

Hon. Mr. Webb

CRIMES AMENDMENT

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A BILL INTITULED

AN ACT to amend the Crimes Act 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Crimes Amendment Act 1952, and shall be read together with and deemed part of the Crimes Act 1908 (hereinafter referred to as the principal Act).

Short Title and commencement.

See Reprint of Statutes, Vol. II, p. 182

10 (2) This Act shall come into force on the *first* day of January, nineteen hundred and fifty-three.

Endangering
persons in
vehicles.

2. The principal Act is hereby amended by inserting, after section two hundred, the following section:—

“ 200A. (1) Everyone is liable to seven years’ imprisonment who, with intent to injure or endanger the safety of any person in any vehicle, shoots or throws anything at, into, or upon, or causes anything to come in contact with, any vehicle, or shoots or throws anything at any person in any vehicle. 5

“ (2) Everyone is liable to two years’ imprisonment who unlawfully and wilfully, in a manner likely to injure or endanger the safety of any person in any vehicle, shoots or throws anything at, into, or upon, or causes anything to come in contact with, any vehicle, or shoots or throws anything at any person in any vehicle.” 10

Abduction of
girl under
eighteen.

Cf. 1927,
No. 37, s. 209

(Reprint of
Statutes,
Vol. II,
p. 411)

3. (1) Section two hundred and twenty-nine of the principal Act is hereby amended by omitting from subsection one the words “ sixteen years ”, and substituting the words “ eighteen years ”. 15

(2) The said section two hundred and twenty-nine is hereby further amended by repealing subsection two, and substituting the following subsections:— 20

“ (2) It is immaterial whether or not the girl is taken with her own consent or at her own suggestion.

“ (3) It shall be a sufficient defence to any charge under this section if it is made to appear to the jury before whom the charge is brought that the accused had reasonable cause to believe that the girl was of or over the age of eighteen years.” 25

Theft of
electricity.

Cf. 1927,
No. 37, s. 222

4. The principal Act is hereby amended by inserting, after section two hundred and thirty-eight, the following section:— 30

“ 238A. Electricity is hereby declared to be a thing capable of being stolen; and everyone commits theft who fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity.” 35

Punishment
for theft.

5. (1) The principal Act is hereby further amended by repealing section two hundred and forty-seven, and substituting the following section:—

“ 247. Everyone is liable to the following punishment for theft:— 40

“ (a) To fourteen years’ imprisonment if the object stolen is a testamentary instrument, whether it is stolen during the testator’s life or after his death:

- 5 “ (b) To seven years’ imprisonment if the theft is one to which section two hundred and forty-two (which relates to theft by a person receiving moneys on account of another) or section two hundred and forty-three (which relates to theft by an attorney) or section two hundred and forty-four (which relates to theft by misappropriation) of this Act applies:
- 10 “ (c) To seven years’ imprisonment if the object stolen is—
- 15 “ (i) Anything stolen by a clerk or servant which belongs to or is in the possession of his employer:
- 20 “ (ii) Anything in the possession of the offender as a clerk or servant, or as an officer of the Government or of any local authority or public body, or as a constable:
- “ (iii) Anything stolen from the person of another:
- “ (iv) Anything stolen from a dwelling-house:
- 25 “ (v) Anything stolen from a separate receptacle, locked or otherwise secured:
- “ (vi) Any horse, mare, gelding, ass, mule, bull, cow, ox, or heifer, or any ram, ewe, or other sheep, or any boar, sow, or other pig, or any goat, or the young of any such animal as aforesaid:
- 30 “ (d) To three years’ imprisonment if the object stolen is anything for the theft of which no other punishment is prescribed by this Act, and if it exceeds in value the sum of *twenty* pounds:
- 35 “ (e) To six months’ imprisonment if the object stolen is anything for the theft of which no other punishment is prescribed by this Act, and if it exceeds in value the sum of *two* pounds and does not exceed in value the sum of *twenty* pounds: *Cf. 1927, No. 37, s. 238*
- 40 “ (f) To three months’ imprisonment if the object stolen is anything for the theft of which no other punishment is prescribed by this Act, and if it does not exceed in value the sum of *two* pounds.” *Cf. ibid., s. 234*
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(2) Section two hundred and fifty-five of the principal Act is hereby amended by omitting the words "paragraph (d) (iv) of".

Repeals.

(3) Section two hundred and thirty-eight of the principal Act is hereby amended as follows:—

(a) By repealing the proviso to subsection one:

(b) By repealing subsection two.

Section 252 of principal Act (as to false pretences) amended.

6. (1) Section two hundred and fifty-two of the principal Act is hereby amended by inserting in paragraph (a), after the words "other than himself", the words "if the thing so obtained or procured as aforesaid exceeds in value the sum of *two pounds*".

(2) The said section two hundred and fifty-two is hereby further amended by adding the following as subsection two thereof:—

Cf. 1927, No. 37, s. 235

"(2) Everyone is liable to three months' imprisonment who, with intent to defraud by any false pretence, either directly or through the medium of any contract obtained by such false pretence, obtains anything capable of being stolen, or procures anything capable of being stolen to be delivered to any person other than himself, if the thing so obtained or procured as aforesaid does not exceed in value the sum of *two pounds*."

Section 284 of principal Act (as to receiving) amended.

Cf. *ibid.*, s. 250

7. (1) Section two hundred and eighty-four of the principal Act is hereby amended by adding to subsection one the words "if the object so received exceeds in value the sum of *two pounds*".

(2) The said section two hundred and eighty-four is hereby further amended by inserting, after subsection one, the following subsection:—

"(1A) Everyone is liable to three months' imprisonment who receives anything so obtained as aforesaid, knowing that thing to have been dishonestly obtained, if the object so received does not exceed in value the sum of *two pounds*."

(3) The said section two hundred and eighty-four is hereby further amended by omitting from subsection three the words "imprisonment with hard labour for life", and substituting the words "fourteen years' imprisonment".

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8. (1) Section three hundred and twenty-six of the principal Act is hereby amended by inserting, after paragraph (d), the following paragraph:—

Section 326 of principal Act (as to uttering counterfeit coin) amended. Cf. *ibid.*, ss. 197, 198

5 “(dd) Utters any current coin which has been so defaced as aforesaid; or”.

(2) The said section three hundred and twenty-six is hereby further amended by omitting from paragraph (c), and also from paragraph (e), the words “gold or silver”.

10 9. (1) The principal Act is hereby further amended by inserting, after section three hundred and twenty-six, the following section:—

Melting down or using current coin except as currency.

15 “326A. (1) Everyone is liable to six months’ imprisonment who, without the consent of the Minister of Finance, melts down, breaks up, or uses otherwise than as currency any current coin.

Cf. Finance Act 1920, No. 38, s. 48 (Reprint of Statutes, Vol. II, p. 345). Cf. 1927, No. 37, s. 199

20 “(2) Notwithstanding anything in subsection one of this section, where any person suspects that any coin tendered to him as current coin has been diminished otherwise than by reasonable wear, or that it is counterfeit, it shall be lawful for him to break the coin. If the coin, when so broken, appears to have been diminished otherwise than by reasonable wear, or to be counterfeit, the person tendering it shall bear the loss; but if it is of due weight and appears to be current coin, the person breaking it shall receive it at the rate it was coined for. In this subsection, references to breaking include refer-
25 ences to cutting, bending, and defacing.”

30 (2) Section forty-eight of the Finance Act 1920 is hereby repealed.

Repeal. See Reprint of Statutes, Vol. II, p. 345

10. (1) Section three hundred and thirty-nine of the principal Act is hereby amended by omitting from paragraph (d) the words “Any property, for damage to which no special punishment is by law prescribed, damaged by night to the value of five pounds”, and substituting the words “Any property, for damage to which no other punishment is prescribed by this Act, damaged by night”.

Section 339 of principal Act (as to punishment for mischief) amended.

(2) The said section three hundred and thirty-nine is hereby further amended by repealing subparagraph (v) of paragraph (f), and substituting the following subparagraph:—

“(v) Any property, for damage to which no other punishment is prescribed by this Act, damaged otherwise than by night.” 5

Section 359
of principal
Act (as to
arrest)
amended.
Cf. 1927,
No. 37, s. 248

11. Section three hundred and fifty-nine of the principal Act is hereby amended by inserting in the proviso (which authorizes the arrest without warrant of persons charged with certain crimes), after the words “Section two hundred hereof”, the words “Sections *two hundred A* and two hundred and forty-seven hereof”. 10

Section 449
of principal
Act (as to
order for
payment of
compensation
by accused)
amended.
Cf. ibid.,
s. 220 (2)

12. Section four hundred and forty-nine of the principal Act is hereby amended by inserting, after subsection three, the following subsection:— 15

“(3A) The making or enforcement of an order under this section for the payment of moneys to any person by way of satisfaction or compensation shall not affect the right of that person or any other person to recover by civil proceedings any damages in excess of the amount so ordered to be paid.” 20

Section 451
of principal
Act (as to
restitution of
property)
amended.
Cf. ibid., s. 244

13. Section four hundred and fifty-one of the principal Act is hereby amended by inserting, after subsection one, the following subsection:— 25

“(1A) Where anyone is convicted of theft, and it appears to the Court that the stolen property has been sold to any person who bought it in good faith and without knowledge that it was stolen, the Court may order that on the restitution of the stolen property to the owner there shall be paid to the purchaser, out of any moneys found in the possession of the person so convicted or in the possession of any other person for him, a sum not exceeding the amount of the proceeds of the sale.” 30

Section 30 of
principal Act
(as to habitual
offenders)
amended.
See Reprint
of Statutes,
Vol. II, p. 335

14. Section thirty of the principal Act is hereby amended, as from the first day of January, nineteen hundred and eleven (being the date of the commencement of the Crimes Amendment Act 1910), by omitting from subsection three the words “and may direct that on the expiration of his sentence he shall be detained in a reformatory prison under this Act”. 40