

Bail Act, 2025

An Act to establish clear rules governing bail and to prohibit bail for certain serious offenses.

Article 1: Bail and Pre-Trial Release

§1. The Criminal Code 2020 is amended by:

§1.1. Inserting a new Article 3b in Part 1, which shall read:

Article 3a: Bail and Pre-Trial Release

§1. Every person charged with an offense has the right to be released on reasonable bail unless otherwise provided under this Article.

§2. Bail shall not be granted to any person charged with:

- a. Article 44. Treason;
- b. Article 45. Destruction of National Documents;
- c. Article 48. Revealing State Secrets;
- d. Article 51. Terrorist Conspiracy;
- e. Article 52. Racketeering;
- f. Article 24 or 24a. Evidence or Witness Tampering;
- g. Article 20a or 20b. Obstruction of Financial Investigation or Oversight; or,
- h. Any other offense designated by regulation as a threat to national security or public safety.

§3. For offenses punishable by imprisonment exceeding 1 years, bail may only be granted if:

- a. The accused demonstrates exceptional circumstances; and,
- b. The Court is satisfied that the accused poses no danger to society.

§4. Every accused person shall be entitled to a bail hearing within forty-eight (48) hours of arrest.

- a. The Court must provide written reasons when bail is denied; and,
- b. Hearings may be postponed only for good cause shown.

§5. The Court may impose reasonable conditions of bail, including –

- a. Restrictions on association; or,
- b. Financial surety or deposit.

§6. Bail may be revoked where –

- a. The accused commits another offense while on bail; or,
- b. New evidence reveals a greater risk to public safety.

§7. A denial or revocation of bail may be appealed to a upper court within seven (7) days of the decision.

§8. Nothing in this Article shall override the constitutional right to a fair trial or the presumption of innocence.

§1.2. Deleting the words “reasonable detention pending trial” from any article of the Criminal Code 2020 inconsistent with the provisions of this Act.

§1.3. The Department of Justice shall issue procedural guidelines within thirty (30) days of the enactment of this Act to regulate bail hearings, recording, and appeals.

§1.4. This Act shall come into force immediately upon passage.