

Assented to by me this..... day of.....20.....

.....
SENATOR ABIOLA AJIMOBİ
HIS EXCELLENCY, THE EXECUTIVE GOVERNOR



OYO STATE OF NIGERIA

No.11.

**A LAW TO PROVIDE FOR AND REGULATE COMMUNITY
SERVICE FOR OFFENDERS IN CERTAIN CASES AND
FOR CONNECTED PURPOSES**

Date of
Commencement ()

Enactment ENACTED by the House of Assembly of Oyo
State of Nigeria as follows:

Short Title 1. This Law is cited as the
Community Service Punishment Law, 2016.

Interpretation 2. In this Law-

“Agency” means any agency of Government so designated for the purpose;

“Community service” means non-custodial punishment by which after conviction, the court makes an order for the offender to serve the community rather than undergo imprisonment;

“Community service officer” means a social welfare officer specially trained in line of community service and appointed by the court, to supervise the offender performing community service punishment.

“Community service order” means an order made by a court under this Law requiring an offender to perform work within the community for a specified period of time;

“Community service period” means the period for which an offender is to perform work under the community service order;

“Court” means the High Court or a Magistrate Court;

“House” means House of Assembly of Oyo State;

“Ministry” means the Ministry of women Affairs, Community Development, Social Welfare and Poverty Alleviation;

“Minor offence” means an offence for which the court may pass sentence of not more than two years imprisonment;

“Presiding Court” means the original court which tried and convicted the offender;

“Receiving Officer” means an officer of court who registers the offender and the details of his community service;

“State Committee” means the State Committee on Community Service established by section 11(1) of this Law;

“Subsequent Court” means a court before which the offender is being arraigned after he has been previously arraigned before the original court;

“Supervising Court” means the court which made the community service order and includes a court of similar jurisdiction where the offender might subsequently reside.

- Community service
- 3.(1) Notwithstanding section 17 of the Criminal Code Law, any person convicted of an offence of misdemeanor under that or any other law may be sentenced to community service.
- (2) Where a person is convicted of a misdemeanor or a simple offence the court may, instead of sentencing the person to prison make community service order.

- (3) The court before making a community service order, shall consider the nature and circumstances of the offence committed, character and criminal record of the offender.
- (4) The court shall upon sentence, explain to the offender in the language he understands, the effect of the order and that if he fails to comply with it, he shall be liable to such term of imprisonment as the Court may have imposed in respect of the offence.
- (5) The court shall upon sentence to community service, hand over the offender to a Receiving officer.
- (6) The Receiving officer and the offender shall enter their signatures into a designated register of court, which specifies, the sentence of imprisonment that may have been imposed instead of community service, the number of hour of service that would be rendered on a daily or weekly basis and other details.
- (7) The information referred to in subsection (6) of this section and the data of the offender shall in turn be entered into the register of the Agency by the Receiving officer.
- (8) Any person who is sentenced to community service shall provide a suitable surety to the court in accordance with this Law.

Method 4.(1)The offender, upon providing suitable surety shall be of service placed under the supervision of the community service by an officer named by the court in the community service offender order.

undergoing
community
service.

(2)The offender who is undergoing community service shall be identifiable by a mode of identification.

(3)The community service officer who is to be responsible for supervising an offender shall be the officer for the local area for the time being named in the order in which the offender resides, or will reside, and where that community service officer dies or is unable for any reason to carry out his duties, another community service officer shall be appointed by the supervising court.

Breach of 5.(1)
requirement
of the
community
service order

Where the offender against whom the order is made breaches any part of the terms of the order on two consecutive occasions without any reasonable excuse, the court on the application of the community service officer shall issue a Bench Warrant for his arrest.

(2) The offender against whom the order is made shall bear the burden of justifying the breach of the terms of the order referred to in subsection (1) of this section, in which case the court may permit the continuation of the community service order.

(3) Where it is proved to the satisfaction of the supervising court, that the offender has failed to comply with any of the requirement of the community service order, the court may either-

- (a) vary the order to suit the circumstances of the case, or
- (b) cancel the order and sentence the offender to an imprisonment term which would have been imposed in respect of the offence: Provided that the period of community service already served may count in the reduction of the sentence.

Medical
need
and
attention

- 6.(1) Whenever an offender, during community service, takes ill, he shall inform the community service officer, who shall in turn inform the presiding or the supervising court. Such offender shall receive a medical clearance from a government owned hospital, attesting to the illness and the need for medical care.
- (2) Upon recovery of health of the offender, he shall report to the community service officer, who shall cause it to be entered in the record of the court, and the offender shall continue the community service.
- (3) The community service officer in charge of the offender shall monitor and file a report on the health condition of the offender while undergoing medical care.
- (4) The period during which the offender took ill shall not count in the computation of his community service sentence.

- Prohibition of engagement of community service offender for personal interest.
- 7.(1) No person shall employ or engage an offender for personal use or benefit in the course of community service.
- (2) Any person who employs or engages an offender for personal use or benefit in the course of community services is guilty of an offence and liable on conviction to imprisonment for 2 weeks or a fine of #30,000 or both.
- (3) Any person who conspires with another to commit the offence in subsection (1) of this section is guilty of an offence and liable on conviction to imprisonment for 2 weeks or a fine of #30,000 or both.
- (4) Where a community service officer is found to have breached subsection (1) of this section and defaulted in complying with subsection (2) of this section, the court shall order for the property of such officer to be attached to the tune of the default amount and shall be sentenced to imprisonment for 1 month.
- (5) Community service officer shall be responsible to the Head of the Agency or the Ministry.
- Commission of further offences
- 8.(1) Where an offender while undergoing community service sentence commits another offence and is sentenced by another court for that other offence, the following rules shall apply-
- (a) the subsequent court may in addition to its own sentence impose a further term of imprisonment which might have been

- imposed by the original court, and cancel the order of community service;
- (b) the subsequent court may take into account the period of community service served in reduction of the additional term of imprisonment;
- (c) where the original court is a Magistrate Court, and the subsequent court is a High Court dealing with the matter at first instance or an appeal or otherwise, the High Court shall proceed under paragraphs (a) and (b) of this section; and
- (d) Where a subsequent court has convicted the offender of an offence, that court may pass the sentence other than the imprisonment and order the offender to continue undergoing community service.

Report and review of community service

- 9.(1) Where an offender has been ordered to undergo community service for a specified period of time, the community service officer shall give a monthly report to a supervising court concerning the offender's performance and general conduct.
- (2) The supervising court, based on the report made by the community service officer, may reduce the period of the community service specified in the community service order by not more than one third where the offender is of good conduct.

- (3) The community service officer shall make a report to the supervising court on the termination of a community service order.

Discharge of community service offender. 10.(1) Where an offender has successfully completed the term of his community service, he shall return to the presiding court, in the company of the community service officer, who shall present him before the presiding court and submit an attestation, signed by at least two credible leaders of that community that the service has been satisfactorily carried out.

- (2) The court shall then pronounce the offender discharged.

Establishment of State Committee on Community Service. 11.(1) There is established the State Committee on Community Service (hereinafter in this Law referred to as the "Committee").

- (2) The Committee shall consist of-
 - (a) a nominee of the Governor from among the retired Judges in the State or a legal practitioner with at least 15 years post call experience appointed by the Governor who shall be the Chairman;
 - (b) a serving Magistrate nominated by the Chief Judge of the State;
 - (c) three nominees of the Community Development Associations in the State;
 - (d) two representatives of the Justices of the Peace in the State;

- (e) a representative of the Ministry of Women Affairs, Community Development, Social Welfare and Poverty Alleviation not below the level of an assistant director;
- (f) a representative of the Commissioner of Police;
- (g) a representative of the Ministry of Justice not below the level of an assistant director who shall serve as the secretary;
- (h) a representative of the Nigerian Bar Association in the State; and
- (i) a representative of the Civil Society.

(3) The functions of the Committee are to-

- (a) monitor the operation of community service in all aspects and take steps for its smooth operation;
- (b) propose measures for the effective operation of community service;
- (c) receive and consider any complaints or views and make recommendations where possible, on the nature of community service by the offender;
- (d) without prejudice to section 7(5) of this Law, supervise the work of the community service officers with regard to coordinating its activities with the supervising courts; and
- (e) undertake any other function which may be required in the implementation of this Law.

Tenure of office.

12.(1)The Governor shall appoint the following members of the Committee subject to the ratification of the House-

(a) the Chairman of the Committee on the recommendation of the Chief Judge of the State; and

(b) other members of the Committee listed in paragraphs (c), (d), (e), (f) and (g) of subsection (2) of section 11 on the recommendation of the Attorney-General of the State.

(2) The Chairman and members of the Committee shall hold office for 4 years and shall be eligible for re-appointment for another term of 4 years.

(3)The office of Chairman or a member of the Committee shall become vacant if-

- (a) the Chairman or member has completed his tenure in office; or
- (b) he resigns his appointment in writing under his hand to the Governor; or
- (c) he is adjudged bankrupt by a court of competent jurisdiction; or
- (d) he is adjudged to be of unsound mind; or
- (e) he dies; or
- (f) his appointment is otherwise revoked by the Governor upon the approval of the House.

Proceedings
of the
Committee.

13. The proceedings of the Committee shall
be as contained in the Schedule to this
Law.

The printed impression has been carefully compared with the Law
which has been passed by the Oyo State House of Assembly and found by
me to be a true and correct printed copy of the Law.

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Paul Ishola Bankole mni
Clerk of the State
House of Assembly

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Rt. Hon. Adesina Michael Adeyemo
Speaker of the State
House of Assembly

THE SCHEDULE

(section 13)

1. Co-option of persons

Where upon any special occasion, Committee desires to obtain the advice of any person on any particular matter, the Committee may co-opt such a person to be a member of such meeting or meetings as may be required and such person so co-opted shall have all rights and privileges of a member save that he shall not be entitled to vote on any questions.

2. Quorum

The Chairman and three other members shall form a quorum at any meeting of the Committee.

3. Presiding and voting

- (1) The Chairman shall preside at every meeting of the Committee.
- (2) Subject to the provisions of this Law, any question which fails to be determined by the Committee at any of its meetings shall be decided by a majority of the members present and voting on the question;
- (3) The Chairman of the Committee shall have an original and in the event of a tie, a deliberative vote.

