

**Legislative Statement
for
Three Strikes Legislation Repeal Bill**

Presented to the House of Representatives

In accordance with Standing Order 272

Legislative Statement for the Three Strikes Legislation Repeal Bill

Introduction

- 1 The Three Strikes Legislation Repeal Bill (the Bill) repeals sections from the Sentencing Act 2002 and the Parole Act 2002 that create what is commonly known as the three strikes law.
- 2 Repealing the law will deliver on a Labour party manifesto commitment.

Background

- 3 The Sentencing and Parole Reform Act 2010 created what is commonly known as the three strikes law.
- 4 Under the three strikes regime, a person convicted of:
 - a) a first specified offence¹ is warned of the consequences if the person is convicted of another specified offence committed after that warning,
 - b) a second specified offence is required to serve any prison sentence in full (i.e. without eligibility for automatic release for short-term sentences or the possibility of parole for long-term sentences) and receives a final warning, and
 - c) a third specified offence is sentenced to the maximum penalty for that offence, and the term of imprisonment must be served without parole unless the Court determines that this would be manifestly unjust.
- 5 The law was intended to deter repeat offenders with the threat of progressively longer mandatory prison terms, and to penalise those who continue to re-offend despite the additional penalties.
- 6 However, there is no clear evidence that the regime has reduced serious offending, and the law has resulted in disproportionate punishment by preventing sentencing judges from taking the circumstances of offending into account. Other sentencing options and orders exist in New Zealand law already which enable judges to impose the same restrictions as provided by the three strikes law, in appropriate cases.

Provisions of the Three Strikes Legislation Repeal Bill

- 7 To effect the repeal, the Bill will repeal sections from the Sentencing Act 2002 and the Parole Act 2002 that create the three strikes law. The Sentencing and Parole Reform Act introduced the term “serious violent offence” into the Sentencing Act. This term has since been referred to in other statutes so will be preserved after the repeal takes effect.

¹ There are 40 qualifying three strike offences, comprising all major violent and sexual offences with a maximum penalty of seven years or greater imprisonment, including murder, attempted murder, manslaughter, wounding with intent to cause grievous bodily harm, sexual violation, abduction, kidnapping, and aggravated robbery.

- 8 The Bill does not address the impacts on those already sentenced under the three strikes law. It therefore does not provide retrospective arrangements for those individuals who are serving a sentence of imprisonment for a strike offence at the time the repeal legislation comes into effect.
- 9 Cabinet has decided that, on introduction of the Bill, I should invite the Justice Committee to consider whether (and, if so, how) the Bill should apply to individuals who have already been sentenced under the law. The Committee will have the chance to hear from the public and other interested parties on this issue as a basis for recommendations to Parliament.

Conclusion

- 10 The Bill will return discretion in sentencing decisions to the judiciary, who are best placed to determine how long a sentence should be and whether (and if so, when) an offender should become eligible for parole.
- 11 The Bill supports the Government's focus on building a justice system that ensures less crime, less offending and fewer victims of crime who are better supported.
- 12 The Bill will also deliver on Labour's 2020 Election Manifesto commitment to repeal the three strikes law.