
CRIMINAL JUSTICE ACT 2006

AN ACT TO AMEND AND EXTEND THE POWERS OF THE GARDA SÍOCHÁNA IN RELATION TO THE INVESTIGATION OF OFFENCES; TO AMEND CRIMINAL LAW AND PROCEDURE IN OTHER RESPECTS, INCLUDING PROVISION FOR THE ADMISSIBILITY IN EVIDENCE OF CERTAIN WITNESS STATEMENTS, AN EXTENSION OF THE CIRCUMSTANCES IN WHICH THE ATTORNEY GENERAL IN ANY CASE OR, IF HE OR SHE IS THE PROSECUTING AUTHORITY IN A TRIAL, THE DIRECTOR OF PUBLIC PROSECUTIONS MAY REFER A QUESTION OF LAW TO THE SUPREME COURT FOR DETERMINATION OR TAKE AN APPEAL IN CRIMINAL PROCEEDINGS, PROVISION FOR OFFENCES RELATING TO ORGANISED CRIME, AMENDMENTS TO THE MISUSE OF DRUGS ACT 1977, AN OBLIGATION, IN THE INTERESTS OF THE COMMON GOOD, ON PERSONS CONVICTED ON INDICTMENT OF CERTAIN DRUG TRAFFICKING OFFENCES TO NOTIFY CERTAIN INFORMATION TO THE GARDA SÍOCHÁNA, PROVISIONS IN RELATION TO SENTENCING, A RESTRICTION OF THE OFFENCES TO WHICH SECTION 10(4) OF THE PETTY SESSIONS (IRELAND) ACT 1851 APPLIES, AN AMENDMENT OF THE JURISDICTION OF THE DISTRICT COURT AND THE CIRCUIT COURT IN CRIMINAL MATTERS, THE IMPOSITION OF FIXED CHARGES IN RESPECT OF CERTAIN OFFENCES UNDER THE CRIMINAL JUSTICE (PUBLIC ORDER) ACT 1994 AND AN AMENDMENT OF THE PETTY SESSIONS (IRELAND) ACT 1851 RELATING TO THE ISSUE AND EXECUTION OF CERTAIN WARRANTS; TO AMEND THE FIREARMS ACTS 1925 TO 2000 AND THE EXPLOSIVES ACT 1875; TO MAKE PROVISION IN RELATION TO ANTI-SOCIAL BEHAVIOUR BY ADULTS AND CHILDREN; TO AMEND THE CHILDREN ACT 2001; TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS AN COISTE COMHAIRLEACH UM CHÓDÚ AN DLÍ CHOIRIÚIL OR, IN THE ENGLISH LANGUAGE AS, THE CRIMINAL LAW CODIFICATION ADVISORY COMMITTEE AND TO PROVIDE FOR RELATED MATTERS.

[16th July, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

PART 7

Organised Crime

Organised crime.

72.—(1) A person who, for the purpose of enhancing the ability of a criminal organisation to commit or facilitate—

(a) a serious offence in the State, or

(b) in a place outside the State, a serious offence under the law of that place where the act constituting the offence would, if done in the State, constitute a serious offence,

knowingly, by act—

(i) in a case to which paragraph (a) applies, whether done in or outside the State, and

(ii) in a case to which paragraph (b) applies, done in the State, on board an Irish ship or on an aircraft registered in the State,

participates in or contributes to any activity of the organisation is guilty of an offence.

(2) In proceedings for an offence under subsection (1), it shall not be necessary for the prosecution to prove that—

(a) the criminal organisation concerned actually committed a serious offence in the State or a serious offence under the law of a place outside the State where the act constituting the offence would, if done in the State, constitute a serious offence, as the case may be,

(b) the participation or contribution of the person concerned actually enhanced the ability of the criminal organisation concerned to commit or facilitate the offence concerned, or

(c) the person concerned knew the specific nature of any offence that may have been committed or facilitated by the criminal organisation concerned.

(3) In determining whether a person participates in or contributes to any activity of a criminal organisation, the court may consider, inter alia, whether the person—

(a) uses a name, word, symbol or other representation that identifies, or is associated with, the organisation, or

(b) receives any benefit from the organisation.

(4) For the purposes of this section, facilitation of an offence does not require knowledge of a particular offence the commission of which is facilitated, or that an offence actually be committed.

(5) A person guilty of an offence under this section shall be liable on conviction on indictment to a fine or imprisonment for a term not exceeding 5 years or both.

Commission of offence for criminal organisation.

73.—(1) A person who commits a serious offence for the benefit of, at the direction of, or in association with, a criminal organisation is guilty of an offence.

(2) In proceedings for an offence under subsection (1), it shall not be necessary for the prosecution to prove that the person concerned knew any of the persons who constitute the criminal organisation concerned.

(3) A person guilty of an offence under this section shall be liable on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.

(...)

Liability for offences by bodies corporate.

76.—(1) Where an offence under this Part is committed by a body corporate and is proved to have been committed with the consent, connivance or approval of, or to have been attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or any other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(...)