

Victims' Rights Amendment Bill

Government Bill

As reported from the committee of the whole
House

This bill was formerly part of the Criminal Procedure (Reform and Modernisation) Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- the Criminal Procedure Bill comprising clauses 1 and 2, Parts 1 to 8, the Part 9 heading, clause 416, clause 417, clause 442, and Schedules 1, 1A, and 6
- the Bail Amendment Bill (No 3) comprising clauses 401 to 407A, and Schedule 2
- the Children, Young Persons, and Their Families Amendment Bill (No 3) comprising clauses 407B to 407D, and Schedule 3
- the Corrections Amendment Bill comprising clauses 408 to 410A, and Schedule 3A
- the Crimes Amendment Bill (No 5) comprising clauses 410B to 411B, and Schedule 3B
- the Criminal Disclosure Amendment Bill comprising clauses 412 to 415B, and Schedule 3C
- the Criminal Procedure (Mentally Impaired Persons) Amendment Bill comprising clauses 417A to 417C, and Schedule 4

- the District Courts Amendment Bill (No 2) comprising clauses 418 to 420A, and Schedule 4A
 - the Evidence Amendment Bill comprising clauses 421 to 423A, and Schedule 4B
 - the Juries Amendment Bill comprising clauses 424 to 427A, and Schedule 4C
 - the Justices of the Peace Amendment Bill comprising clauses 427B to 428
 - the New Zealand Bill of Rights Amendment Bill comprising clauses 428B and 429
 - the Sentencing Amendment Bill (No 6) comprising clauses 430 to 433A, and Schedule 4D
 - the Summary Proceedings Amendment Bill (No 4) comprising clauses 434 to 437B, and Schedule 5
 - this bill comprising clauses 438 to 441B, and Schedule 5A.
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Victims' Rights Amendment Bill

Key to symbols used in reprinted bill

**As reported from the committee of the whole
House**

text inserted

~~text deleted~~

Hon Simon Power

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Victims' Rights Amendment Act **2011**.

2 Commencement

- (1) **Sections 439 to 441A** come into force on a date appointed by the Governor-General by Order in Council.
- (2) The rest of this Act comes into force on a date appointed by the Governor-General by Order in Council. 5
- (3) Any provision that has not earlier been brought into force comes into force on the day that is 2 years after the date on which this Act receives the Royal assent.

3 Principal Act amended

This Act amends the Victims' Rights Act 2002. 10

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439 Procedure before ascertaining information from victim

Section 18(a)(i) is amended by inserting "and may be used by a judicial officer for the purpose of giving the accused a sentence indication" after "offender".

440 Form and verification of information ascertained

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- (1) Section 19(3)(a) is amended by inserting "and might be used by a judicial officer for the purpose of giving the accused a sentence indication" after "offender".

- (2) Section 19(4) is amended by repealing paragraph (a) and substituting the following paragraphs: 20

"(a) advised the victim that—

"(i) it was for submission to the judicial officer sentencing the offender; and

"(ii) it might also be used by a judicial officer for the purpose of giving the accused a sentence indication; and 25

"(ab) advised the victim that he or she was required to ensure that any information that he or she gave is true; and".

441 New section 21A inserted

The following section is inserted after section 21: 30

“21A Victim impact statement may be used for purpose of sentence indication

A victim impact statement within the meaning of section 22 may be submitted to a judicial officer for the purpose of giving a sentence indication under **section 59** of the **Criminal Procedure (Reform and Modernisation) Act 2010.**” 5

441A Transitional provision regarding submitting victim impact statement for purpose of sentence indication

A victim impact statement may be submitted under **section 21A** of the principal Act (as inserted by **section 441** of this Act) even if it was prepared before the date on which **section 441** came into force. 10

441B Other amendments to Victims' Rights Act 2002

The Victims' Rights Act 2002 is amended as set out in **Schedule 5A.** 15

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Schedule 5A **s 441B**
Amendments to Victims' Rights Act 2002

Section 12(4)

Omit "the Criminal Justice Act 1985 or any other" and substitute "any". 5

Section 12

Subsection (2)(c): omit "defended hearing, or trial," and substitute "trial".

Subsection (4): omit "the Criminal Justice Act 1985 or any other" and substitute "any". 10

Section 35(3)(b)

Omit "section 142A(1) of the Criminal Justice Act 1985" and substitute "**section 34A(1)** of the Corrections Act 2004".

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Legislative history

29 September 2011

Divided from Criminal Procedure (Reform and Modernisation) Bill (Bill 243-2) by committee of the whole House as Bill 243-30