

Suspended sentences

This [Report on Suspended sentences \(LRC 123-2020\)](#) follows on from the Commission's 2017 [Issues Paper of the same name \(LRC IP 12-2017\)](#).

The Commission's Report examines the legislation and the principles that underpin the operation of the suspended sentence and makes a number of practical proposals as to how the suspended sentence might be used more effectively. Among other things, the Report explores:

- where in the hierarchy of criminal penalties the suspended sentence should rank;
- how the suspended sentence can advance the various purposes of punishment recognised in Irish law;
- the avoidance of prison as a sentencing rationale;
- general principles including proportionality and the principle of imprisonment as a last resort;
- the distinction between the part-suspended sentence and the fully suspended sentence;
- how the Parole Act 2019, when commenced, may affect a sentencing court's jurisdiction to impose a part-suspended sentence in circumstances where the offender will also be eligible for parole during the currency of the sentence;
- the categories of offences which are the subject of a presumption of an immediate custodial sentence and the circumstances in which a fully suspended sentence might be imposed in such cases;
- the suspended sentence in the context of sentencing child offenders;
- procedural and practical issues associated with suspended sentences;
- suspended sentences in the context of white-collar offending;
- combining suspended sentences with other orders.

The Report contains 56 recommendations and based on the recommendations made, a suggested set of 5 guiding principles governing the use of the suspended sentence.

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| Information on Implementation |
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