

Criminal Justice Committee
Wednesday 19 February 2025
6th Meeting, 2025 (Session 6)

Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill

Note by the Clerk

Introduction

1. The [Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews \(Scotland\) Bill](#) was introduced in September 2024.
2. Part 1 makes changes in relation to criminal cases. The Bill makes the following permanent for criminal cases:
 - using electronic signatures on court documents
 - sending court documents electronically
 - attending criminal court hearings virtually
 - increasing fixed penalty limits that may be offered by a procurator fiscal ('fiscal fines') as an alternative to prosecution through the courts
 - a national jurisdiction for first callings from custody, allowing the initial stage of some criminal cases to be taken in any sheriff court in Scotland
3. Part 1 of the Bill also makes some new changes to procedures in criminal courts. These are:
 - treating pictures of physical evidence in the same way as the original physical evidence in criminal cases
 - establishing a process for electronic copies of documents to be trusted
4. Part 2 of the Bill creates a process for reviewing deaths which relate to abusive behaviour within relationships. These reviews would look at what lessons can be learnt in relation to a death to try to stop similar things happening again. The Bill also creates an oversight committee and case review panels to undertake and manage the reviews.

Today's evidence on the Bill

5. At today's meeting, the Committee will take evidence from **Angela Constance MSP, Cabinet Secretary for Justice and Home and Affairs**, and her officials.

Previous meetings

6. At the committee meetings on 22 and 29 January, and 5 February, the Committee took evidence from—

- Scottish Solicitors Bar Association
- Law Society of Scotland
- Edinburgh Bar Association
- Victim Support Scotland
- Age Scotland
- Crown Office and Procurator Fiscal Service
- Scottish Courts and Tribunals Service
- Police Scotland
- Professor John Devaney, University of Edinburgh
- Professor Neil Websdale, Director of the Family Violence Center, Arizona State University
- Dr Grace Boughton, Criminologist
- Fiona Drouet, Founder and CEO of EmilyTest
- Scottish Women's Aid
- COSLA
- Social Work Scotland
- Dr Emma Fletcher, Director of Public Health, NHS Tayside

Financial Memorandum

7. The Finance and Public Administration Committee issued a call for views on the Bill's Financial Memorandum.
8. Responses were received from the Scottish Courts and Tribunals Service, the Crown Office and Procurator Fiscal Service and Police Scotland.
9. The [responses to the call for views](#) can be found online. The Finance and Public Administration Committee has [written to the Committee](#) to provide an update on its scrutiny of the Financial Memorandum. The Finance and Public Administration Committee has also [written to the Cabinet Secretary for Justice and Home Affairs](#) in connection with this scrutiny.

Further reading

- 10.A [SPICe briefing on the Bill](#) can be found online.
- 11.The [responses to the Committee's call for views on the Bill](#) can be found online.

**Clerks to the Committee
February 2025**