



Corrections (Electronic Monitoring of Offenders) Amendment Act 2016

Public Act 2016 No 45
Date of assent 22 September 2016
Commencement see section 2

Contents

| | | Page |
|---|---|------|
| 1 | Title | 1 |
| 2 | Commencement | 2 |
| 3 | Principal Act | 2 |
| 4 | Section 63 amended (Temporary release from custody) | 2 |
| 5 | Section 64 amended (Temporary removal from prison) | 2 |
| 6 | New section 64A inserted (Electronic monitoring for persons temporarily released from custody or temporarily removed from prison) | 2 |
| | 64A Electronic monitoring for persons temporarily released from custody or temporarily removed from prison | 2 |
| 7 | New section 65A and cross-heading inserted (Electronic monitoring of prisoners employed in work or accommodated outside secure perimeter) | 3 |
| | <i>Electronic monitoring of prisoners employed in work or accommodated outside secure perimeter</i> | |
| | 65A Electronic monitoring of prisoners employed in work or accommodated outside secure perimeter | 3 |

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Corrections (Electronic Monitoring of Offenders) Amendment Act 2016.

2 Commencement

This Act comes into force on the day that is 3 months after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Corrections Act 2004 (the **principal Act**).

4 Section 63 amended (Temporary release from custody)

After section 63(1), insert:

- (1A) The conditions that may be imposed by the chief executive under subsection (1) include, without limitation, a condition requiring the person who is temporarily released from custody to submit to the electronic monitoring of compliance with any temporary release conditions that relate to his or her whereabouts.

5 Section 64 amended (Temporary removal from prison)

In section 64, insert as subsection (2):

- (2) The conditions that may be imposed by the chief executive under subsection (1)(c) include, without limitation, a condition requiring the person who is to be removed to submit to the electronic monitoring of compliance with any temporary removal conditions that relate to his or her whereabouts.

6 New section 64A inserted (Electronic monitoring for persons temporarily released from custody or temporarily removed from prison)

After section 64, insert:

64A Electronic monitoring for persons temporarily released from custody or temporarily removed from prison

- (1) This section applies to electronic monitoring imposed as a condition under section 63 or 64.
- (2) The purposes of an electronic monitoring condition are—
- (a) to deter the person who is subject to electronic monitoring from breaching a condition that relates to his or her whereabouts; and
 - (b) to monitor compliance with a condition that relates to his or her whereabouts.
- (3) Information about a person that is obtained through electronic monitoring may be used both for the purposes specified in subsection (2) and for the following purposes:
- (a) to verify compliance with conditions that relate to the whereabouts of the person;
 - (b) to detect non-compliance with conditions that relate to the whereabouts of the person and the commission of offences;

- (c) to provide evidence of non-compliance with conditions that relate to the whereabouts of the person and of the commission of offences:
 - (d) to verify that the person who is subject to the electronic monitoring condition has not tampered or otherwise interfered with the ability of the electronic monitoring equipment to operate effectively and accurately.
- (4) A person who is subject to an electronic monitoring condition may be required to have electronic monitoring equipment attached to his or her body.
- (5) Where there is evidence indicating that the person who is subject to the electronic monitoring condition may have tampered with or otherwise interfered with the ability of the electronic monitoring equipment to operate effectively and accurately, the person is deemed to be unlawfully at large unless there is evidence that he or she is not unlawfully at large.

7 New section 65A and cross-heading inserted (Electronic monitoring of prisoners employed in work or accommodated outside secure perimeter)

After section 65, insert:

Electronic monitoring of prisoners employed in work or accommodated outside secure perimeter

65A Electronic monitoring of prisoners employed in work or accommodated outside secure perimeter

- (1) This section applies to a prisoner who—
- (a) is employed in work directed or provided by the prison manager under section 66 that is outside the secure perimeter, whether or not it is also outside the prison; or
 - (b) is accommodated in a building that is outside the secure perimeter but still within the prison.
- (2) However, this section does not apply to a prisoner who has been temporarily released from custody or temporarily removed from prison under section 62.
- (3) The prison manager may require the prisoner to submit to electronic monitoring of his or her whereabouts while the prisoner is outside the secure perimeter (in this section, an **electronic monitoring condition**).
- (4) The purposes of an electronic monitoring condition are—
- (a) to deter the prisoner from attempting to escape from lawful custody; and
 - (b) to help locate and arrest a prisoner who escapes from lawful custody; and
 - (c) to deter and detect the commission of offences against section 128(1)(e).
- (5) Information about a prisoner that is obtained through an electronic monitoring condition may be used both for the purposes in subsection (4) and for the following purposes:

- (a) to verify that the prisoner has not escaped from lawful custody:
 - (b) to detect that the prisoner has escaped from lawful custody, and the commission of offences:
 - (c) to provide evidence of escape from lawful custody, and the commission of offences:
 - (d) to verify that the prisoner has not tampered or otherwise interfered with the ability of the electronic monitoring equipment to operate effectively and accurately.
- (6) A prisoner who is subject to an electronic monitoring condition may be required to have electronic monitoring equipment attached to his or her body.
- (7) Where there is evidence indicating that the prisoner who is subject to the electronic monitoring condition may have tampered with or otherwise interfered with the ability of the electronic monitoring equipment to operate effectively and accurately, the prisoner is deemed to be unlawfully at large unless there is evidence that he or she is not unlawfully at large.

Legislative history

| | |
|-------------------|--|
| 23 August 2016 | Divided from Electronic Monitoring of Offenders Legislation Bill (Bill 18–2) as Bill 18–3A |
| 20 September 2016 | Third reading |
| 22 September 2016 | Royal assent |

This Act is administered by the Department of Corrections.