



Minister's Office Block C,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG

JCP\26\31

FROM: [REDACTED]

DATE: 24 FEBRUARY 2026

TO: KATHY O'HANLON

## POST-INTRODCUTION BRIEFING: CRIMINAL JUSTICE (SENTENCING ETC.) BILL

### SUMMARY

**Business Areas:** Access to Justice Directorate & Safer Communities Directorate

**Issue:** Officials will appear to brief the Justice Committee on the content of the Criminal Justice (Sentencing Etc.) Bill, as introduced, on Thursday 5 March 2026.

**Restrictions:** Official.

**Action Required:** Members to note this written briefing ahead of the oral briefing from officials on Thursday 5 March 2026.

**Attendees:** Andrew Dawson, Director, Criminal Justice Policy and Legislation Division (CJPLD), Access to Justice Directorate

Angela Bell, Sentencing Bill Manager, CJPLD, Access to Justice Directorate

Christopher McElwee, Head of Hate Crime Branch, Community Safety Division, Safer Communities Directorate

## **Background**

1. Executive Agreement to the introduction of the Criminal Justice (Sentencing Etc.) Bill was granted at the Executive meeting on 12 February 2026. Subject to the Speaker's agreement, it is anticipated that Introduction will take place on Tuesday 3 March, just ahead of the Committee's meeting on 5 March. Second Stage is provisionally scheduled for Monday 16 March 2026.
2. The key purposes of this Bill are to improve the effectiveness and transparency of sentencing and so to enhance confidence in sentencing decisions and the criminal justice system more widely. The Bill is made up of 8 Parts, with 51 clauses and seven Schedules.
3. Members will recall the briefing session on 27 November 2025 when officials presented the proposed content of the Bill. To recap, these included:
  - i. A statement of the principles and purposes of sentencing;
  - ii. Provisions about sentencing guidance;
  - iii. Provision to enable the courts to include community requirements with suspended sentences;
  - iv. Statutory starting points for life sentence tariffs for murder;
  - v. Provision for unduly lenient sentences arrangements to extend to all Crown Court sentences;
  - vi. 'Charlotte's Law', which makes provision for increased sentences where a killer fails to disclose the location of their victim's remains; provides for a proportionate reduction in that increase if a subsequent disclosure is made; and includes provision equivalent to 'Helen's Law', requiring the Parole Commissioners to take failure to disclose into account when considering a prisoner's release on licence;
  - vii. A statutory aggravator model for hate crime, which identifies protected characteristics for this purpose;
  - viii. A vulnerable victim aggravator, where the offender knows or ought reasonably to have known the victim was vulnerable;



- ix. A new offence of assaulting a person delivering a public service, performing a public duty or providing a service to the public, or a person assisting such a person, along with a corresponding statutory aggravator for more serious offences; and
- x. Increases to the maximum penalties and minimum disqualification periods for offences causing death or serious injury by driving; as well as making provision so that driving disqualification periods will normally be served after release from prison.

4. Drafting of the sentencing guidance provisions was completed after the evidence session on 27 November 2025. Members will note that the clauses are restricted to a duty to following sentencing guidelines, a requirement to explain when sentencing diverges from sentencing guidelines, and a definition of what constitutes a sentencing guideline. The Bill does not include a power for the Court of Appeal to issue guidance of its own accord, as originally intended. As the drafting process was concluding, it became clear that this required some further development and discussion with the judiciary. As this element was not considered to be crucial to the Bill's operation, it was decided to defer it for further consideration, in the interests of progressing the many positive aspects of the Bill. Further development of this proposal will be taken forward as part of the Department's Review of Sentencing Policy.

5. Members will have also seen an early copy of the Bill and accompanying Explanatory and Financial Memorandum (EFM), shared ahead of the Executive's consideration of the draft Bill, and may be aware that Executive approval to introduce was secured following the removal of transgender identity as a protected characteristic for the purposes of the hate crime provisions included within the Bill in the latter stages of its development.

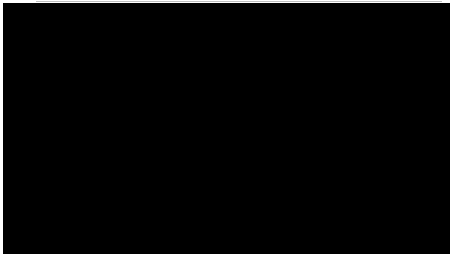
6. A copy of the Bill as introduced, together with the EFM, is attached, from which Members will note that clause 33, headed 'Aggravation by hostility', no longer includes reference to transgender identity. The EFM provides detailed commentary on the clauses



of the Bill at paragraphs 90-377. Members may find the overview description at paragraphs 72-89 helpful.

7. This oral briefing session provides an opportunity for discussion of developments since the 27 November briefing and provides a further opportunity for the Committee to ask questions or seek clarification on any matters contained within the Bill as introduced.

8. I trust this is helpful to Members of the Committee. The Bill Team looks forward to engaging with the Committee and supporting its scrutiny of the Bill.



**DALO**

**Encs.**