

South Africa

Constitution of the Republic of South Africa, 1996

## Placement on Parole of Selected Categories of Sentenced offenders Proclamation 19 of 2020

Legislation as at 8 May 2020

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## South Africa

### Constitution of the Republic of South Africa, 1996

# Placement on Parole of Selected Categories of Sentenced offenders

## Proclamation 19 of 2020

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**Assented to on 24 April 2020**

**Commenced on 8 May 2020**

*[This is the version of this document from 8 May 2020.]*

Under Section 84(2)(j) of the [Constitution](#) of the Republic of South Africa, 1998, read together with Section 82(1)(a) of the Correctional Services Act, 1998 ([Act no 111 of 1998](#)) and for the purpose of addressing, managing and combatting the spread of the COVID-19 virus in all Correctional Centres in the Republic, I hereby authorise the placement on parole of qualifying sentenced offenders in terms of the criteria mentioned below, who are or would have been incarcerated on 27 April 2020 subject to such conditions as may be recommended by the Correctional Supervision and Parole Board under whose jurisdiction such sentenced offenders may fall.

1. The following categories of low risk sentenced offenders will qualify for placement on parole subject to the exclusions in paragraph 2:
  - (a) Offenders who have or will reach their minimum detention periods within a period of 60 months from the date hereof.
2. The following categories of sentenced offenders and/or crimes committed for which sentences are being served, are excluded:
  - (a) Lifers; sexual offences; murder and attempted murder; sedition, high treason, sabotage and terrorism; Gender Based Violence; child abuse;
  - (b) Offenders declared as dangerous by the court in terms of Section 286 A of the Criminal Procedure Act, ([Act No 51 of 1987](#));
  - (c) Offenders certified as mentally ill and detained in accordance with the Mental Health Care Act, 2002 ([Act No 17 of 2002](#));
  - (d) Offenders with further charges where bail was not fixed or fixed but not paid;
  - (e) Escaped or absconded and are still at large on the date of the announcement;
  - (f) Are out on bail pending appeal on the date of the announcement;
  - (g) Violations under the Domestic Violence Act, 1998 ([Act No 116 of 1998](#));
  - (h) Armed robbery/robbery with aggravating circumstances;
  - (i) Any other crime directly linked to any of the above mentioned crimes (i.e. house breaking with the intent to steal and rape);
  - (j) Any attempt, inciting, soliciting or conspiracy to commit any of the above crimes.
3. Sentenced offenders who qualify for special placement on parole must provide a set of fingerprints and DNA samples for comparison with the SAPS database as a prerequisite for placement.
4. The placement of qualifying sentenced offenders shall commence as soon as all Parole Board processes have been finalised and all relevant rehabilitation and pre-release programmes are attended.