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THE OFFICIAL GAZETTE 29TH MAY, 2026
LEGAL SUPPLEMENT – C

BILL No. 6 of 2026 *Friday 29th May, 2026*

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

29th May, 2026

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.

GUYANA

BILL No. 6 of 2026

SEXUAL OFFENCES (AMENDMENT) BILL 2026

ARRANGEMENT OF SECTIONS

SECTION

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4. Insertion of new section 43A in the Principal Act.
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6. Amendment of section 58 of the Principal Act.
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A BILL

Intituled

AN ACT to amend the Sexual Offences Act.

A.D.2026 Enacted by the Parliament of Guyana: -

Short title. Cap. 8:03.

1. This Act, which amends the Sexual Offences Act, may be cited as the Sexual Offences (Amendment) Act 2026.

Amendment of section 2 of the Principal Act.

2. Section 2 of the Principal Act is amended by inserting, in the appropriate alphabetical order, the following new definitions –

" "caregiver" has the same meaning assigned to it under section 4(1) of the Childcare and Development Services Act 2011; No. 12 of 2011

"Commissioner of Police" means the person holding or acting in the office of Commissioner of Police;

"database" means the National Sex Offender Database established under section 91C;

"Deputy Chief Immigration Officer" means the person appointed pursuant to section 4(2) of the Immigration Act; Cap. 14:02

"designated officer" means the officer in charge of the police station or police outpost;

"Director of Prisons" has the same meaning assigned to it under section 2 of the Prison Act; Cap. 11:01

Third Schedule

"enterable offence" means an offence listed in the Third Schedule;

"Minister" means the Minister responsible for human services and social security;

"permanent address" means a fixed or permanent structure, in Guyana, where the registered sex offender resides permanently or habitually and that can be proven by relevant documentation;

"police station" includes any police outpost;

"registered sex offender" means a sex offender who is registered under section 91E;

"temporary address" means any place, whether or not a fixed or permanent structure, in Guyana, where the registered sex offender resides for a continuous period of seven days or more, other than their permanent address, and that can be proven by relevant documentation or credible evidence;

Cap. 36:05

"vulnerable adult" includes a person with a disability as defined under the Persons with Disability Act.".

Amendment of section 19 of the Principal Act.

3. Section 19(1)(g) of the Principal Act is amended as follows –

(a) by inserting after the words "minister of religion," the word "toshao"; and

(b) by substituting for the word "child-minder" the word "caregiver".

Insertion of new section 43A in the Principal Act.

4. The Principal Act is amended by inserting immediately after section 43, the following as section 43A –

"Witness statements at trial of the accused.

First Schedule.

43A. (1) At the trial of an accused person, a written statement or deposition which was tendered in evidence during committal proceedings conducted under this Act and the First Schedule may, subject to this section, be admitted in evidence at the trial to the same extent as oral evidence.

(2) A written statement or deposition referred to in subsection (1), and any documentary exhibit thereto, purporting to be signed by the examining magistrate who presided over the committal proceedings, shall, unless the court otherwise orders, be admitted without further proof of the signature or official character of the examining magistrate.

(3) A written statement or deposition shall only be admitted under subsection (1) where the court is satisfied that the maker of the statement or the deponent-

(a) is dead;

(b) is unfit, by reason of bodily or mental condition, to attend the trial;

(c) is outside Guyana and it is not reasonably practicable to secure his or her attendance;

(d) cannot be found after all reasonable steps have been taken to locate him or her; or

(e) is prevented from attending the trial by threats of bodily harm or death.

(4) A written statement or deposition shall not be admitted under this section unless the court is satisfied that-

(a) the interests of justice require its admission; and

(b) there is independent evidence capable of supporting the reliability of the statement or deposition and the facts asserted therein.".

Amendment of section 56 of the Principal Act.

5. Section 56 of the Principal Act is amended as follows –

(a) in subsection (1), by inserting after the words "audio visual link facilities" the words "or pre-recorded video evidence"; and

(b) by inserting after subsection (2), the following as subsection (3) –

"(3) Any person who, without lawful excuse, transmits, distributes or reproduces evidence under subsection (1) commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars or to imprisonment for a period not exceeding three years.".

Amendment of section 58 of the Principal Act.

6. Section 58(1) of the Principal Act is amended by inserting immediately after the words "child witness" the words "and vulnerable adults".

Amendment of section 62 of the Principal Act.

7. Section 62 of the Principal Act is amended as follows –

(a) in subsections (1), (3) and (4), by inserting immediately after the words "identify the", wherever those words appear, the words "person charged with an offence,";

(b) in subsection (2) as follows –

(i) in paragraph (a), by deleting the word "or";

(ii) in paragraph (b), by substituting for the full stop the words "; or"; and

(iii) by inserting after paragraph (b) as so amended, the following paragraph –

"(c) where the person has been formally charged with the offence.".

Insertion of new section 72A in the Principal Act.

8. The Principal Act is amended by inserting immediately after section 72, the following as section 72A –

"Factors to consider for admissibility of recent complaints.

72A. In determining the admissibility under section 72, the Court shall consider that the complaint –

(a) consisted of a statement made by the complainant that, would tend to negate an adverse inference regarding the victim's credibility; and

(b) was made, without being influenced by duress, leading or intimidating questions.".

Amendment of section 73 of the Principal Act.

9. Section 73 (1) of the Principal Act is amended as follows –

(a) by inserting immediately after the words "child complainant" the words "or vulnerable adult complainant"; and

(b) by inserting immediately after the words "the child" the words "or vulnerable adult".

Amendment of section 74 of the Principal Act.

10. Section 74 of the Principal Act is amended as follows –

(a) in subsections (1), (2) and (6), by inserting immediately after the word "child", wherever the word appears, the words "or vulnerable adult"; and

(b) by substituting for subsection (3) the following –

"(3) The following provisions shall have effect in relation to any written statement of a child or vulnerable adult admissible in evidence under this section –

(a) the statement shall state the age of the child or vulnerable adult and that an adult of the child or vulnerable adult's choice was present with the child or vulnerable adult when it was made;

(b) if the statement is written on behalf of a child or vulnerable adult, it shall be signed or marked if possible by both the child or vulnerable adult and the person who wrote it and it shall be dated;

(c) if the statement is written on behalf of a child or vulnerable adult who cannot write, the person who wrote the statement shall read it to the child or vulnerable adult before the child or vulnerable adult put his or her mark or thumb print on it and it shall be accompanied by a declaration of the person who wrote it that it was read to the child or vulnerable adult and that the child or vulnerable adult appears to understand it and agreed to it;

(d) if the statement is written on behalf of a child or vulnerable adult who cannot read, the person who wrote the statement shall read it to the child or vulnerable adult before the child or vulnerable adult signs it or marks it if possible and it shall be accompanied by a declaration of the person who wrote it that it was read to the

child or vulnerable adult and the child or vulnerable adult appeared to understand it and agreed to it;

(e) if the statement refers to any other document, the copy of the statement given to any other party to the proceedings shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party to whom it is given to inspect the document or a copy of it.".

Amendment of section 80 of the Principal Act.

11. Section 80 (2)(a) of the Principal Act is amended by substituting for the words "concrete evidence that the previous allegation was in fact false" the words "evidence capable of supporting the inference of falsity".

Amendment of section 86 of the Principal Act.

12. Section 86 of the Principal Act is amended by inserting immediately after the word "police" the words "and complete and submit the medical form as provided in the Eighth Schedule,".

Insertion of new section 86A in the Principal Act.

13. The Principal Act is amended by inserting immediately after section 86, the following as section 86A –

"Duty to report offences against children and vulnerable adults.

86A. (1) Where an employee of a State or non-State institution who works with children has a reasonable suspicion of an offence under this Act being committed against a child, that

employee shall provide a written report of the offence to the officer in charge of the nearest police station in accordance with section 7 of the Protection of Children Act.

Cap. 46:06

(2) Where an employee of a State or non-State institution who works with vulnerable adults has a reasonable suspicion of an offence under this Act being committed against any vulnerable adult, that employee shall provide a written report of the offence to the officer in charge of the nearest police station.

(3) Any person who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars or imprisonment for two years.

(4) For the purposes of subsections (1) and (2), where there is no police station in an Amerindian Village or Amerindian Community, the person shall provide a written report of the offence to the –

(a) Toshao of that Amerindian Village or Amerindian Community; or

(b) Toshao of the nearest Amerindian Village or Amerindian Community.".

Amendment of section 87 of the Principal Act.

14. Section 87 (3)(o) of the Principal Act is amended by substituting for the words "an annual report" the words "a biannual report to be laid before the National Assembly".

Insertion of new Part IXA in the Principal Act.

15. The Principal Act is amended by inserting immediately after Part IX the following as Part IXA –

"PART IXA

NATIONAL SEX OFFENDER DATABASE

Application of Part.

91A. This Part applies to a sex offender who –

(a) is a citizen or resident of Guyana who was convicted of an enterable offence by a court within or outside Guyana on or after 25th day of May, 2010 and who –

(i) completed a sentence before the commencement of this Part; or

(ii) has not completed a sentence before the commencement of this Part;

(b) is a citizen or a resident of Guyana and who is convicted of an enterable offence by a court outside of Guyana on or after the commencement of this Part; or

(c) is convicted of an enterable offence by a court in Guyana on or after the commencement of this Part.

Non-application of this Part.

91B. This Part shall not apply to a person who was –

(a) a child at the time of the commission of an enterable offence; or

(b) suffering from a mental disability that may have substantially impaired that person's mental responsibility for their actions in relation to the offence.

Establishment of National Sex Offender Database.

91C. (1) The National Sex Offender Database shall be established by the Commissioner of Police in the form approved by the Minister responsible for home affairs.

(2) The Commissioner of Police, with the approval of the Minister responsible for home affairs, shall –

(a) maintain the database;

(b) ensure that the information is entered in accordance with this Act and any other written law;

(c) ensure that the information entered is accurate; and

(d) implement measures to secure the information against unauthorised-

(i) access;

(ii) collection;

(iii)distribution;

(iv)alteration;

(v) disclosure; and

(vi)disposal.

(3) The database shall contain the information listed in the Fourth Schedule and under section 91M.

Fourth Schedule.

(4) Subject to section 91D, the database shall not be accessible to the public.

(5) An application for information in the database on a specific sexual offender by any person mentioned in section 91D shall be made to the Commissioner of Police and the Minister responsible for home affairs in writing and shall state the reason for the request.

(6) The Director of Public Prosecutions shall be exempt from making an application to access the database.

(7) Any person who, having been granted access to the database, unlawfully distributes, transmits, or reproduces any information contained

therein commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars or imprisonment for three years or both.

Persons who may apply for access to the database.

91D. Upon making a successful application in relation to a specific sexual offender to the Minister responsible for home affairs and Commissioner of Police, any person who is an officer of a State or non-State institution working with children or vulnerable adults shall be provided with the information relating to the specific sexual offender identified on the database.

Court to order sex offender to comply with section 91K.

91E. (1) Where a person is convicted of an enterable offence, on or after the commencement of this Part, the Court shall order the person to report to an officer in charge of the police station at the time that is required to report in accordance with section 91K (1), for the purpose of registering as a registered sex offender.

(2) The Court, shall before making a determination under subsection (1), request a psychiatric assessment report from a psychiatrist.

(3) The Court, in making a determination under subsection (1), shall take into account-

(a) the findings of the psychiatric assessment report referred to in subsection (2);

(b) the nature and gravity of the offence;

(c) whether the sex offender has been charged or convicted of any other enterable offence during his or her reporting period;

(d) the risk of reoffending;

(e) the risk of harm to the victim or any other person;

(f) whether the victim was a child or a vulnerable adult;

(g) whether the sex offender was in a position of care, authority or supervision of the victim; and

(h) any other compelling reasons in the circumstances of the case.

(4) Where a Court makes an order under subsection (1) requiring a person to register as a registered sex offender, the Court shall state-

(a) the duration of the reporting period; and

(b) the frequency of the reporting.

Sixth Schedule.

(5) The Court may order that the sex offender serve a reporting period less than that specified in the Sixth Schedule.

(6) Where a person is convicted of an enterable offence and the Court makes an order under subsection (1), the Registrar shall serve a copy of the order on the Commissioner of Police.

Appeal against conviction.

91F. Notwithstanding section 91E, where a sex offender has appealed his or her conviction, the Court shall withhold making a determination on whether the sex offender shall register or report pursuant to this Part, pending the completion of the appeal.

Citizens and residents to comply with Part.

91G. (1) Where a citizen or resident of Guyana does an act in a country outside Guyana which, if it were done in Guyana, would constitute an enterable offence under this Act, he or she shall be required to comply with the provisions of this Part on entry into Guyana.

(2) The Deputy Immigration Officer or the officer delegated with that responsibility shall inform the Commissioner of Police of the name and secondary address of any sex offender referred to in subsection (1), within forty-eight hours of the entry of the sex offender into Guyana.

Police to be notified of discharge of sex offender.

91H. (1) Within three months before the discharge of a sex offender from prison, the Director of Prisons shall notify the Commissioner of Police, in writing, of the date of discharge of the sex offender from prison.

(2) The Commissioner of Police shall inform the victim and the family of the impending release of the sex offender, within two months of receiving the information referred to in subsection (1).

Police to collect information from sex offender before discharge.

91I. (1) The Commissioner of Police shall, within one month before the discharge of a sex offender referred to in section 91H, cause a designated officer to attend the prison to-

(a) interview the sex offender;

(b) collect the-

(i) name, former names and aliases;

(ii) name of parent:

(iii) name of spouse or partner;

(iv) date of birth;

(v) photograph;

(vi) the address of the place in Guyana that the sex offender intends to reside permanently or habitually after his or her discharge; and

(vii) convictions of enterable offences committed by the sex offender; and

(c) inform the sex offender of his or her duty to report to the police station nearest to the address given pursuant to paragraph (b)(vi), within seven calendar days of their discharge from the prison.

(2) A designated officer shall, within three days of collecting the information under subsection (1),

forward the information to the designated officer of the police station nearest to the address referred to in subsection (1)(c).

Initial report of a sex offender.

91J. (1) A sex offender shall report to the police station nearest to the sex offender's permanent or temporary address within–

(a) seven calendar days of his or her discharge from prison where the sex offender is convicted by a Court in Guyana;

(b) seven calendar days of his or her entry into Guyana, where he or she is deported to Guyana;

(c) forty-eight hours of his or her entry into Guyana, where the sex offender is convicted by a Court outside Guyana and is in Guyana for more than two calendar days; or

(d) six months of the commencement of this Part, where he or she is a sex offender referred to in section 91A.

(2) A sex offender shall report in the manner and period prescribed in subsection (1) in person, and where the sex offender is a registered sex offender with a mental disorder, the sex offender may

be accompanied by a representative of their own choice.

(3) Where a sex offender reports to a police station pursuant to subsections (1) and (2), a designated officer shall interview the sex offender and request that he or she provide the information referred to in the Fifth Schedule and such documentary evidence as the designated officer may require.

Fifth Schedule

(4) Within seven days of recording the information of a sex offender provided pursuant to subsection (3), a designated officer shall-

(a) verify that the information the officer recorded is correct before entering it into the database;

(b) register the sex offender as a registered sex offender in the database; and

(c) notify the registered sex offender, in writing, that he or she has been registered as a registered sex offender.

(5) A sex offender who, without reasonable excuse, fails to-

(a) report to a police station pursuant to subsection (1); or

(b) comply with a request made by a designated officer under this section,

commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for one year.

Frequency of subsequent reporting.

91K. (1) Subject to section 91N, a registered sex offender shall report to the police station nearest to his or her permanent or temporary address as ordered by the Court, for the duration of his or her reporting period as determined in accordance with the Sixth Schedule and provide any information as the designated officer may require.

Sixth Schedule

(2) A registered sex offender who fails to report to the police station nearest to his or her permanent or temporary address as ordered by the Court, commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for one year.

(3) This section shall not apply to a registered sex offender referred to in section 91A(a)(i).

Duration of reporting period.

91L. (1) The reporting period of a registered sex offender on whom a sentence specified in the Sixth Schedule was imposed upon conviction for an enterable offence, shall be the corresponding period specified in the Second Column of that Schedule.

Sixth Schedule

(2) Where a registered sex offender is sentenced for two or more enterable offences, and the sentences are consecutive or partially concurrent terms of

imprisonment, the reporting period for each offence shall be –

(a) equal to the aggregate of the consecutive terms;

(b) equal to the aggregate of the terms of imprisonment after any deductions for partially concurrent terms; or

(c) adjusted to ensure that no period of time is counted more than once.

(3) The reporting period of a registered sex offender shall commence on the date of reporting to the police station under section 91I.

Registered sex offender to report any change of information previously provided.

91M. (1) Where there is a change in any of the information provided by a registered sex offender under section 91J (3), the registered sex offender shall report to the police station nearest to their permanent or temporary address and shall provide a designated officer with information and evidence of the change within fourteen calendar days after the occurrence of the change.

(2) Where a registered sex offender wishes to correct information contained in the database in relation to himself or herself, the registered sex offender shall report to the police station nearest to their permanent or temporary address and provide a designated officer with information on the correction and shall provide evidence of the correction.

(3) Where the designated officer after investigations, verifies that the information provided by the registered sex offender under subsection (1) is correct, that officer shall-

(a) record the change in the database, within two days of the receipt of the information; and

(b) forward the information to the Commissioner of Police within three days of recording the change.

(4) A registered sex offender who fails to inform a designated officer of the change in any of the information provided by the registered sex offender under sections 91I and 91J commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for one year.

Suspension from reporting.

91N. (1) A registered sex offender shall not be required to report to a police station during any period in which the person 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 of Guyana in accordance with information provided under section 91O.

(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 Guyana,

he or she shall report to the police station nearest to their permanent or temporary address within forty-eight hours of their release, discharge or re-entry and provide reasons for not reporting.

(3) Nothing in subsection (2) shall affect the duty of a registered sex offender to report to a police station in accordance with section 91J.

(4) A registered sex offender who, without reasonable excuse, fails to comply with subsection (2), commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for one year.

(5) The period that a registered sex offender is not required to report pursuant to subsection

(1) shall not be computed as part of their total reporting period.

Offender to report intention to travel outside jurisdiction.

91O. (1) Where a registered sex offender who resides in Guyana intends to travel outside Guyana, he or she shall, at least seven calendar days before their departure, report to the police station nearest to his or her permanent or temporary address and provide a designated officer with the following information in relation to the registered sex offender–

(a) the date of intended departure;
(b) the countries of intended stay;
(c) any country through which he or she may transit;
(d) the addresses of the places of intended stay;
(e) the duration of stay in each country;
(f) the duration of stay abroad;
(g) the date of intended return;
(h) a copy of the travel itinerary; and
(i) any other relevant information as the designated officer may require.

(2) Where, due to exceptional circumstances, a registered sex offender who resides in Guyana intends to travel outside Guyana in less than seven calendar days, he or she shall report to the police

station nearest to their permanent or temporary address and provide a designated officer with the information referred to in subsection (1) not less than forty-eight hours before their intended time of departure and shall state their reasons for failing to comply with the period specified in subsection (1).

(3) For the purposes of subsection (2), "exceptional circumstances" include –

(a) death or serious illness of a family member;

(b) business or family affairs of an urgent nature;

(c) obtaining employment; or

(d) medical treatment.

(4) A registered sex offender who, without reasonable excuse, fails to report to and provide a designated officer with any information in relation to their intention to travel outside of Guyana, pursuant to this section commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for two years.

Role of the Toshao.

91P. For the purposes of sections 91E, 91J, 91K, 91L, 91M, 91N and 91O, where there is no police station in an Amerindian Village or Amerindian Community, a sex offender shall report to the–

(a) Toshao of that Amerindian Village or Amerindian Community; or

(b) Toshao of the nearest Amerindian Village or Amerindian Community.

Information to be expunged from database.

91Q. (1) A registered sex offender may apply to the High Court to have the information contained in the database in relation to him or her expunged –

(a) on the completion of their reporting period; or

(b) on the basis of any compelling reason.

(2) Where a registered sex offender makes an application under subsection (1), the Registrar shall inform the victim or the family of the victim of the application and the victim or their family may make oral or written representations for or against the application to the High Court stating reasons.

(3) The High Court, before making a determination pursuant to an application made under subsection (1), shall request a psychiatric assessment report from a psychiatrist.

(4) The High Court, in making a determination pursuant to an application made under subsection (1), shall take into account-

(a) the findings of the psychiatric assessment report referred to in subsection (3);

(b) the nature and gravity of the offence;

(c) whether the registered sex offender has been charged or convicted of any other enterable offence during their reporting period;

(d) the length of time between the commission of one enterable offence and another enterable offence;

(e) the risk of reoffending;

(f) the risk of harm to the victim or any other person;

(g) whether the conviction has been overturned or the registered sex offender has been pardoned under article 188 (1)(a) of the Constitution; and

Cap. 1:01

(h) any other compelling reason in the circumstances of the case.

(5) The Commissioner of Police shall designate an officer to expunge the information contained in the database in relation to a registered sex offender where the High Court makes an order in relation to that registered sex offender pursuant to subsection (1).

(6) The officer designated by the Commissioner to expunge information contained in the database pursuant to subsection (1), shall, in the form

Seventh Schedule.

set out in Seventh Schedule, certify the removal of the record of the registered sex offender from the database.

(7) The Commissioner of Police shall ensure that a record is kept of-

(a) the information expunged from the database;

(b) the reason for expunging the information; and

(c) the certificates issued under subsection (6).

(8) The Commissioner of Police shall, before 1st January in each year, submit a report to the Minister, of the information expunged from the database including-

(a) the names of the persons expunged from the database;

(b) the enterable offences for which the persons expunged from the database were convicted; and

(c) the reason for expunging the information under a court order.".

Insertion of new Schedules in the Principal Act.

16. The Principal Act is amended by inserting after the Second Schedule, the following as the Third, Fourth, Fifth, Sixth, Seventh and Eighth Schedules –

"THIRD SCHEDULE **s2**

ENTERABLE OFFENCES

The following offences under this Act:

Section	Offences
3	Rape
4	Sexual Assault
10	Rape of a child under 16 years
11	Sexual activity with a child under 16 years
12	Causing a child under 16 years to watch a sexual act
13	Meeting a child under 16 years following sexual grooming
16	Sexual activity with a child family member
18	Sexual activity with a child by abusing a position of trust
21	Arranging or facilitating the commission of child sex offence
22	Sex with a vulnerable adult family member
23	Obtaining sexual activity with a person with a mental disorder by inducement, threat or deception
24	Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception

25	Care worker engaging in, causing or inciting sexual activity with a person with a mental disorder
26	Care worker causing a person with a mental disorder to watch a sexual act
28	Exposure of the genitals
29	Voyeurism
31	Intercourse with an animal
32	Administering a substance with intent
33	Committing an offence with intent to commit a sexual offence
34	Trespass with intent to commit a sexual offence

The following offences under the Cybercrime Act, No. 16 of 2018.

Section	**Offence**
14	Child Pornography
15	Child Luring

s.91C (3)

FOURTH SCHEDULE
INFORMATION TO BE CONTAINED IN THE NATIONAL SEX OFFENDERS DATABASE

1. Name, former name and aliases
2. Name of parent
3. Name of spouse or partner
4. Date of birth
5. Place of birth
6. Sex
7. Country of citizenship
8. Nationality
9. Permanent address or temporary address
10. Address of any other place he visits regularly or volunteers.
11. Name of educational institution attending
12. Address of educational institution attending
13. Telephone number of the educational institution
14. Place of employment
15. Address of place of employment
16. Telephone number of the place of employment
17. National identification card number
18. Passport number and dates of issue and expiry of passport
19. Driver's permit number
20. Telephone number or an alternate telephone number at which the offender may be regularly contacted
21. Height, weight and a physical description of the offender, including any distinguishing or identifying marks

22. Offences committed, including dates offences committed
23. Convictions, including dates of convictions and penalties imposed
24. Acquittals or pardons
25. Number of the licence plate of the vehicle for which the offender has regular control or use, or which he owns or operates
26. Description of the vehicle for which the offender has regular control or use, or which he owns or operates
27. Names and ages of children residing in the same dwelling house in which the offender is residing
28. Name, address and contact information for the offender's next of kin
29. Name, address and contact information of any club, association or organization whose membership includes children and with which the offender is affiliated
30. Details of travel information provided by the offender pursuant to section 106
31. Fingerprints
32. DNA profile compiled from sample taken from the offender
33. Medical history including information on any communicable diseases contracted by the offender
34. Photograph
35. Information on the IP address of any device regularly used by the offender
36. Email address

For the purposes of this Schedule, "device" means any electronic programmable device used, whether by itself or as a part of a computer network, an electronic communications network or any other device or equipment, or any part thereof, to perform predetermined arithmetic, logical, routing or storage operations and Includes;

(a) an input device;

(b) an output device;

(c) a processing device;

(d) a computer data storage medium;

(e) a programme; or

(f) equipment, that is related to, connected with or used with such a device or any part thereof.

FIFTH SCHEDULE **s.91J (3)**

INFORMATION TO BE PROVIDED BY REGISTERED SEX OFFENDER

1. Name, former name and aliases
2. Date of birth
3. Place of birth
4. Sex
5. Country of citizenship
6. Nationality
7. Names of parents
8. Name of spouse or partner
9. Permanent address or temporary address
10. Address of any other place he visits regularly or volunteers
11. Name of educational institution attending
12. Address of educational institution attending
13. Telephone number of the educational institution
14. Place of employment
15. Address of place of employment
16. Telephone number of the place of employment
17. National identification card number
18. Passport number and dates of issue and expiry of passport
19. Driver's permit number
20. Telephone number or an alternate telephone number at which the offender may be regularly contacted
21. Height, weight and a physical description of the offender, including any distinguishing or identifying marks
22. Offences committed, including dates offences committed
23. Convictions, including dates of convictions and penalties imposed

24. Acquittals or pardons
25. Number of the licence plate of the vehicle for which the offender has regular control or use, or which he owns or operates
26. Description of the vehicle for which the offender has regular control or use, or which he owns or operates
27. Names and ages of children residing in the same dwelling house in which the offender is residing
28. Name, address and contact information for the offender's next of kin
29. Name, address and contact information of any club, association or organisation whose membership includes children and with which the offender is affiliated
30. Details of travel information provided by the offender pursuant to section 106
31. Medical history including information on any communicable diseases contracted by the offender
32. Email address

SIXTH SCHEDULE s.91E(5)

DURATION OF REPORTING PERIOD

Sentence	*Maximum Reporting Period*
Non-custodial	1 year
Imprisonment for 5 years or less	2 years
Imprisonment for 5 to 10 years	5 years
Imprisonment for 10 to 15 years	10 years
Imprisonment for more than 15 years, not including imprisonment for life	15 years

SEVENTH SCHEDULE s. 91Q

CERTIFICATE OF REMOVAL OR RECORD FROM DATABASE

I, ... do certify that the record of ..... was removed from the National Sex Offender Database on the .....day of ....., ... by Order of Court dated".

EIGHTH SCHEDULE s.86

SEXUAL OFFENCES MEDICAL FORM

Today's Date: / / Time: _____		Location of Medical Exam
A. PATIENT INFORMATION		
1. Last Name	2. Middle Name	3. First Name
4. Address		5. Gender □ Female □ Male
6. Age □ Not Known	7. Date of Birth / / □ Not Known	8. Place of Birth □ Not Known

9. Marital Status

□ Single □ Married □ Widowed □ Divorced □ Separated □ Not Applicable

Note: If the patient male, skip to question 14.

10. Date of last menstrual period

/ / □ Premenarchal □ Post-menopausal □ Not Known

11. Number of Pregnancies	12. Number of live births	13. Currently pregnant □ Yes □ No □ Not Known

14. Patient has consensual intercourse within 7 days before the exam

□ Yes □ No

15. Date and time of the sexual offence / / ____:_____ □ Not Known	16. Place of the sexual offence

17. Use of force, threats or weapons (*check all that apply)*

□ Physical force □ Use of Weapons □ Threats to the patient □ Threats to others □ No Force □ Not Known

18. Type of force/weapons (check all that apply)

□ Sticks/batons □ Knives □ Guns □ Hands □ Not Known □ Other

_____

19. Forces chemical intoxication of patient (check all that apply)

□ No □ Drugs □Alcohol □ Not Known □ Other :_____

B. SUSPECT INFORMATION

20. Number of suspects

□ One (1) □ Two (2) □ More than two (2) If more than two, specify the number: ____ □ Not Known

First Suspect: answer questions	*Second suspect: answer questions*
21. (a) Name: _____	22. (a) Name:_____
☐Not	☐Not
(b) Relationship of suspect to patient (check all that	(b) Relationship of suspect to patient (check all tha
☐Acquaintance☐Family	☐Acquaintance☐Family
☐Stranger ☐Intimate -partne	☐Stranger ☐Intimate -partne
☐Not Known ☐Othe	☐Not Known ☐Othe
(c) Suspect	(c) Suspect
☐Male ☐Female☐Not	☐Male ☐Female☐Not
(d) Approximate age of suspect:	(d) Approximate age of suspect:
☐Not	☐Not
(e) Additional :	(e) Additional :
_____	_____
_____	_____
_____	_____

If three or more suspects, use the space below to describe the remaining suspects in detail (including names, relationships to patient, ages etc.)

_____
_____
_____
_____
_____
_____
_____
_____

C. SUMMARY OF EVENTS REPORTED BY THE PATIENT

23. Penetration of female genitalia with: **a.** **b. Penis □ Yes □ No □ Attempted □ Not Known** **c. Finger(s) □ Yes □ No □ Attempted □ Not Known** **Foreign object □ Yes □ No □ Attempted □ Not Known**	**Comments:**
24. Penetration of anus with: **a. Penis □ Yes □ No □ Attempted □ Not Known** **b.** **c. Finger(s) □ Yes □ No □ Attempted □ Not Known** **Foreign object □ Yes □ No □ Attempted □ Not Known**	**Comments:**
25. Oral contact with genitalia: **a. Suspect to patient □ Yes □ No □ Attempted □ Not Known** **b. 3rd party to patient □ Yes □ No □ Attempted □ Not Known** **c. Patient to suspect □ Yes □ No □ Attempted □ Not Known** **d. Patient to third party □ Yes □ No □ Attempted □ Not Known**	**Comments:**

26. Oral Contact with anus: **a. Suspect to patient □ Yes □ No □ Attempted □ Not Known** **b. 3rd party to patient □ Yes □ No □ Attempted □ Not Known** **c. Patient to suspect □ Yes □ No □ Attempted □ Not Known** **d. Patient to third party □ Yes □ No □ Attempted □ Not Known**	**Comments:**
27. Genital touch/contact: **a. Suspect to patient □ Yes □ No □ Attempted □ Not Known** **b. 3rd party to patient □ Yes □ No □ Attempted □ Not Known** **c. Patient to suspect □ Yes □ No □ Attempted □ Not Known** **d. Patient to third party □ Yes □ No □ Attempted □ Not Known**	**Comments:**
28. Ejaculation: **a. Inside body of patient □ Yes □ No □ Not Known** **b. Outside body of patient □ Yes □ No □ Not Known** **c. Specify location of ejaculation:** _____	**Comments:**

D. GENERAL PHYSICAL EXAM OF THE PATIENT					
a. Blood pressure	b. Pulse	c. Respiration	d. Temperature	e. Weight	f. Height

E. LABORATORY AND OTHER TESTS							
Performed	Yes	No	Results	Performed	Yes	No	Results
a. HIV serology	□	□	_____	d. Urine Analysis	□	□	_____
b. Pregnancy test	□	□	_____	e. Ultrasound	□	□	_____
c. PAP Smear	□	□	_____	f. Other testing	□	□	_____

F. TREATMENT PLAN

29. Medications	Yes	No	Comments:
a. Antibiotics	□	□	_____
b. Pain Medicine	□	□	_____
c. Emergency Contraception	□	□	_____
d. Other	□	□	_____

3Referrals)	Yes	No	Comments:
a. Patient will be referred to a specialist today	□	□	_____

EVALUATION FINDINGS AND CONCLUSIONS

Comments:

_____

_____

_____

_____

_____

MEDICAL PRACTITIONER'S OATH

I, _____, hereby solemnly swear that the information provided in this form is true and complete to the best of my knowledge and belief.

Signature: .....

Designation: .....

Name of Institution:.....

Date:.....".

EXPLANATORY MEMORANDUM

This Bill seeks to amend the **Sexual Offences Act Cap. 8:03** to reform the law relating to sexual offences and to provide for the establishment of a National Sex Offender Database.

Clause 2 amends section 2 of the Principal Act by inserting the definition of new words and terms used in the proposed amendments to the Act.

Clause 3 amends section 19(1)(g) of the Principal Act to extend the provision to instances where the accused is the Toshao of an Amerindian village, and to replace the word "child-minder", with the word "caregiver". Section 19 of the Principal Act provides for circumstances in which a "position of trust" exists as it relates to the accused's relationship to the complainant under the Act.

Clause 4 inserts a new section 43A to make provision for written witness statements to be admissible at trial as evidence, in the same way as oral evidence.

Clause 5 amends section 56 of the Principal Act to allow a witness to give pre-recorded video evidence. This clause also provides for the insertion of a new subsection (3) to criminalise a person who transmits, distributes or reproduces, without lawful excuse, any audio visual link or pre-recorded video evidence.

Clause 6 amends section 58(1) of the Principal Act by making that provision applicable to vulnerable adults as it does a child.

Clause 7 amends section 62 of the Principal Act to prohibit the publication of information that could identify a person not formally charged with an offence under the Act.

Clause 8 amends the Principal Act by inserting a new section 72A to provide for the factors which the Court shall consider in determining the admissibility of recent complaints made under section 72 of the Act. Pursuant to this amendment the Court shall consider that the complaint –

(c) consisted of a statement made by the complainant that, would tend to negate an adverse inference regarding the victim's credibility; and

(d) was made, without being influenced by duress, leading or intimidating questions.

Clause 9 amends section 73(1) of the Principal Act to make admissible as evidence, a statement made by a vulnerable adult complainant in relation to an offence under the Act, in instances where that vulnerable adult does not give direct oral testimony at trial.

Clause 10 amends section 74 of the Principal Act by making that provision applicable to vulnerable adults as it does a child.

Clause 11 amends section 80 of the Principal Act by substituting for the words "concrete evidence that the previous allegation was in fact false" the words "evidence capable of supporting the inference of falsity".

Clause 12 amends section 86 of the Principal Act to require a health worker who examines a child and finds evidence of sexual abuse to complete and submit to the police, the medical form provided in the Eighth Schedule.

Clause 13 amends the Principal Act by inserting a new section 86A to provide for the duty to report offences against children and vulnerable adults. Where an employee of a State or non-State institution who works with children or vulnerable adults has a reasonable suspicion of an offence under this Act being committed against that child or vulnerable adult, the employee is required to make a report in accordance with this section. If there is no police station in an Amerindian Village or Amerindian Community, the employee shall provide a written report of the offence to a Toshao.

Clause 14 amends section 87(o) of the Principal Act to require the National Task Force for the Prevention of Sexual Violence to produce a biannual report to be laid before the National Assembly, which includes a report on the implementation of the Act, the National Plan and the National Policy Guidelines and other prevention activities.

Clause 15 amends the Principal Act by inserting Part IXA which provides for the National Sex Offender Database. Part IXA inserts, into the Principal Act, new sections 91A to 91Q.

Section 91A provides for the application of Part IXA to sex offenders who –

(a) are citizens or residents of Guyana convicted of an enterable offence by a court either within or outside of Guyana, whether have they completed or have yet to complete their sentence;

(b) are citizens or residents of Guyana who are convicted of an enterable offence outside of Guyana on or after the commencement of this Part; or

(c) are convicted of an enterable offence within Guyana on or after the commencement of this Part.

Section 91B provides that this Part shall not apply to a person who was –

(a) a child at the time of the commission of an enterable offence; or

(b) suffering from a mental disability that may have substantially impaired that person's mental responsibility for their actions in relation to the offence.

Section 91C provides for the establishment of the National Sex Offender Database which serves as a centralised system of recording information in relation to persons convicted of sexual offences under the Act.

Section 91D provides for any person who is an officer of a State or non-State institution working with children or vulnerable adults, to make an application to the Minister responsible for home affairs and the Commissioner of Police to be provided with the information relating to a specific offender identified in the database.

Section 91E provides for the Court to order a person who is convicted of an enterable offence, on or after the commencement of this Part, to report to an officer in charge of the police station for the purpose of registering as a registered sex offender.

Section 91F provides that where a sex offender has appealed his or her conviction, the Court shall withhold deciding on whether the sex offender shall register or report pursuant to this Part, pending the completion of the appeal.

Section 91G provides that a citizen or a resident of Guyana shall comply with the provisions of this Part relating to entry into Guyana where that person does an act in a country outside of Guyana which, if it were done in Guyana, would constitute an enterable offence under this Act.

Section 91H provides that the Director of Prison shall inform the Commissioner of Police of the date of discharge of a sex offender from prison, within three months prior to the discharge. The Commissioner of Police shall, within two months of receiving that information, notify the victim and their family of the impending release of the offender.

Section 91I provides that within one month before the discharge of a sex offender from prison, the Commissioner of Police shall assign a designated officer to interview and collect all necessary information from the sex offender as outlined in this section.

Section 91J provides for the timeframe and varying circumstances in which a sex offender shall make their initial report to the police station nearest to their permanent or temporary address. A sex offender who, without reasonable excuse, fails to make the initial report to a police station or fails to comply with a request made by a designated officer under this section, commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for one year.

Section 91K provides for a registered sex offender to report to the police station nearest to their permanent or temporary address as ordered by the Court, for the duration of their reporting period as determined in accordance with the Sixth Schedule under the Act and provide any information as the designated officer may require.

Section 91L provides for the duration of the reporting period of the sex offender as set out in the Sixth Schedule under the Act.

Section 91M provides for a registered sex offender to report any change of information previously provided to the police station nearest to their permanent or temporary address and provide the designated officer there with information and evidence of the change within fourteen calendar days after the occurrence of the change.

Section 91N makes provision for the circumstances where a registered sex offender shall not be required to report to a police station. For instance, the person is not required to report when detained at a police station or if the person is a ward of a health facility.

Section 91O provides for a registered sex offender who resides in Guyana and intends to travel outside of Guyana, to at least seven calendar days before their departure, report to the police station nearest to their permanent or temporary address and provide the designated officer there with all the necessary information pertaining to the travel as set out in this section. In exceptional circumstances the registered sex offender shall make the report in not less than forty- eight hours before their intended time of departure.

Section 91P provides that where there is no police station in an Amerindian Village or Amerindian Community, a sex offender shall report to the applicable Toshao.

Section 91Q provides that a registered sex offender may apply to the High Court to have the information contained in the database in relation to him or her expunged –

(c) on the completion of his or her reporting period; or

(d) on the basis of any compelling reasons.

Where an application is successful under this section, the information of the sex offender shall be expunged and a certificate to this effect shall be made in the form set out in the Seventh Schedule.

Clause 16 seeks to amend the Principal Act by inserting new Schedules, namely the Third, Fourth, Fifth, Sixth, Seventh and Eighth Schedules.

Hon. Dr. Vindhya V. Persaud, M.P.
Minister of Human Services and
Social Security.