

[SB. 247] TREATMENT AND CARE FOR VICTIMS OF GUNSHOT BILL, 2009

ARRANGEMENT OF SECTIONS

Section:

1. Right to Treatment and Not to Be Subjected to Torture
2. Duty to Assist
3. Preservation of Fundamental Rights of a Victim
4. Notification of the Police
5. Police to Investigate
6. Certification of Fitness
7. Failure to Notify Police
8. Relation to make statement
9. Withholding Information
10. Protection of Volunteers
11. Persons Guilty of an Offence
12. Duty to Notify Victims Relation
13. Offence of Standing by
14. Records
15. Trial of a Corporate Body
16. Restitution
17. Interpretation
18. Citation

C000

A BILL

FOR

AN ACT TO MAKE PROVISIONS FOR THE COMPULSORY TREATMENT AND CARE FOR THE VICTIMS OF GUNSHOTS AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by SENATOR OSITA IZUNASO

[]

Commencement.

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows —

- | | | |
|----|--|-----------------|
| 1 | 1. As from the commencement of this Act every hospital in Nigeria | Right to |
| 2 | whether public or private shall accept or receive for immediate and adequate | treatment. |
| 3 | treatment with or without police clearance any person with a gunshot | Duty to assist. |
| 4 | wounds. | |
| 5 | 2. Every person including security agents shall render every possible | Preservation |
| 6 | assistance to any person with gunshot wounds and ensure that the person | |
| 7 | is taken to the nearest hospital for immediate treatment. | |
| 8 | 3. Accordingly— | of |
| 9 | (i) no person with gunshot wound shall be refused immediate and | fundamental |
| 10 | adequate treatment by any hospital in Nigeria whether or Preservation | right of a |
| 11 | of not initial monetary deposit is paid. | victim. |
| 12 | (ii) No person with a bullet wound shall be subjected to inhuman and | Notification of |
| 13 | degrading treatment or torture by any person or authority including the | Police. |
| 14 | police or other security agencies. | |
| 15 | 4. It shall be the duty of any hospital that receives or accepts any person | Police to |
| 16 | with a gunshot wound to report the fact to the nearest police station within | investigate. |
| 17 | two (2) hours of commencement of treatment. | |
| 18 | 5. Upon receipt of the aforesaid report, the police shall immediately | Certificate of |
| 19 | commence investigation with a view to determining the circumstances under | fitness. |
| 20 | which the person was shot. | |
| 21 | 6. The police may not receive any person with gunshot wounds from the | Failure to |
| | | notify Police. |

	1	hospital for the purposes of investigation unless and until the Chief Medical
	2	Director of the hospital certifies him fit and no longer in dire need of Medicare.
Relations to make statement.	3	7. Any hospital that fails to give the information required under section
	4	four of this Act commits an offence and on conviction, shall be liable to a fine
	5	of x100,000.00 and every doctor directly concerned with the treatment shall
	6	be liable on conviction to 6 months imprisonment or a fine of x100,000.00
	7	or both.
Withholding information.	8	8. Any person who receives the information under section 7 of this
Protection of	9	Act shall furnish the police or the hospital on demand, such background
	10	information on the victim as may be compelled to incriminate the victim.
volunteer.	11	OFFENCES AND PUNISHMENT
Persons guilty	12	9. Any person who willfully fails, neglects or refuses to give the
	13	information required under section 8 of this Act commits an offence and shall
	14	on conviction, be liable to 1 (one) month imprisonment or a fine of x50,000.00
of the offence.	15	or both.
Duty to notify victim	16	10. Every volunteer or helper of a victim shall be treated with respect
relations.	17	and shall not be subjected to unnecessary and embarrassing interrogation
	18	in their genuine attempt to save life.
Offence of standing by.	19	11. Any person who is guilty of an offence under this Act especially, when
	20	the offence does not lead to death of victim but led to substantial physical,
	21	mental, emotional and psychological damage, shall be liable on conviction
	22	to imprisonment for a term of not more than 15 years and not less than 5
	23	years without the option of fine.
Records.	24	12. It shall be the duty of the hospital that receives any person with
Trial of a	25	gunshot wounds to notify the family members or relations of the victim as
	26	far as they may ascertain within twenty_four hours of becoming aware of the
	27	victim's identity.
corporate body.	28	13. Any person or authority including any police officer or other security
	29	agents or hospital who stands by or omits to do his bit which results in the
	30	unnecessary death of any person with bullet wounds commits an offence and
	31	shall on conviction be liable to 5 years imprisonment a fine of x50,000.00 or

1 both.

Restitution.

2 14. Every hospital or facility that takes or receive for treatment any
3 person with bullet wounds shall keep adequate record of the treatment.

Interpretation.

4 15. Any corporate body being guilty of an offence under this Act, the
5 Head of the Body shall be prosecuted in accordance with the provision of
6 sections 11 and 13 of this Act.

Citation.

7 16.—(1) In addition to any other penalty under this Act, the High Court
8 shall order a person or corporate body convicted of an offence, to make
9 restitution to the victim by directing that person or corporate body to pay
10 to the victim(s), an amount equivalent to the loss sustained by the victim(s).

11 (2) An order of restitution may be enforced by the victim or by the
12 prosecutor on behalf of the victim in the same manner as a judgment in a
13 civil action.

14 17. In this Act, except the context otherwise requires—

15 “Court” shall be High Court of a State;

16 “Health Institution” any Institution offering medical services.

17 “Health Officer” any officer working in a Health Institution

18 “Trust Fund” money contributed in a poll by a person or organization for
19 a specific purpose

20 “Victim” means a person who sustains injuries as a result of gunshot,
21 powder burn and other injuries arising out of or caused by the discharge
22 of a firearm.

23 18. This Act may be cited as the Compulsory Treatment and Care of
Victims of Gunshots Bill, 2009.

EXPLANATION MEMORANDUM

This Act seeks to provide for the compulsory treatment, protection and care for victim(s) of gun in Nigeria and also prescribe penalties for offenders.