

2026-04-29

OBJECTS AND REASONS

This Bill would provide for the prevention and control of criminal gangs and gang-related activities.

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Application for Detention Order

BARBADOS

A Bill entitled

An Act to provide for the prevention and control of criminal gangs and gang-related activities.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Criminal Gangs (Prevention and Control) Act, 2026*.

Interpretation

2. In this Act

“aircraft” has the meaning assigned to it by section 2 of the *Civil Aviation Act, 2022* (Act 2022-19);

“ammunition” has the meaning assigned to it by section 2 of the *Firearms Act, Cap. 179*;

“benefit” includes any money or other property, service or advantage;

“bullet proof vest” means a vest or article of personal armour that is capable of providing protection, or intended to provide protection, from the penetration of bullets or similar projectiles or shrapnel from explosions;

“child” means a person under the age of 18 years;

“controlled drug” has the meaning assigned to it by section 2(1) of the *Drug Abuse (Prevention and Control) Act, Cap. 131*;

“court” means a Magistrate’s court or the High Court;

“firearm” has the meaning assigned to it by section 2 of the *Firearms Act, Cap. 179*;

“gang leader” means a person who knowingly initiates, establishes, organizes, plans, finances, directs, guides, manages or supervises a gang;

“gang member” means a person who belongs to a gang, or associates himself with a gang-related activity;

“gang-related activity” means any offence listed in the *First Schedule* which a gang leader or a gang member acquiesces in, consents or agrees to, plans, directs, orders, authorises, requests or ratifies, and includes an activity that amounts to

- (a) the committing of the offence;
- (b) an attempt to commit the offence;
- (c) aiding, abetting, counselling or procuring the offence; or
- (d) conspiracy to commit the offence;

“harbour”, in relation to a person, means to

- (a) give shelter or refuge to the person; and
- (b) encourage or support the person, whether implicitly or explicitly, in committing gang-related activity;

“intelligence officer” means an officer of the Financial Intelligence Unit, or any other intelligence or law enforcement unit;

“law enforcement officer” includes

- (a) a member of
 - (i) the Barbados Police Service;
 - (ii) the Barbados Special Constabulary;
 - (iii) the Barbados Defence Force; and
 - (iv) the Barbados Prison Service;
- (b) a customs officer within the meaning of section 2 of the *Customs Act, 2021* (Act 2021-34);
- (c) an immigration officer within the meaning of section 2 of the *Immigration Act, Cap. 190*; and

(d) an officer of any other agency of the State in which investigative powers, similar to those exercisable by a member of the Police Service, are lawfully vested;

“motor vehicle” has the meaning assigned to it by section 2 of the *Road Traffic Act*, Cap. 295;

“property” has the meaning assigned to it by section 2 of the *Proceeds and Instrumentalities of Crime Act, 2019* (Act 2019-17);

“prohibited weapon” or “prohibited ammunition” has the meaning assigned to it by section 2(1) of the *Firearms Act*, Cap. 179;

“public place” has the meaning assigned to it by section 2(1) of the *Firearms Act*, Cap. 179;

“publish” includes sharing on digital or social media platforms;

“recruit” includes procure, lure, solicit, incite and induce;

“school” includes any institution which provides nursery, primary, secondary or tertiary education or professional, technical or vocational training;

“ship” has the meaning assigned to it by section 3 of the *Merchant Shipping Act, 2024* (Act 2024-28).

Meaning of “gang” etc.

3.(1) In this Act, “gang” means any association, organisation, group, alliance, network, combination or other arrangement among 5 or more persons, whether formally or informally affiliated or organised, and whether or not operating through a body corporate or other association, that

(a) has as one of its purposes or activities the facilitation or commission of gang-related activities; or

- (b) through membership or participation in the association, organisation, group, alliance, network, combination or other arrangement, whether individually, jointly or collectively
 - (i) engages in gang-related activities; or
 - (ii) issues threats or engages in violent conduct to
 - (A) create fear, intimidate, exert power or gain influence in communities, or over other persons, in furtherance of gang-related activities; or
 - (B) obtain, directly or indirectly, a financial or other material benefit.
- (2) For the purpose of subsection (1), facilitation of a gang-related activity does not require that
 - (a) the person facilitating the gang-related activity has knowledge of a particular activity, the commission of which is being facilitated; or
 - (b) a gang-related activity is actually committed.
- (3) Subsection (1) does not apply to any association, organisation, group, alliance, network, combination or other arrangement among persons
 - (a) acting in contemplation or in the course of a trade dispute within the meaning of section 2 of the *Trade Unions Act*, Cap. 361; or
 - (b) that forms randomly for the immediate commission of a single offence.

Evidence in relation to a gang

4.(1) For the purpose of this Act, it shall not be necessary to show that a particular gang possesses, acknowledges or is known by a common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age or other qualification, initiation rites, geographical or territorial situs, boundary or location, or other unifying mark,

manner, protocol or method of expressing or indicating its membership where the gang's existence can be demonstrated by other admissible evidence, but evidence which reasonably shows or demonstrates the existence of, or membership in, a gang shall be admissible in proceedings brought under this Act including

- (a) whether a person has admitted that he is a gang leader or a gang member;
 - (b) evidence that the person is or has associated or been involved with a gang with the intent to facilitate the commission of a gang-related activity or to promote, further or assist in the gang-related activity;
 - (c) evidence of a gang-related activity by the person that indicates a link or involvement with a gang;
 - (d) evidence that the person knowingly assisted in or in any way facilitated the concealment, transportation or disposal of anything of evidentiary value relating to the commission of a gang-related activity by a gang;
 - (e) evidence that the person knowingly concealed or shared in the proceeds of a gang-related activity committed by a gang;
 - (f) any statement made or information given, distributed or communicated by the person on behalf of, or in the name of, a gang; and
 - (g) any statement made by, or on behalf of the person, whether orally or in writing, and published or otherwise distributed by him or on his behalf, indicating his involvement in the commission of a gang-related activity by a gang.
- (2) Notwithstanding subsection (1), the community in which a person resides shall not be a factor in determining whether the person is a member of a gang.

PART II

OFFENCES

Gang membership

- 5.(1) A person who
- (a) is a gang leader;
 - (b) is a gang member;
 - (c) performs an act as a condition for membership in a gang; or
 - (d) professes to be a gang leader or a gang member, or to be acting on behalf of, or on the instruction of, a gang leader, gang member or gang, or implies that he is a gang leader or a gang member, or is acting on behalf of, or on the instruction of, a gang leader, gang member or gang, in order to
 - (i) gain a benefit for himself or another person;
 - (ii) intimidate another person; or
 - (iii) promote a gang,
- commits an offence.
- (2) A person who commits an offence under subsection (1)(a) is liable on conviction on indictment to imprisonment for 25 years.
- (3) A person who commits an offence under subsection (1)(b), (c) or (d) is liable on
- (a) summary conviction to imprisonment for 10 years; or
 - (b) conviction on indictment to imprisonment for 20 years.
- (4) A law enforcement officer or an intelligence officer who commits an offence under this section is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 25 years.

(5) A gang leader or other gang member who, with intent

(a) wounds or causes grievous bodily harm to; or

(b) to do grievous bodily harm, shoots at,

a law enforcement officer or an intelligence officer, commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 30 years.

(6) The court may impose a lesser sentence than specified in subsections (2) and (3) where

(a) the person who committed the offence was under the age of 18 years at the time of the commission of the offence;

(b) the person who committed the offence has not been previously convicted of an indictable offence of a violent nature;

(c) public safety and public order will not be prejudiced; or

(d) the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its not doing so.

(7) The court may impose a lesser sentence than specified in subsections (4) and (5) where the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its not doing so.

Recruiting to a gang

6.(1) A person who recruits a child to a gang commits an offence and is liable on indictment to imprisonment for not less than 10 years and not more than 25 years.

(2) Notwithstanding subsection (1), a person who

(a) on the premises of a school or a place of worship; or

(b) within 500 metres of a school or a place of worship,

recruits a child to a gang commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 25 years.

(3) A person who recruits another person, other than a child, to a gang commits an offence and is liable on indictment to imprisonment for not less than 10 years and not more than 20 years.

(4) The court may impose a lesser sentence than specified in this subsections (1), (2) and (3) where

- (a) the person who committed the offence was under the age of 18 years at the time of the commission of the offence;
- (b) the person who committed the offence has not been previously convicted of an indictable offence of a violent nature;
- (c) public safety and public order will not be prejudiced; or
- (d) the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its not doing so.

Coercing or encouraging gang membership

7. A person who coerces, encourages, entices, aids or abets another person to be a gang leader or gang member commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

Counselling a gang leader or member

8. A person who knowingly
- (a) counsels;
 - (b) gives instruction or guidance to;
 - (c) finances in any manner; or
 - (d) otherwise provides support to,

a gang leader, gang member or gang in furtherance of its participation in, involvement in or commission of a gang-related activity commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

Preventing gang leader or gang member from leaving gang etc.

9.(1) A person who prevents or deters a gang leader or gang member from leaving a gang or obstructs a gang leader or gang member in leaving a gang commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

(2) A person who prevents or deters another person or obstructs the other person in ceasing to provide a benefit to a gang leader, gang member or gang commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

Possession of bullet-proof vest, firearm, ammunition, prohibited weapon or police paraphernalia for gang-related activity

10.(1) A person who

- (a) uses a bullet-proof vest, firearm, ammunition, or prohibited weapon;
or
- (b) has in his possession a bullet-proof vest, firearm, ammunition, or prohibited weapon which he knows or ought reasonably to know would be used

in the commission of a gang-related activity, commits an offence and is liable on conviction on indictment to imprisonment for 15 years.

(2) It is a defence for a person charged with an offence under subsection (1) (b) if he proves that he did not know or could not reasonably have known that the bullet-proof vest, firearm, ammunition, or prohibited weapon in his possession would be used in the commission of a gang-related activity.

(3) A person who uses or has in his possession police paraphernalia in the commission of a gang-related activity, commits an offence and is liable on conviction on indictment to imprisonment for 20 years

(4) For the purposes of subsection (3), “police paraphernalia” means equipment, gear, weapons and items associated with, used by, or designed for a law enforcement officer in the execution of his duties.

Harbouring a gang member

11.(1) A person who knowingly harbours a gang leader or a gang member commits an offence and is liable on

- (a) summary conviction to imprisonment for 10 years; or
- (b) conviction on indictment to imprisonment for 20 years.

(2) For the purposes of subsection (1), where

- (a) the gang leader or gang member is a child; and
- (b) the person convicted is the parent or is acting in *loco parentis* of the child,

the Court, in sentencing the person convicted, shall take into consideration mitigating factors such as efforts made by the person convicted to reform or rehabilitate the child.

Concealing a gang leader or gang member etc.

12. A person who knowingly conceals a gang leader, a gang member or a gang-related activity commits an offence and is liable on

- (a) summary conviction to imprisonment for 15 years; or
- (b) conviction on indictment to imprisonment for 25 years.

Causing or permitting use of premises or motor vehicle etc.

13. An owner, occupier or any other person responsible for the management or control of any premises, motor vehicle, aircraft or ship, who, knowingly causes or permits the premises, motor vehicle, aircraft or ship to be used for any purpose or activity which constitutes an offence under this Act, commits an offence and is liable on

- (a) summary conviction to imprisonment for 10 years; or
- (b) conviction on indictment to imprisonment for 20 years.

Tipping-off

14.(1) A person who

- (a) knows or suspects that a police officer or any other officer of a law enforcement authority is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence under this Act; and
- (b) discloses to any other person information or any other matter with a view to prejudice or intending to prejudice that investigation, or proposed investigation,

commits an offence and is liable on conviction on indictment to a fine of \$100 000 and to imprisonment for 20 years.

(2) Nothing in subsection (1) makes it an offence for an attorney at law to disclose any information or other matter

- (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or
- (b) to any person
 - (i) in contemplation of, or in connection with, legal proceedings; and
 - (ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

Retaliatory action

15.(1) A person shall not intentionally take retaliatory action against another person or a relative, friend, associate or property of that other person, on account of that other person

- (a) refusing to become a gang leader or gang member;
- (b) ceasing to be a gang leader or gang member;
- (c) refusing to render assistance in harbouring, concealing or counselling a gang member or in concealing a gang-related activity;
- (d) refusing to comply with an order of a gang leader or gang member;
- (e) refusing to provide funding or other resources to a gang leader, gang member or gang.
- (f) refusing to participate in retaliatory action against a third person or a relative, friend, associate or property of that third person;
- (g) giving information to a law enforcement officer or an intelligence officer in relation to a gang, gang leader, gang member or gang-related activity;
- (h) assisting in the investigation of a gang, gang leader, gang member or gang-related activity;
- (i) giving evidence in the prosecution of a gang leader or gang member or another person for an offence under this Act;
- (j) prosecuting a gang leader or a gang member or another person for an offence under this Act; or
- (k) presiding over a matter in a court that involves a gang leader or a gang member or another person for an offence under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for 30 years.

(3) For the purposes of this section,

“relative”, in relation to a person, means the person’s

- (a) parent, step-parent or guardian;
- (b) fiancé or spouse;
- (c) child, step-child or other dependant;
- (d) brother, sister, step-brother or step-sister;
- (e) grandparent;
- (f) father-in-law, mother-in-law, brother-in-law or sister-in-law, and any other person responsible for the person’s care and support;

“spouse”, in relation a person, includes

- (a) the other party to the union other than marriage within the meaning of section 39 of the *Family Law Act*, Cap. 214, where the person is in such a union;
- (b) another party with whom the person is in a relationship similar to marriage or to a union other than marriage.

Instructing a person who participates in an unlawful gang to commit an offence

16.(1) Any person who knowingly instructs, directly or indirectly, a person who participates in or actively contributes to gang related activity to commit an offence, commits an offence, and is liable to

- (a) a term of imprisonment of one year where the term of imprisonment imposed for the offence committed is 5 years or less;
- (b) a term of imprisonment of 3 years where the term of imprisonment imposed for the offence committed is 5 years or more; or

- (c) the payment of a fine of \$10 000 where a fine is imposed for the offence.
- (2) In the prosecution of the offence referred to in subsection (1), it shall not be necessary to prove that
 - (a) an offence other than the offence under subsection (1) was actually committed;
 - (b) the accused instructed a particular person to commit an offence; or
 - (c) the accused knew the identity of all or some of the members of the gang.

PART III

POWERS OF POLICE OFFICERS

Police powers of entry, search and arrest

17.(1) A police officer may arrest without a warrant a person whom he has reasonable cause to believe is a gang leader or gang member or who he has reasonable cause to believe has committed an offence under this Act.

(2) A magistrate may issue a warrant to a police officer authorizing the police officer to enter and search a dwelling house where the magistrate is satisfied by evidence on oath that there is reasonable ground for believing that there may be found in the dwelling house a gang leader, gang member or a person whom the magistrate has reasonable cause to believe has committed an offence under this Act.

(3) A police officer may with consent enter and search a place or premises not used as a dwelling house including a building, ship, vessel, carriage, box or receptacle, if he has reasonable cause to believe that a gang leader, gang member or a person whom he has reasonable cause to believe has committed an offence under this Act may be found in that place or premises.

(4) Where a person refuses to give consent under subsection (3), a police officer may apply for a warrant to search a place or premises not used as a dwelling house if he has reasonable cause to believe that a gang leader, gang member, or a person whom he has reasonable cause to believe has committed an offence under this Act may be found in that place or premises.

(5) A magistrate may issue a warrant to a police officer authorizing the police officer to enter and search a place or premises not used as a dwelling house if he has reasonable cause to believe that a gang leader, gang member, or a person whom he has reasonable cause to believe has committed an offence under this Act may be found in that place or premises.

PART IV

MISCELLANEOUS

Detention of suspects

18.(1) A police officer may detain, without a warrant, for a period not exceeding 72 hours a person whom he reasonably suspects

(a) has committed, is committing or is about to commit; or

(b) has interfered, is interfering or is about to interfere with an investigation of,

an offence under this Act without charging him for the offence.

(2) The period of detention shall be effective from the time at which the person is arrested and detained.

(3) Where a person is detained pursuant to subsection (1), the police officer who made the detention shall without delay

(a) inform the person of the grounds for his detention;

- (b) cause to be maintained a custody record that relates to the detained person; and
 - (c) record the grounds for detention in the custody record.
- (4) Where additional grounds arise for continuing to detain a person within the 72 hour period in accordance with subsection (1), a police officer shall record the additional grounds in the custody record of the person.
- (5) A police officer shall, upon the request of the detained person or the attorney-at-law of the detained person, provide a copy of the custody record to the person or the attorney-at-law.
- (6) Where a person is detained without a charge under subsection (1), the Divisional Officer responsible for the police station at which the person is detained shall, within 48 hours of the time that the person was arrested and detained, review the grounds for detention of the person.
- (7) Subject to subsection (6), where the Divisional Officer is satisfied that the detention of the person
 - (a) is not reasonably required having regard to the stage of the investigation of the suspected offence, the Divisional Officer shall order that the person be released immediately.
 - (b) is reasonably required
 - (i) having regard to the stage of the investigation of the suspected offence;
 - (ii) to prevent interference with an investigation of an offence under this Act;
 - (iii) to prevent the commission of an offence; or
 - (iv) to obtain, secure or preserve evidence relating to an offence under this Act;,

the Divisional Officer may permit a police officer to apply *ex parte* to a Judge in Chambers, in the form set out in the *Second Schedule*, for a

detention order in relation to the person; and the application shall be supported by evidence on oath.

(8) A Judge may grant a detention order under subsection (7) for the further detention of the person named in the application where he is satisfied that there are reasonable grounds to believe that

(a) the further detention of the person to whom the application relates is justified; and

(b) the investigation is being conducted diligently and expeditiously.

(9) The period for which a detention order may be granted under subsection (8) shall be such period as the Judge thinks fit, having regard to the evidence before him, but the period shall end not later than 7 days after the time of the arrest and detention.

(10) A person detained in accordance with subsection (8) may apply to a Judge showing cause why the detention order should be discharged.

Amendment of Second Schedule

19. The Minister may by Order subject to negative resolution amend the *Second Schedule*.

Regulations

20.(1) The Minister may make Regulations generally for giving effect to this Act.

(2) Regulations made under subsection (1), shall be subject to affirmative resolution.

(3) A person who contravenes Regulations made under this section commits an offence and is liable on summary conviction to a fine of \$250 000 and to imprisonment for 7 years.

(4) The Minister may by Order amend the fine set out in subsection (3).

FIRST SCHEDULE

(Section 2)

Gang-related Activity Offences

1. Murder
2. Shooting at a law enforcement officer with intent to cause him serious bodily harm
3. Unlawfully or maliciously causing serious bodily harm to a law enforcement officer
4. Kidnapping
5. Possession or use of a firearm or ammunition without a licence or permit
6. Possession or use of prohibited weapons or prohibited ammunition
7. Possession of a firearm or an imitation firearm in pursuance of or with the intent to commit an offence
8. Arson
9. Theft
10. Larceny of a motor vehicle
11. Handling or dealing in stolen goods
12. Damage or destruction of property
13. Threats to damage or destroy property
14. Threats of violence
15. Assault
16. Offences under the *Sexual Offences Act*, Cap. 154
17. Inflicting serious bodily harm
19. Unlawful wounding or malicious wounding
20. Unlawful or malicious wounding of a law enforcement officer
21. Possession of an offensive weapon in a public place without lawful authority or reasonable excuse

22. Sale of or offering for sale an offensive weapon in a public place without lawful authority
23. Use of a firearm that endangers the life of a person
24. Manufacturing or dealing in firearms or ammunition without a licence
25. Trafficking in controlled drugs or being in possession of controlled drugs for the purposes of trafficking the controlled drugs
26. Trafficking in persons or children
27. Being a gang leader
28. Being a gang member
29. Participating in or engaging in gang-related activities
30. Recruiting a gang leader or gang member, encouraging, facilitating, coercing, aiding or abetting gang leadership, gang membership or gang-related activities
31. Counselling, encouraging, facilitating, coercing, aiding or abetting gang leadership, gang membership or gang-related activities
32. Preventing or deterring a gang leader or gang member from leaving a gang
33. Harboring a gang leader or gang member
34. Concealing a gang leader or gang member or a gang-related activity
35. Participating in criminal activity in association with a gang
36. Possession of bullet proof vests, firearms, ammunition, prohibited ammunition, prohibited weapons or police paraphernalia for the benefit of a gang
37. Possessing, using, obtaining or sharing proceeds of gang-related activities
38. Concealing proceeds of gang-related activities
39. Providing material benefits to a gang

SECOND SCHEDULE

(Section 18(7))



Criminal Gangs (Prevention and Control) Act, 2026
(Act 2026-)

APPLICATION FOR DETENTION ORDER

I, _____,
(Name of applicant) _____,
(office of applicant)
hereby apply under section 17(7) of the *Criminal Gangs (Prevention and Control) Act, 2026*
(Act 2026-) for a Detention Order against _____,
(Name of person detained)
a person detained in police custody since _____,
(Date and time of detention)
in connection with _____

(details of person's alleged conduct)

Second Schedule - (Concl'd)

The grounds of the application are

Certificate of truth

I swear to the best of my knowledge, information and belief that the contents of this application are true.

Signed: _____
(Name of applicant)

Dated the _____ day of _____, 20____.

Read three times and passed the House of Assembly this
day of _____, 2026.

Speaker

Read three times and passed the Senate this _____ day of
, 2026.

President