**CERTIFICATE OF RECORD EXPUNGEMENT**

(Section 19)

I..... do certify that the record of ..... was expunged from the National Sex Offender Register on the ..... day of ....., 20[ ].

Name of Police Officer: .....

Service Number of Police Officer: .....

Signature of Police Officer: .....

Dated the ..... day of ....., 20[ ]

Passed the House of Representatives on  
The day of , 2022.

Passed the Senate on the day of  
, 2022.

*Speaker*

*President*

*Clerk to the House of Representatives*

*Clerk to the Senate*

## **EXPLANATORY MEMORANDUM**

This Bill is aimed at establishing a National Sex Offender Register which could be used as a regional tool for the monitoring of convicted sex offenders, thereby increasing public safety and reducing the incidences of sexual reoffending.

The Bill has 22 clauses divided into three (3) Parts and six schedules. The 22 clauses address the following matters –

### **PART 1**

#### **PPRELIMINARY: CLAUSES 1 TO 3**

##### **Clause 1 – Short title and commencement**

The Bill is for an Act shortly entitled, the National Sex Offender Register Act 2021.

The Act comes into force on a date appointed by the Minister by Notice published in the Gazette.

##### **Clause 2 – Interpretation**

This covers the meanings to be accorded to certain of the terms used in the Act.

##### **Clause 3 – Application**

This clause makes it clear that the Act applies to a convicted individual that is 18 years or older.

### **PART II**

#### **ESTABLISHMENT OF THE NATIONAL SEX OFFENDER REGISTER ('NSOR'):**

##### **CLAUSES 4 – 7**

##### **Clause 4 – Establishment of the National Sex Offender Register**

The Commissioner of Police is charged with establishing the register and is also responsible for maintaining it. The COP is also responsible for making all necessary security arrangements for the protection of the data on the NSOR. In this regard, the COP also determines issues of access to the information on the register.

##### **Clause 5 – Contents of the Register**

This clause outlines the information that is to be recorded on the register. The information will come from several sources. The bio-data information that would have been captured at the stage of

processing the accused before trial, the information coming from the Superintendent of Prisons and the information provided by the convicted sex offender. Schedules 2 and 4 of the Bill give details of the information to be contained on the NSOR.

#### **Clause 6 – Purpose of the NSOR**

The purposes of the NSOR are outlined in this clause. The primary purpose of having a NSOR is to reduce the opportunities for a convicted sex offender to reoffend. This is achieved through the process of tracking and monitoring of the convicted sex offender. In this way, the other purposes are fulfilled, such as creating a safer environment for children and vulnerable persons.

#### **Clause 7 – Public access to the register**

Access is of two types. In the First category, a person can apply to the Commissioner to confirm whether a named individual is a registered sex offender. In the second category, are persons having actual access to the information on the register by virtue of their position. The Minister may make an order adding individuals to that list, but the list starts with a limited number of persons.

### **PART III**

#### **REGISTRATION AND REPORTING REQUIREMENTS OF A REGISTERED SEX OFFENDER: CLAUSES 8 TO 19**

#### **Clause 8 – Registration of convicted sex offender**

The registration process for a convicted sex offender is laid out in the Act, and shall be done in accordance with the provisions of the Act. The Act makes a distinction between convicted offenders who were given a non-custodial sentence and convicted offenders upon whom a sentence of imprisonment was imposed.

#### **Clause 9 – Court may make Registration Order**

The provisions of this clause apply where a convicted sex offender receives a non-custodial sentence. This offender will only be registered and have the obligation to fulfill the reporting requirements in clause 11 where the Court makes an order that the offender should be registered. The court makes its determination after considering the matters outlined in subsection (3) of this provision.



**Clause 10 – Registration after sentence of imprisonment**

By this provision, it is mandatory to register a convicted sex offender upon whom a sentence of imprisonment was imposed. Several officials play a role in the system surrounding the registration of the convicted offender.

The Court, at the stage of sentencing, has an obligation to explain to the convicted offender that he/she is a registrable offender and will be required to fulfill certain reporting obligations at the

expiration of his/her sentence. It is not detrimental to the process if the court fails to give the offender this information.

The Superintendent of Prisons [or the named individual holding a similar position in other jurisdictions], sends the information on the upcoming release of the convicted sex offender to the COP at least 1 month before the offender is released. Additionally, the Superintendent of Prisons has an obligation to explain to the convicted sex offender what the offender's reporting obligations are and the penalties for failing to comply with the obligation to report.

**Clause 11 – Duty to report to police station**

This clause deals with the requirement for making that initial report and gives details as to the time when this initial report must be made. The information is crucial information and forms a part of the data that must be on the register. It also makes provision for the sex offender to be provided with a certificate as evidence of having complied with his or her obligation to make that initial report.

**Clause 12 – Notification of change in information by registered sex offender**

This clause makes clear that the sex offender has an obligation to correct any incorrect information that may have been provided to the designated police officer; and also a duty to notify the designated officer of any changes in the information that was provided to the police.

In short, the duty on the sex offender is to ensure that the information on the register, as it relates to the sex offender, is current.

**Clause 13 – Reporting period for registered sex offender**

This clause outlines when the reporting commences, how often it is to occur and over what period of time. The time listed in subsection (2) is the maximum reporting period for a single registrable offence. Where the offender is convicted and sentenced in respect of two or more registrable offences, the duration of the offender's reporting obligation will, unless the court determines otherwise, be based on the aggregate number of years to which the offender was sentenced without regard to whether the sentences are to be served consecutively or concurrently.

**Clause 14** – Reporting to be in person

In every instance under the Act where the offender is required to report, the reporting shall be in person, but the offender may take a representative with him when providing the information.

**Clause 15** – Reporting requirement where sex offender has appealed conviction

The provisions of this clause highlights that the lodging of an appeal acts as a suspension of the convicted offender’s reporting obligations. If the appeal is successful, there will be no obligation on the formerly convicted offender; however, if the appeal is unsuccessful, then the obligation must be complied with within a stated period.

**Clause 16** – Reporting requirement where registered sex offender convicted of subsequent registrable offence

In this instance, the period of the offender’s reporting obligation for the subsequent offence will commence after the offender’s obligation to report for the previous offence has been completed.

**Clause 17** – Suspension of reporting requirement of registered sex offender

This clause outlines the circumstances that would give rise to a suspension of the registered sex offender’s obligation to report. It also outlines when the obligation is to resume and specifies that proof of the occurrence of an event or circumstances giving rise to the suspension of the offender’s reporting obligation must be provided upon resumption. Failure to comply with the provisions of this section is punishable by a fine of twenty-five thousand dollars and to imprisonment for five (5) years.

**Clause 18** – Sex offender to inform the Police of intention to travel

This is an important clause. A sex offender is obligated to report his or her travel plans ahead of leaving the jurisdiction. However, it is recognized that there is also a flaw within the system, in that a sex offender may leave the “home” jurisdiction for another country with which there is no corresponding relationship under this Act and hence no reporting obligation. In this case, provided the offender makes the required reports under the Act, there is nothing that can be done to address the issue.

**Clause 19** – Application by registered sex offender to have information removed from Register

This clause deals with an application by the registered sex offender to have his or her name removed from the NSOR.

An application under this section may be made as a result of the reporting period coming to an end or on the basis of compelling reasons. The “compelling reasons” are not defined, but the matters that must be considered by the Court in making its decision is outlined within the section.

## **PART IV**

### **MISCELLANEOUS: CLAUSES 20 TO 22**

#### **Clause 20 – Sharing of information with participating Member States**

This clause places the obligation on the Commission of Police to inform his or her counterpart in a participating Member State of the plans of a registered sex offender to travel to the other jurisdiction.

#### **Clause 21 – Confidentiality and disclosure of information**

This clause makes it clear that the individuals task with the administration of the NSOR are bound by an obligation of secrecy and ought not to disclose or share any information regarding any registered sex offender, except in accordance with the Act or pursuant to an order of Court.

#### **Clause 22 – Regulations**

This Clause gives the Minister the authority to amend any of the Schedules, prescribe the procedure for the sharing of information with participating Member States. The Clause also allows the Minister to enter into agreement with any territory outside of the OECS for the mutual sharing of sex offender information in the same manner as it is shared with OECS territories.

#### **The Schedules:**

There are six Schedules providing detailed information on matters relevant to a successful operation of the NSOR

#### **SCHEDULE 1 - REGISTRABLE OFFENCES**

#### **SCHEDULE 2 - INFORMATION TO BE CONTAINED IN THE NATIONAL SEX OFFENDER REGISTER**

#### **SCHEDULE 3 - REQUEST FOR INFORMATION ON REGISTERED SEX OFFENDER**

**SCHEDULE 4 - INFORMATION TO BE PROVIDED BY REGISTERED SEX OFFENDERS**

**SCHEDULE 5 - APPLICATION TO HAVE RECORD REMOVED FROM THE REGISTER**

**SCHEDULE 6 - CERTIFICATE OF RECORD EXPUNGEMENT**