



An Bille um Cheartas Coiriúil (Cionta Fuatha), 2022
Criminal Justice (Hate Offences) Bill 2022

athraithe ó
changed from

AN BILLE UM CHEARTAS COIRIÚIL (GRÍOSÚ CHUN FORÉIGIN NÓ FUATHA AGUS CIONTA FUATHA), 2022
CRIMINAL JUSTICE (INCITEMENT TO VIOLENCE OR HATRED AND HATE OFFENCES) BILL 2022

Mar a ritheadh ag dhá Theach an Oireachtais

As passed by both Houses of the Oireachtas



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ACTS REFERRED TO

Bail Act 1997 (No. 16)
Criminal Damage Act 1991 (No. 31)
Criminal Justice (Public Order) Act 1994 (No. 2)
Criminal Justice (Public Order) Act 2003 (No. 16)
Criminal Justice (Safety of United Nations Workers) Act 2000 (No. 16)
Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (No. 4)
Criminal Justice (Terrorist Offences) Act 2005 (No. 2)
Criminal Justice (Victims of Crime) Act 2017 (No. 28)
Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 (No. 24)
Criminal Justice Act 2006 (No. 26)
Criminal Justice Act 2007 (No. 29)
Criminal Law (Extraterritorial Jurisdiction) Act 2019 (No. 6)
Criminal Law (Jurisdiction) Act 1976 (No. 14)
Criminal Procedure Act 2010 (No. 27)
Equal Status Act 2000 (No. 8)
Extradition (Amendment) Act 1994 (No. 6)
National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (No. 47)
Non-Fatal Offences against the Person Act 1997 (No. 26)
Prohibition of Incitement to Hatred Act 1989 (No. 19)
Taxi Regulation Act 2013 (No. 37)



**AN BILLE UM CHEARTAS COIRIÚIL (CIONTA FUATHA), 2022
CRIMINAL JUSTICE (HATE OFFENCES) BILL 2022**

*athraithe ó
changed from*

AN BILLE UM CHEARTAS COIRIÚIL (GRÍOSÚ CHUN FORÉIGIN NÓ FUATHA AGUS CIONTA FUATHA), 2022 5
CRIMINAL JUSTICE (INCITEMENT TO VIOLENCE OR HATRED AND HATE OFFENCES) BILL 2022

Bill

entitled

An Act to provide for certain offences aggravated by hatred in the Criminal Damage Act 1991, the Criminal Justice (Public Order) Act 1994 and the Non-Fatal Offences against the Person Act 1997; for that purpose, to provide for amendments of those and other enactments; to provide in respect of certain offences for hatred against a person or a group of persons on account of certain characteristics (referred to as protected characteristics) of the person or the group of persons to be an aggravating factor in sentencing for those offences; and to provide for related matters. 10
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Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Criminal Justice (Hate Offences) Act 2024. 20
(2) This Act shall come into operation on such day or days as the Minister for Justice may by order or orders appoint either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Interpretation

2. In this Act—

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“hatred” means hatred against a person or a group of persons in the State or elsewhere on account of their protected characteristics or any one of those characteristics;

“protected characteristic” shall be construed in accordance with *section 3*.

Meaning of protected characteristic

3. (1) In this Act, “protected characteristic”, in relation to a person or a group of persons, means any one of the following, namely—
- (a) race,
 - (b) colour,
 - (c) nationality,
 - (d) religion, 10
 - (e) national or ethnic origin,
 - (f) descent,
 - (g) gender,
 - (h) sex characteristics,
 - (i) sexual orientation, or 15
 - (j) disability.
- (2) In this Act, in relation to the protected characteristics—
- (a) references to “religion” include references to the absence of a religious conviction or belief,
 - (b) references to “descent” include references to persons or groups of persons who descend from persons who could be identified by certain characteristics (such as race or colour), but not necessarily all of those characteristics still exist, 20
 - (c) references to “national or ethnic origin” include references to membership of the Traveller community (within the meaning of section 2(1) of the Equal Status Act 2000), 25
 - (d) “gender” means the gender of a person or the gender which a person expresses as the person’s preferred gender or with which the person identifies and includes transgender and a gender other than those of male and female,
 - (e) “sexual orientation” has the same meaning as it has in section 2(1) of the Equal Status Act 2000, 30
 - (f) references to sex characteristics shall be construed as references to the physical and biological features of a person relating to sex, and
 - (g) “disability” has the same meaning as it has in section 2(1) of the Equal Status Act 2000.

Expenses

4. The expenses incurred by the Minister for Justice in the administration of this Act shall, 35

to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of monies provided by the Oireachtas.

PART 2

OFFENCES AGGRAVATED BY HATRED

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Amendment of Criminal Damage Act 1991

5. The Criminal Damage Act 1991 is amended—

(a) in section 1—

(i) in subsection (1), by the insertion of the following definitions:

“ ‘*Act of 2024*’ means the *Criminal Justice (Hate Offences) Act 2024*; 10

‘hatred’ has the meaning it has in *section 2* of the *Act of 2024*;

‘protected characteristic’ has the meaning it has in *section 2* of the *Act of 2024*;”,

(ii) in subsection (3)—

(I) by the substitution of “an offence under section 2, 2A, 3(a) or 4(a)” for 15
“an offence under section 2, 3(a) or 4(a)”, and

(II) by the substitution of “sections 2, 2A, 3(a) and 4(a)” for “sections 2, 3(a)
and 4(a)”,

and

(iii) in subsection (3A), by the substitution of “an offence under section 2, 2A, 20
3(a) or 4(a)” for “an offence under section 2, 3(a) or 4(a)”,

(b) by the insertion of the following section after section 2:

“Damaging property aggravated by hatred

2A. (1) A person shall be guilty of an offence under this section if he or she 25
commits an offence under section 2 which is aggravated by hatred for
the purposes of this section.

(2) An offence under section 2 committed by a person is aggravated by
hatred for the purposes of this section if—

(a) where there is a specific victim of the offence—

(i) at the time of committing the offence, or immediately before or 30
after doing so, the person demonstrates hatred towards the
victim, and

(ii) the hatred is on account of the victim's membership or presumed
membership of a group defined by reference to a protected
characteristic, 35

or

- (b) whether or not there is a specific victim of the offence, the offence is motivated (wholly or partly) by hatred towards a group of persons on account of the group being defined by reference to a protected characteristic.
- (3) It is immaterial whether or not an accused person's hatred is also on account (to any extent) of any other factor. 5
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a class B fine or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment— 10
- (i) in case the offence under section 2 that the person commits is arson under subsection (1) or (3) of that section or an offence under subsection (2) of that section (whether arson or not), to a fine or imprisonment for life or both, or
- (ii) in case the offence under section 2 that the person commits is an offence other than one referred to in subparagraph (i), to a fine or imprisonment for a term not exceeding 12 years or both. 15
- (5) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 2. 20
- (6) For the purposes of subsection (2)(a), the person to whom the property concerned belongs or is treated as belonging for the purposes of this Act shall be regarded as the victim of an offence under section 2 of damaging that property.
- (7) In this section— 25
- ‘membership’, in relation to a group, includes association with members of the group;
- ‘presumed’ means presumed by the person who commits an offence under section 2.”
- (c) in section 6(1), by the substitution of the following paragraph for paragraph (a): 30
- “(a) an offence under section 2(1), including such an offence when committed aggravated by hatred for the purposes of section 2A,”
- and
- (d) in section 7, by the insertion of the following subsection after subsection (2):
- “(2A) In this section, references to an offence under section 2 shall include references to such an offence when committed aggravated by hatred for the purposes of section 2A.”. 35

Amendment of Criminal Justice (Public Order) Act 1994

6. The Criminal Justice (Public Order) Act 1994 is amended—

(a) in section 3, by the insertion of the following definitions:

“ ‘Act of 2024’ means the *Criminal Justice (Hate Offences) Act 2024*;

‘hatred’ has the meaning it has in *section 2* of the *Act of 2024*;

‘protected characteristic’ has the meaning it has in *section 2* of the *Act of 2024*;”

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(b) by the insertion of the following section after section 3:

“Aggravation of certain offences by hatred

3A. (1) An offence committed by a person is aggravated by hatred for the purposes of sections 6A, 7A, 11A and 18A if—

(a) where there is a specific victim of the offence—

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(i) at the time of committing the offence, or immediately before or after doing so, the person demonstrates hatred towards the victim, and

(ii) the hatred is on account of the victim's membership or presumed membership of a group defined by reference to a protected characteristic,

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or

(b) whether or not there is a specific victim of the offence, the offence is motivated (wholly or partly) by hatred towards a group of persons on account of the group being defined by reference to a protected characteristic.

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(2) It is immaterial whether or not an accused person’s hatred is also on account (to any extent) of any other factor.

(3) In this section—

‘membership’, in relation to a group, includes association with members of the group;

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‘presumed’ means presumed by the person who commits an offence under section 6A, 7A, 11A or 18A, as may be appropriate.”

(c) by the insertion of the following section after section 6:

“Threatening, abusive or insulting behaviour in public place aggravated by hatred

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6A. (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 6 which is aggravated by hatred for the purposes of this section.

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a class C fine or to imprisonment for a term not exceeding 6 months or to both.

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(3) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 6.”

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(d) by the insertion of the following section after section 7:

“Distribution or display in public place of material which is threatening, abusive, insulting or obscene aggravated by hatred

7A. (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 7 which is aggravated by hatred for the purposes of this section. 5

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a class C fine or to imprisonment for a term not exceeding 6 months or to both.

(3) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 7.” 10

(e) in section 8, by the insertion of the following subsection after subsection (1):

“(1A) In subsection (1)(a), the reference to a person acting in a manner contrary to the provisions of section 6 or 7 shall include a reference to a person acting in a manner contrary to the provisions of the section concerned when aggravated by hatred for the purposes of section 6A or 7A, as may be appropriate.” 15

(f) by the insertion of the following section after section 11:

“Entering building, etc., with intent to commit an offence aggravated by hatred 20

11A. (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 11 which is aggravated by hatred for the purposes of this section.

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a class B fine or to imprisonment for a term not exceeding 9 months or to both. 25

(3) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 11.” 30

(g) by the insertion of the following section after section 18:

“Assault with intent to cause bodily harm or commit indictable offence aggravated by hatred

18A. (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 18 which is aggravated by hatred for the purposes of this section. 35

(2) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a class B fine or to imprisonment for a term not exceeding 12 months or to both, or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 7 years or to both. 40

(3) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 18.”,

and

- (h) in section 24(5), by the insertion of— 5
- (i) “6A,” after “6,”,
 - (ii) “7A,” after “7,”,
 - (iii) “11A,” after “11,” and
 - (iv) “, 18A” after “18”.

Amendment of Non-Fatal Offences against the Person Act 1997 10

7. The Non-Fatal Offences against the Person Act 1997 is amended—

(a) in section 1(1), by the insertion of the following definitions:

“ ‘Act of 2024’ means the *Criminal Justice (Hate Offences) Act 2024*;

‘hatred’ has the meaning it has in *section 2* of the *Act of 2024*;

‘protected characteristic’ has the meaning it has in *section 2* of the *Act of 2024*;” 15

(b) by the insertion of the following section after section 1:

“Aggravation of certain offences by hatred

1A. (1) An offence committed by a person is aggravated by hatred for the purposes of sections 2A, 3B, 4B, 5A, 9A, 10B and 13A if— 20

(a) where there is a specific victim of the offence—

(i) at the time of committing the offence, or immediately before or after doing so, the person demonstrates hatred towards the victim, and

(ii) the hatred is on account of the victim's membership or presumed membership of a group defined by reference to a protected characteristic, 25

or

(b) whether or not there is a specific victim of the offence, the offence is motivated (wholly or partly) by hatred towards a group of persons on account of the group being defined by reference to a protected characteristic. 30

(2) It is immaterial whether or not an accused person’s hatred is also on account (to any extent) of any other factor.

(3) In this section— 35

‘membership’, in relation to a group, includes association with members of the group;

‘presumed’ means presumed by the person who commits an offence under section 2A, 3B, 4B, 5A, 9A, 10B or 13A, as may be appropriate.”,

(c) by the insertion of the following section after section 2:

“Assault aggravated by hatred

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2A. (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 2 which is aggravated by hatred for the purposes of this section.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a class B fine or to imprisonment for a term not exceeding 9 months or to both.

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(3) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 2.”,

(d) by the insertion of the following section after section 3A:

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“Assault causing harm aggravated by hatred

3B. (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 3 which is aggravated by hatred for the purposes of this section.

(2) A person guilty of an offence under this section shall be liable—

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(a) on summary conviction, to a class B fine or to imprisonment for a term not exceeding 12 months or to both, or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 12 years or to both.

(3) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 3.”,

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(e) by the insertion of the following section after section 4A:

“Causing serious harm aggravated by hatred

4B. (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 4 which is aggravated by hatred for the purposes of this section.

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(2) A person guilty of an offence under this section shall be liable on conviction on indictment to a fine or to imprisonment for life or to both.

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(3) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 4.”,

(f) by the insertion of the following section after section 5:

“Threats to kill or cause serious harm aggravated by hatred

- 5A.** (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 5 which is aggravated by hatred for the purposes of this section.
- (2) A person guilty of an offence under this section shall be liable— 5
- (a) on summary conviction, to a class B fine or to imprisonment for a term not exceeding 12 months or to both, or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 12 years or to both.
- (3) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 5.”, 10

(g) by the insertion of the following section after section 9:

“Coercion aggravated by hatred

- 9A.** (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 9 which is aggravated by hatred for the purposes of this section. 15
- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a class B fine or to imprisonment for a term not exceeding 12 months or to both, or 20
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 7 years or to both.
- (3) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 9.”, 25

(h) by the insertion of the following section after section 10A:

“Harassment aggravated by hatred

- 10B.** (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 10(1) which is aggravated by hatred for the purposes of this section. 30
- (2) Subsections (3) to (8), (10) to (13) and (15) of section 10 shall, with any necessary modifications, apply to an offence under this section as they apply to an offence under subsection (1) of that section.
- (3) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or 35
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 12 years or to both.

- (4) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 10(1).”,

and

- (i) by the insertion of the following section after section 13: 5

“Endangerment aggravated by hatred

13A. (1) A person shall be guilty of an offence under this section if he or she commits an offence under section 13 which is aggravated by hatred for the purposes of this section.

- (2) A person guilty of an offence under this section shall be liable— 10

(a) on summary conviction, to a class B fine or to imprisonment for a term not exceeding 12 months or to both, or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 9 years or to both.

- (3) A person charged with an offence under this section may, if the evidence does not warrant conviction for an offence under this section, be found guilty of an offence under section 13.”. 15

Hatred against persons on account of their protected characteristics as aggravating factor in sentencing for certain offences

- 8.** (1) Without prejudice to any other enactment or rule of law and subject to *subsections (2) and (3)*, a court shall treat as an aggravating factor hatred against a person or a group of persons on account of their protected characteristics or any of those characteristics on the part of a person in the commission of an offence to which this section applies for the purposes of determining the sentence to be imposed on the person for that offence. 25

(2) Accordingly, the court shall (except where the sentence for the offence concerned is one of imprisonment for life or where the court considers there are exceptional circumstances justifying its not doing so) impose a sentence that is greater than that which would have been imposed in the absence of such a factor.

- (3) The sentence imposed shall not be greater than the maximum sentence permissible for the offence concerned. 30

(4) Where a greater sentence is imposed by a court pursuant to this section, the court shall state and record in the proceedings—

(a) the fact that the greater sentence is imposed pursuant to this section, and

(b) the protected characteristic or characteristics of the person or the group of persons concerned by reference to which that greater sentence is imposed. 35

(5) An offence to which this section applies means an offence other than an offence under any of the following provisions:

- (a) sections 2, 3 and 4 of the Prohibition of Incitement to Hatred Act 1989;

- (b) section 2A (inserted by *section 5*) of the Criminal Damage Act 1991;
- (c) sections 6A, 7A, 11A and 18A (inserted by *section 6*) of the Criminal Justice (Public Order) Act 1994;
- (d) sections 2A, 3B, 4B, 5A, 9A, 10B and 13A (inserted by *section 7*) of the Non-Fatal Offences against the Person Act 1997. 5

PART 3

AMENDMENTS OF OTHER ENACTMENTS

Amendment of Schedule to Criminal Law (Jurisdiction) Act 1976

- 9.** The Schedule to the Criminal Law (Jurisdiction) Act 1976 is amended—
- (a) by the substitution of the following paragraph for paragraph 6A: 10
 - “6A. Any offence under the following provisions of the Criminal Damage Act 1991—
 - (a) subsections (1) and (4) or subsections (2) and (4) of section 2 (arson);
 - (b) section 2A insofar as it relates to an offence of arson under section 2 (referred to in paragraph (a)) that is aggravated by hatred for the purposes of section 2A (arson aggravated by hatred).”, 15
 - and
 - (b) in paragraph 7, by the insertion of the following subparagraph after subparagraph (aa): 20
 - “(ab) section 4B (causing serious harm aggravated by hatred);”.

Amendment of First Schedule to Extradition (Amendment) Act 1994

- 10.** The First Schedule to the Extradition (Amendment) Act 1994 is amended—
- (a) in paragraph 6, by—
 - (i) the insertion of the following subparagraph after subparagraph (aa): 25
 - “(ab) section 3B (assault causing harm aggravated by hatred);”,
 - and
 - (ii) the insertion of the following subparagraph after subparagraph (ba):
 - “(bb) section 4B (causing serious harm aggravated by hatred);”,
 - and 30
 - (b) by the substitution of the following paragraph for paragraph 11:
 - “11. Any offence under the following provisions of the Criminal Damage Act 1991—

- (a) section 2(2) (damaging property with intent to endanger life or being reckless as to danger to life);
- (b) section 2A insofar as it relates to an offence under section 2(2) that is aggravated by hatred for the purposes of section 2A (damaging property with intent to endanger life or being reckless as to danger to life aggravated by hatred).” 5

Amendment of Schedule to Bail Act 1997

11. The Schedule to the Bail Act 1997 is amended—

- (a) in paragraph 7, by—
 - (i) the insertion of the following subparagraph after subparagraph (aa): 10
 - “(ab) section 3B (assault causing harm aggravated by hatred);”,
 - (ii) the insertion of the following subparagraph after subparagraph (ba):
 - “(bb) section 4B (causing serious harm aggravated by hatred);”,
 - (iii) the insertion of the following subparagraph after subparagraph (c):
 - “(ca) section 5A (threats to kill or cause serious harm aggravated by hatred);”, 15
 - (iv) the insertion of the following subparagraph after subparagraph (g):
 - “(ga) section 9A (coercion aggravated by hatred);”,
 - (v) the insertion of the following subparagraph after subparagraph (h):
 - “(ha) section 10B (harassment aggravated by hatred);”, 20
 - and
 - (vi) the insertion of the following subparagraph after subparagraph (i):
 - “(ia) section 13A (endangerment aggravated by hatred);”,
- (b) in paragraph 8, by the insertion of the following subparagraph after subparagraph (a): 25
 - “(aa) section 18A (assault with intent to cause bodily harm or commit indictable offence aggravated by hatred);”,
- and
- (c) in paragraph 18, by the insertion of the following subparagraph after subparagraph (a): 30
 - “(aa) section 2A (damaging property aggravated by hatred);”.

Amendment of Second Schedule to Criminal Justice (Safety of United Nations Workers) Act 2000

12. The Second Schedule to the Criminal Justice (Safety of United Nations Workers) Act 2000 is amended— 35

- (a) in Part I, in paragraph 4, by—
 - (i) the insertion of the following subparagraph after subparagraph (a):
 - “(aa) section 2A (assault aggravated by hatred);”,
 - (ii) the insertion of the following subparagraph after subparagraph (ba):
 - “(bb) section 3B (assault causing harm aggravated by hatred);”,
 - (iii) the insertion of the following subparagraph after subparagraph (ca):
 - “(cb) section 4B (causing serious harm aggravated by hatred);”,
 - (iv) the insertion of the following subparagraph after subparagraph (d):
 - “(da) section 5A (threats to kill or cause serious harm aggravated by hatred);”,

and

 - (v) the insertion of the following subparagraph after subparagraph (f):
 - “(fa) section 13A (endangerment aggravated by hatred);”,

and

- (b) in Part II, in paragraph 2, by the insertion of the following subparagraph after subparagraph (a):
 - “(aa) section 2A (damaging property aggravated by hatred);”.

Amendment of section 3 of Criminal Justice (Public Order) Act 2003

- 13. Section 3 of the Criminal Justice (Public Order) Act 2003 is amended by the insertion of—
 - (a) “6A,” after “6,” and
 - (b) “7A,” after “7.”

Amendment of Criminal Justice (Terrorist Offences) Act 2005

- 14. The Criminal Justice (Terrorist Offences) Act 2005 is amended—
 - (a) in Part 1 of Schedule 2—
 - (i) in paragraph 2, by—
 - (I) the insertion of the following subparagraph after subparagraph (aa):
 - “(ab) section 3B (assault causing harm aggravated by hatred);”,
 - (II) the insertion of the following subparagraph after subparagraph (ba):
 - “(bb) section 4B (causing serious harm aggravated by hatred);”,

and

 - (III) the insertion of the following subparagraph after subparagraph (e):

- “(ea) section 13A (endangerment aggravated by hatred);”,
and
- (ii) by the substitution of the following paragraph for paragraph 5:
“5. Any offence under any of the following provisions of the Criminal
Damage Act 1991: 5
(a) section 2 (damaging property);
(b) section 2A (damaging property aggravated by hatred).”,
and
- (b) in Part 1 of Schedule 6—
- (i) in paragraph 2, by— 10
(I) the insertion of the following subparagraph after subparagraph (a):
“(aa) section 2A (assault aggravated by hatred);”,
(II) the insertion of the following subparagraph after subparagraph (ba):
“(bb) section 3B (assault causing harm aggravated by hatred);”,
(III) the insertion of the following subparagraph after subparagraph (ca): 15
“(cb) section 4B (causing serious harm aggravated by hatred);”,
and
(IV) the insertion of the following subparagraph after subparagraph (f):
“(fa) section 13A (endangerment aggravated by hatred);”,
and 20
- (ii) in paragraph 6, by the insertion of the following subparagraph after
subparagraph (a):
“(aa) section 2A of the Criminal Damage Act 1991 (damaging property
aggravated by hatred);”.

Amendment of Schedule 3 to Criminal Justice Act 2006 25

15. Schedule 3 to the Criminal Justice Act 2006 is amended—

- (a) in paragraph 1, by—
- (i) the insertion of the following after “section 6 (threatening, abusive or
insulting behaviour in public place)”:
“section 6A (threatening, abusive or insulting behaviour in public
place aggravated by hatred)”, 30
and
- (ii) the insertion of the following after “section 11 (entering building, etc., with
intent to commit an offence)”:

“section 11A (entering building, etc., with intent to commit an offence aggravated by hatred”),

and

(b) in paragraph 2, by—

(i) the insertion of the following after “section 2 (assault)”: 5

“section 2A (assault aggravated by hatred”),

(ii) the insertion of the following after “section 3A (non-fatal strangulation or non-fatal suffocation)”:

“section 3B (assault causing harm aggravated by hatred”),

(iii) the insertion of the following after “section 9 (coercion)”: 10

“section 9A (coercion aggravated by hatred”),

and

(iv) the insertion of the following after “section 10 (harassment)”:

“section 10B (harassment aggravated by hatred”).

Amendment of Schedule 2 to Criminal Justice Act 2007 15

16. Schedule 2 to the Criminal Justice Act 2007 is amended, in paragraph 2, by—

(a) the insertion of the following subparagraph after subparagraph (aa):

“(ab) section 4B (causing serious harm aggravated by hatred);”,

and

(b) the insertion of the following subparagraph after subparagraph (b): 20

“(ba) section 5A (threats to kill or cause serious harm aggravated by hatred);”.

Amendment of Schedule to Criminal Procedure Act 2010

17. The Schedule to the Criminal Procedure Act 2010 is amended—

(a) in paragraph 10, by the insertion of the following subparagraph after 25
subparagraph (aa):

“(ab) section 4B (causing serious harm aggravated by hatred);”,

and

(b) by the addition of the following paragraph after paragraph 20:

“20A. An offence under section 2A of the Criminal Damage Act 1991 30
(damaging property aggravated by hatred).”.

Amendment of National Vetting Bureau (Children and Vulnerable Persons) Act 2012

18. The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 is amended—

- (a) in section 14A(4)(c), by the insertion of “6A,” after “6,” and the insertion of “7A,” after “7,” and
- (b) in paragraph 17 of Schedule 3, by the insertion of “, 18A” after “18”.

Amendment of Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 5

19. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 is amended—

- (a) in Schedule 1, in paragraph 18, by—
 - (i) the insertion of the following subparagraph after subparagraph (aa):
 - “(ab) section 3B (assault causing harm aggravated by hatred),” 10
 - (ii) the insertion of the following subparagraph after subparagraph (ba):
 - “(bb) section 4B (causing serious harm aggravated by hatred),”
 - (iii) the insertion of the following subparagraph after subparagraph (c):
 - “(ca) section 5A (threats to kill or cause serious harm aggravated by hatred),” 15
 - and
 - (iv) the insertion of the following subparagraph after subparagraph (d):
 - “(da) section 13A (endangerment aggravated by hatred),”
 - and
- (b) in Schedule 2, by the substitution of the following paragraph for paragraph 11: 20
 - “11. An offence under any of the following provisions of the Non-Fatal Offences against the Person Act 1997—
 - (a) section 3 (assault causing harm),
 - (b) section 3A (non-fatal strangulation or non-fatal suffocation),
 - (c) section 3B (assault causing harm aggravated by hatred).” 25

Amendment of Schedule to Taxi Regulation Act 2013

20. Part 2 of the Schedule to the Taxi Regulation Act 2013 is amended—

- (a) in paragraph 2, by the substitution of “section 18, 18A or 19(1)” for “section 18 or 19(1),”
- (b) in paragraph 3, by the substitution of “(other than section 2, 2A or 16)” for “(other than section 2 or 16),” and 30
- (c) by the insertion of the following paragraph after paragraph 9:
 - “9A. An offence under section 2A of the Criminal Damage Act 1991 insofar as it relates to an offence under section 2(2)(b) of that Act that is aggravated by hatred for the purposes of section 2A of that Act.” 35

Amendment of section 5 of Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016

21. Section 5(5)(c) of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 is amended by the insertion of “6A,” after “6,” and the insertion of “7A,” after “7,”.

Amendment of section 2 of Criminal Justice (Victims of Crime) Act 2017 5

22. Section 2(1) of the Criminal Justice (Victims of Crime) Act 2017 is amended, in paragraph (d) of the definition of “protection measure”, by the substitution of “section 10 or 10B of the Non-Fatal Offences against the Person Act 1997” for “section 10 of the Non-Fatal Offences against the Person Act, 1997”.

Amendment of Schedule 2 to European Union (Passenger Name Record Data) Regulations 2018 10

23. Schedule 2 to the European Union (Passenger Name Record Data) Regulations 2018 (S.I. No. 177 of 2018) is amended—

(a) in paragraph 7, by the insertion of “or 2A” after “2” in the reference to sections of the Criminal Damage Act 1991, and 15

(b) in paragraph 12—

(i) by the insertion of “, 18A” after “18” in the reference to sections of the Criminal Justice (Public Order) Act 1994, and

(ii) in the reference to sections of the Non-Fatal Offences against the Person Act 1997, by— 20

(I) the insertion of “3B,” after “3A,”,

(II) the insertion of “4B,” after “4A,”,

(III) the insertion of “5A,” after “5,”,

(IV) the insertion of “,” after “6,”,

(V) the deletion of “or” after “6”, and 25

(VI) the insertion of “or 13A” after “13”.

Amendment of section 1 of Criminal Law (Extraterritorial Jurisdiction) Act 2019

24. Section 1 of the Criminal Law (Extraterritorial Jurisdiction) Act 2019 is amended, in paragraph (a) of the definition of “relevant offence”, by—

(a) the insertion of “3B,” after “3A,”, 30

(b) the insertion of “4B,” after “4A,”,

(c) the insertion of “5A,” after “5,”, and

(d) the insertion of “, 9A” after “9”.

An Bille um Cheartas Coiriúil (Cionta Fuatha), 2022

athraithe ó

AN BILLE UM CHEARTAS COIRIÚIL (GRÍOSÚ CHUN FORÉIGIN NÓ FUATHA AGUS CIONTA FUATHA), 2022

BILLE

(mar a ritheadh ag dhá Theach an Oireachtais)

dá ngairtear

Acht do dhéanamh socrú maidir le cionta áirithe arna dtromú le fuath san Acht um Dhamáiste Coiriúil, 1991, san Acht um Cheartas Coiriúil (Ord Poiblí), 1994 agus san Acht um Chionta Neamh-Mharfacha in aghaidh an Duine, 1997; chun na críche sin, do dhéanamh socrú maidir le leasuithe ar na hachtacháin sin agus ar achtacháin eile; do dhéanamh socrú, i leith cionta áirithe, maidir le fuath in aghaidh duine nó grúpa daoine mar gheall ar thréithe áirithe (dá ngairtear tréithe cosanta) de chuid an duine nó an ghrúpa daoine a bheith ina thromú ar na cionta sin le linn pianbhreitheanna a chur; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Ritheadh ag dhá Theach an Oireachtais,
23 Deireadh Fómhair, 2024*

Criminal Justice (Hate Offences) Bill 2022

changed from

CRIMINAL JUSTICE (INCITEMENT TO VIOLENCE OR HATRED AND HATE OFFENCES) BILL 2022

BILL

(as passed by both Houses of the Oireachtas)

entitled

An Act to provide for certain offences aggravated by hatred in the Criminal Damage Act 1991, the Criminal Justice (Public Order) Act 1994 and the Non-Fatal Offences against the Person Act 1997; for that purpose, to provide for amendments of those and other enactments; to provide in respect of certain offences for hatred against a person or a group of persons on account of certain characteristics (referred to as protected characteristics) of the person or the group of persons to be an aggravating factor in sentencing for those offences; and to provide for related matters.

*Passed by both Houses of the Oireachtas,
23rd October, 2024*