

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 11 September 1986.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 23 September 1986.

[This Bill was formerly clauses 2 to 8 of the Violent Offences Bill]

Right Hon. Geoffrey Palmer

CRIMES AMENDMENT (NO. 3)

ANALYSIS

Title	198b. Commission of crime with firearm
1. Short Title and commencement	5. Possession of offensive weapons or disabling substances
3. Interpretation	6. Assault with weapon
4. Two new sections (relating to firearms) inserted	7. Aggravated burglary
198A. Using any firearm against law enforcement officer, etc.	8. Arms Act 1983 consequentially amended

A BILL INTITULED

An Act to amend the Crimes Act 1961

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

1. Short Title and commencement—(1) This Act may be cited as the Crimes Amendment Act (No. 3) 1986, and shall be read together with and deemed part of the Crimes Act 1961 (hereinafter referred to as the principal Act).

No. 22—3A

Price \$1.50
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(2) This Act shall come into force on the 28th day after it receives the Governor-General's assent.

3. Interpretation—Section 2 (1) of the principal Act is hereby amended by inserting, before the definition of the term “foreign ship”, the following definition:

“‘Firearm’ has the same meaning as in the Arms Act 1983.”

4. Two new sections (relating to firearms) inserted—The principal Act is hereby amended by inserting, after section 198, the following sections:

“198A. Using any firearm against law enforcement officer, etc.—

Struck Out

(1) Every one is liable to imprisonment for a term not exceeding 14 years who uses any firearm in any manner whatever against any member of the Police, or any traffic officer, or any prison officer, who is acting in the execution of his or her duty.

New

(1) Every one is liable to imprisonment for a term not exceeding 14 years who uses any firearm in any manner whatever against any member of the Police, or any traffic officer, or any prison officer, acting in the course of his or her duty knowing that, or being reckless whether or not, that person is a member of the Police or a traffic officer or a prison officer so acting.

“(2) Every one is liable to imprisonment for a term not exceeding 10 years who uses any firearm in any manner whatever with intent to resist the lawful arrest or detention of himself or herself or of any other person.

“198B. Commission of crime with firearm—Every one is liable to imprisonment for a term not exceeding 10 years who,—

“(a) In committing any crime, uses any firearm; or

“(b) While committing any crime, has any firearm with him or her in circumstances that prima facie show an intention to use it in connection with that crime.”

5. Possession of offensive weapons or disabling substances—Section 202A of the principal Act (as inserted by section 48 (1) of the Summary Offences Act 1981) is hereby amended by omitting from subsection (4) the expression “1 year”, and substituting the expression “2 years”.

6. Assault with weapon—The principal Act is hereby amended by inserting, after section 202B (as inserted by section 48 (1) of the Summary Offences Act 1981), the following section:

10 “202C. Every one is liable to imprisonment for a term not exceeding 5 years who,—

“(a) In assaulting any person, uses any thing as a weapon; or

“(b) While assaulting any person, has any thing with him or her in circumstances that prima facie show an
15 intention to use it as a weapon.”

7. Aggravated burglary—The principal Act is hereby amended by inserting, before section 241, the following section:

20 “240A. Every one is guilty of aggravated burglary and is liable to imprisonment for a term not exceeding 14 years who,—

“(a) While breaking and entering, or otherwise unlawfully entering, any building or ship with intent to commit a crime therein, has any weapon with him or her;
25 or

Struck Out

30 “(b) Being in any building or ship with intent to commit a crime therein,—

“(i) Has any weapon with him or her; or

“(ii) Uses any thing as a weapon; or

“(c) Having broken and entered, or otherwise unlawfully entered, any building or ship, or having entered any building or ship with intent to commit a crime therein, while still in the building or ship—

35 “(i) Has any weapon with him or her; or

“(ii) Uses any thing as a weapon ; or

New

“(d) While breaking out of any building or ship either after committing a crime therein or having entered with

New

intent to commit a crime therein, has any weapon with him or her.”

Struck Out

8. Arms Act 1983 consequentially amended—Section 54 of the Arms Act 1983 is hereby amended by omitting the words “firearm, airgun, pistol,” wherever they occur. 5

New

8. Arms Act 1983 consequentially amended—Section 54 (1) of the Arms Act 1983 is hereby amended by omitting the words “firearm, airgun, pistol,”. 10