



Policing (Storage of Youth Identifying Particulars) Amendment Act 2011

Public Act 2011 No 65
Date of assent 29 August 2011
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Policing (Storage of Youth Identifying Particulars) Amendment Act 2011.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act amended**
This Act amends the Policing Act 2008.

Part 1

Purpose and application of this Act

- 4 Purpose of this Act**
The purpose of this Act is to amend the principal Act so that it indicates clearly when it authorises the storage, and when it requires the destruction, of youth identifying particulars.
- 5 Application of this Act**
The sections 34 and 34A substituted by section 6 of this Act apply, and must be taken to have applied at all times after the close of 30 September 2008, to all identifying particulars obtained under the principal Act after the commencement, on 1 October 2008, of that Act (except section 130(2)).

Part 2

Amendment to principal Act

- 6 New sections 34 and 34A substituted**
Section 34 is repealed as from its commencement, on 1 October 2008, and the following sections are, as from that commencement, substituted:

“34 Storage, etc, on Police information recording system of identifying particulars

“(1) The identifying particulars of a person that are obtained under section 32 or 33 may be entered, recorded, and stored on a Police information recording system.

“(2) But photographs or visual images of a person, and impressions of a person’s fingerprints, palm-prints, or footprints, that are obtained under section 32 or 33 must be destroyed as soon as practicable after—

“(a) a decision is made not to commence criminal prosecution proceedings against the person in respect of the offence for which the particulars were taken; or

“(b) criminal prosecution proceedings that are commenced against the person in respect of the offence for which the particulars were taken are completed with an outcome (for example, an acquittal) that is not an outcome (specified in section 34A) that authorises continued storage.

“(3) In this section and section 34A,—

“**criminal prosecution proceedings** against a person in respect of the offence for which particulars were taken, means proceedings—

“(a) commenced against the person in respect of that offence or offences including that offence under the Crimes Act 1961, or under the Summary Proceedings Act 1957 (alone or, if the person is a child or a young person as defined in section 2(1) of the Children, Young Persons, and Their Families Act 1989, in conjunction with that Act); and

“(b) some or all of which (for example, any committal process proceedings) are heard or determined, at first instance, in a District Court, the High Court, a Youth Court, or a combination of those courts

“**the offence for which the particulars were taken** includes (without limitation) an offence that arose from the same event or series of events as, and that replaces, that offence.

“Compare: 1958 No 109 s 57(3)

**“34A Outcomes authorising continued storage of
certain particulars**

The outcomes mentioned in section 34(2)(b) are as follows:

- “(a) the person admits to, and completes a programme of diversion (being a programme conducted by the Police) for, the offence for which the particulars were taken:
- “(b) the person is convicted of the offence for which the particulars were taken (for example, by virtue of a District Court or the High Court entering a conviction, or a Youth Court entering a conviction and making an order under section 283(o) of the Children, Young Persons, and Their Families Act 1989):
- “(c) the Youth Court makes an order under any of paragraphs (a) to (n) of section 283 of the Children, Young Persons, and Their Families Act 1989 in respect of the person and the offence for which the particulars were taken:
- “(d) the person is discharged under section 106 of the Sentencing Act 2002 in respect of the offence for which the particulars were taken.”

Legislative history

16 August 2011	Introduction (Bill 317–1), first reading, second reading, committee of the whole House, and third reading
29 August 2011	Royal assent

This Act is administered by the New Zealand Police.
