



**An Bille um Chionta Neamh-Mharfacha in aghaidh an Duine (Leasú) (Spíceáil),
2023**

Non-Fatal Offences against the Person (Amendment) (Spiking) Bill 2023

Mar a tionscnaíodh

As initiated



**AN BILLE UM CHIONTA NEAMH-MHARFACHA IN AGHAIDH AN DUINE (LEASÚ)
(SPÍCEÁIL), 2023
NON-FATAL OFFENCES AGAINST THE PERSON (AMENDMENT) (SPIKING) BILL
2023**

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ACTS REFERRED TO

Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50)

Criminal Law (Rape) (Amendment) Act 1990 (No. 32)

Criminal Law (Rape) Act 1981 (No. 10)

Criminal Law (Sexual Offences) Act 2006 (No. 15)

Non-Fatal Offences against the Person Act 1997 (No. 26)



AN BILLE UM CHIONTA NEAMH-MHARFACHA IN AGHAIDH AN DUINE (LEASÚ)
(SPÍCEÁIL), 2023
NON-FATAL OFFENCES AGAINST THE PERSON (AMENDMENT) (SPIKING) BILL
2023

Bill

5

entitled

An Act to provide for the specific offence of spiking characterised by the administration, injection, or causation of the taking orally of a substance, knowing that the person to whom the substance is administered, injected, or caused to be taken does not consent, or being reckless as to whether the person consents, and where the perpetrator intends to overpower or sedate the person, to engage in a sexual act, cause harm, make a gain or cause a loss, or otherwise commit an offence. 10

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act, unless the context otherwise requires— 15
- “gain” and “loss” have the meanings given to them by section 2(3) of the Criminal Justice (Theft and Fraud Offences) Act 2001;
- “harm” means harm to body or mind and includes pain and unconsciousness;
- “Minister” means the Minister for Justice;
- “overpowering” means overwhelming, immobilising or overcoming a person’s will or self-control, whether by force or otherwise; 20
- “sedating” means dulling or otherwise reducing the consciousness, whether fully or partially, of a person, through the use of a chemical substance;
- “sexual act” shall include any act of a sexual nature, whether involving physical contact or not, including, but not limited to— 25
- (a) an act described by section 2 of the Criminal Law (Rape) Act 1981,
- (b) an act described by section 2 or 4 of the Criminal Law (Rape) (Amendment) Act 1990, or
- (c) an act described in section 1 of the Criminal Law (Sexual Offences) Act 2006;
- “spiking” refers to an offence under *section 2* of this Act. 30

Spiking

2. (1) A person commits an offence if he or she intentionally—
- (a) administers a substance to,
 - (b) by whatever means, injects a substance into, or
 - (c) otherwise causes a substance to be taken orally by, another person— 5
 - (i) knowing that the other person does not consent, or being reckless as to whether or not the other person consents, and
 - (ii) with the intention of overpowering, or sedating the other person, for the purposes of—
 - (I) engaging in a sexual act involving the other person, 10
 - (II) causing harm to the other person,
 - (III) making a gain,
 - (IV) causing a loss to the other person, or
 - (V) otherwise committing an offence with, or against, the person.
- (2) In any proceedings for an offence under this section, it shall be a defence for a person 15 to prove that the substance was administered, injected or otherwise given—
- (a) for a lawful reason or with a lawful excuse, or
 - (b) with the other person’s express and conscious consent.
- (3) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or 20 to a class A fine, or to both,
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.

Short title, construction, collective citation and commencement

3. (1) This Act may be cited as the Non-Fatal Offences against the Person (Amendment) 25 (Spiking) Act 2023.
- (2) The Non-Fatal Offences against the Person Act 1997 and this Act may be cited as the Non-Fatal Offences against the Person Acts 1997 to 2023 and shall be construed together as one.
- (3) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefore either generally or with 30 reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir leis an gcion
sonrach arb éard é spíceáil arb é a príomhthréith
substaint a thabhairt nó a instealladh, nó glacadh
substainte de bhéal a chur faoi deara, i gcás gurb
eol nach bhfuil an duine dá dtugtar an
tsubstaint, ina n-instealltar an tsubstaint nó a
gcuirtear faoi deara é nó í do ghlacadh na
substainte de bhéal ag toiliú, nó go bhfuiltear
meargánta i dtaobh an bhfuil an duine ag toiliú,
agus go mbeartaíonn déantóir an chion a
duine a smachtú nó a thámhú, chun dul i mbun
gníomh gnéasach, díobháil a dhéanamh,
gnóchan a dhéanamh nó cailleanas a thabhairt,
nó cion a dhéanamh ar shlí eile.

Na Seanadóirí Riona Uí Dhochartaigh, Gearóid Ó
hEachthiarna, Pádraic de Búrca, Máire Ní Bhroin,
Micheál Mac Concharraige, Máirtín Ó Conbhúí,
Seán Ó Cuimín, Eimhear Ní Chomhraí, Aisling Ní
Dhúláin, Seán Ó Cadhain, Tadhg Lombard, Seán
Mac Eacháin, Seosamh Ó Raghallaigh, Máire Ní
Shaoraí Uí Chearnaigh agus Barra Mac an Bhairead
a thug isteach,

25 Bealtaine, 2023

BILL

(as initiated)

entitled

An Act to provide for the specific offence of spiking
characterised by the administration, injection, or
causation of the taking orally of a substance,
knowing that the person to whom the substance
is administered, injected, or caused to be taken
does not consent, or being reckless as to
whether the person consents, and where the
perpetrator intends to overpower or sedate the
person, to engage in a sexual act, cause harm,
make a gain or cause a loss, or otherwise
commit an offence.

Introduced by Senators Regina Doherty, Garret
Ahearn, Paddy Burke, Maria Byrne, Micheál
Carrigy, Martin Conway, John Cummins, Emer
Currie, Aisling Dolan, Seán Kyne, Tim Lombard,
John McGahon, Joe O'Reilly, Mary Seery Kearney
and Barry Ward,

25th May, 2023

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
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