

Returning Offenders (Management and Information) (Drug and Alcohol Testing) Amendment Bill

(Divided from the Drug and Alcohol Testing of Community-based Offenders,
Bailees, and Other Persons Legislation Bill)

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Drug and Alcohol Testing of Community-based Offenders, Bailees, and Other Persons Legislation Bill as reported from the Law and Order Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- Bail (Drug and Alcohol Testing) Amendment Bill comprising clauses 1 and 2, Part 1, and Schedule 1
- Parole (Drug and Alcohol Testing) Amendment Bill comprising Part 2 and Schedule 2
- Sentencing (Drug and Alcohol Testing) Amendment Bill comprising Part 3 and Schedule 3
- Public Safety (Public Protection Orders) (Drug and Alcohol Testing) Amendment Bill comprising Part 4
- this Bill comprising Part 5 and Schedule 4.

**Returning Offenders (Management and Information)
(Drug and Alcohol Testing) Amendment Bill**

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

~~text deleted~~

Hon Judith Collins

Returning Offenders (Management and Information) (Drug and Alcohol Testing) Amendment Bill

Government Bill

Contents

	Page
1 Title	1
2 Commencement	1
.	
<u>39</u> <u>Principal Act</u>	<u>2</u>
<u>40</u> <u>Section 4 amended (Interpretation)</u>	<u>2</u>
<u>41</u> <u>Section 26 amended (Returning prisoner must comply with special conditions imposed by court)</u>	<u>2</u>
<u>42</u> <u>Schedule 1 amended</u>	<u>2</u>
.	
<u>Schedule 4</u>	<u>3</u>
<u>New Part 2 inserted into Schedule 1</u>	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Returning Offenders (Management and Information) (Drug and Alcohol Testing) Amendment Act **2016**.

2 Commencement

5

(1) This Act comes into force on the earlier of the following: ~~day immediately after the expiry of the period of 6 months that commences on the date on which this Act receives the Royal assent.~~

(a) a date appointed by the Governor-General by Order in Council:

- (b) the day immediately after the expiry of the 6-month period.
- (2) The **6-month period** is the period of 6 months that commences on the date on which this Act receives the Royal assent.
-
- 39** **Principal Act** 5
This Act amends the Returning Offenders (Management and Information) Act 2015 (the **principal Act**).
- 40** **Section 4 amended (Interpretation)**
In section 4(1), insert in its appropriate alphabetical order:
drug or alcohol condition means a special condition under **section 15(3)(ba)** of the Parole Act (as that provision is applied with all necessary modifications by sections 26(4), 27, and 34 of this Act) 10
- 41** **Section 26 amended (Returning prisoner must comply with special conditions imposed by court)**
After section 26(5)(b), insert: 15
 (c) a drug or alcohol condition, **sections 16A to 16D, 71A, 72A, and 74A to 74C**, and any rules made under **section 74A**, of the Parole Act apply with all necessary modifications.
- 42** **Schedule 1 amended**
In Schedule 1, after Part 1, insert the **Part 2** set out in **Schedule 4** of this Act. 20
-

Schedule 4
New Part 2 inserted into Schedule 1

s 42

Part 2
Provisions relating to Part 5 of the Drug and Alcohol Testing of
Community-based Offenders, Bailees, and Other Persons
Legislation Act 2014

2 **Interpretation**

In this Part,—

commencement date means the date on which **Part 5 of the Drug and Alcohol Testing of Community-based Offenders, Bailees, and Other Persons Legislation Act 2014** comes into force

pre-commencement drug or alcohol condition means a condition—

- (a) that is imposed before the commencement date under section 26(1), 27(1), or 33(1); and
- (b) that prohibits a returning offender from doing 1 or more of the following:
 - (i) using (as defined in section 4(1) of the Parole Act) a controlled drug;
 - (ii) using a psychoactive substance;
 - (iii) consuming alcohol.

3 **Testing and monitoring of returning offender subject to pre-commencement drug or alcohol condition**

- (1) This clause applies if a returning offender is subject to a pre-commencement drug or alcohol condition.
- (2) On and from the commencement date, **sections 16B to 16D, 71A, 72A, 74A, and 74B**, and any rules made under **section 74A**, of the Parole Act apply in respect of the returning offender—
 - (a) as if the pre-commencement drug or alcohol condition were a drug or alcohol condition imposed by a court on or after the commencement date;
and
 - (b) as if the court had complied with **section 16A(3)** of the Parole Act in respect of the condition.

**Returning Offenders (Management and Information)
(Drug and Alcohol Testing) Amendment Bill**

Legislative history

2 November 2016

Divided from Drug and Alcohol Testing of Community-based Offenders, Bailees, and Other Persons Legislation Bill (Bill 238–2) as Bill 238–3E

Wellington, New Zealand:

Published under the authority of the House of Representatives—2016