

**Custody (Amendment) Bill 2013 –
Second Reading approved**

The President: I invite Mr Coleman, then, to take the Second Reading of the Bill.

Mr Coleman: Madam President, I am grateful to the Hon. Members for permitting the suspension of Standing Orders.

This Bill is really about correcting a gap identified in the law in relation to the method used for the testing of prisoners for the presence of controlled drugs. The practical effect of this Bill will not be to usher in a new way of testing for controlled drugs in an institution, but to more correctly underpin what is considered the most effective method of testing for drugs in prison from a legal perspective.

Madam President, I beg to move that the Second Reading this Bill be approved.

Mr Butt: I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Crowe.

Mr Crowe: I thank the hon. mover for this Bill and am happy to support it.

Can I just ask for clarification? You talk about in the Bill 'institution', and you talk about in your speech the Prison. Does it include prisoners in the custody suite at the police station?

Mr Coleman: I –

Mr Braidwood: There might be other questions.

The President: Could we just wait until there are any other comments and reply for everyone?
Mr Downie.

Mr Downie: Thank you, Madam President.

Obviously, the Bill has my full support. I am aware of the problem and the situation that the Department finds itself in, but I have just got a couple of points to ask.

The requirement must be made in accordance with custody rules. Could you just outline what the custody rules are?

And in section 19A(c), a non-intimate sample, could somebody explain what a non-intimate sample is? Is it, for example, hair, DNA or what? Just so that we are perfectly clear on what it is we are approving today.

The President: Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

I think from my reading of the Bill, Madam President, that this would apply to the Prison alone, because it applies to the custody rules of the prison rather than the procedures within the police station, where they have other powers to take samples if they require them.

So I think that maybe will clarify that, Madam President.

The President: The Hon. Member, Mr Wild.

Mr Wild: Thank you, Madam President.

Just to say that the Bill has my full support, and like my hon. colleague, Mr Downie, I just would like clarification of what a non-intimate sample is.

The President: The mover to reply.

Mr Coleman: Okay, I think the Hon. Member of Council, Mr Butt, has answered the first question posed by Mr Crowe.

With reference to the second question about what constitutes an intimate sample at the present time with the present legislation, prior to this Bill, a non-intimate sample means a sample of hair, other than pubic hair; a sample taken from a nail or from under a nail; a swab taken from any part of a person's body including the mouth, but not any other body orifice; saliva; and a skin impression.

An intimate sample is defined presently as a sample of blood, semen or any other tissue fluid, urine or pubic hair; a dental impression; a swab taken from a person's body orifice other than the mouth.

Mr Downie and Mr Wild: Thank you.

The President: The motion, I think, before the Council is that the Bill be read a second time, Hon. Members. Those in favour, please say aye; against no. The ayes have it. The ayes have it.