

CRIMES AMENDMENT BILL (NO. 5)

EXPLANATORY NOTE

THIS BILL amends the Crimes Act 1961 to provide that the maximum term of imprisonment for all forms of sexual violation shall be 20 years.

The crime of sexual violation is defined in section 128 (1) of the Crimes Act 1961 as—

- (a) The act of a male who rapes a female; or
- (b) The act of a person having unlawful sexual connection with another person.

Section 2 of the Crimes Amendment Act (No. 2) 1993 increased from 14 years to 20 years the maximum term of imprisonment for sexual violation by rape but left the maximum term for unlawful sexual connection at 14 years.

The Bill removes the distinction presently drawn between the 2 categories of sexual violation for sentencing purposes.

Clause 1 relates to the Short Title.

Clause 2 amends section 128B of the Crimes Act 1961 to provide that the maximum term of imprisonment for all forms of sexual violation is 20 years.

Clause 3 effects a consequential amendment to section 75 of the Criminal Justice Act 1985. Section 75 was amended by section 34 of the Criminal Justice Amendment Act 1993 to make the sentence of preventive detention available for persons convicted for the first time of sexual violation by rape. The clause extends that provision to make preventive detention available where a person is convicted for the first time of any form of sexual violation.

Hon. D. A. M. Graham

CRIMES AMENDMENT (NO. 5)

ANALYSIS

Title	2. Penalty for sexual violation
1. Short Title	3. Consequential amendment to Criminal Justice Act 1985

A BILL INTITULED

An Act to amend the Crimes Act 1961

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title**—This Act may be cited as the Crimes Amendment Act (No. 5) 1993, and shall be read together with and deemed part of the Crimes Act 1961* (hereinafter referred to as the principal Act).

10 **2. Penalty for sexual violation**—(1) Section 128B of the principal Act (as substituted by section 2 of the Crimes Amendment Act (No. 3) 1985) is hereby amended by repealing subsection (1) (as substituted by section 2 of the Crimes Amendment Act (No. 2) 1993), and substituting the following subsection:

15 “(1) Every one who commits sexual violation is liable to imprisonment for a term not exceeding 20 years.”

(2) Section 2 of the Crimes Amendment Act (No. 2) 1993 is hereby consequentially repealed.

20 **3. Consequential amendment to Criminal Justice Act 1985**—Section 75 (1) (a) of the Criminal Justice Act 1985 (as substituted by section 34 (1) of the Criminal Justice Amendment Act 1993) is hereby consequentially amended by omitting the expression “section 128 (1) (a)”, and substituting the expression “section 128 (1)”.

*R.S. Vol. 1, p. 1

Amendments: 1979, No. 5; 1979, No. 127; 1980, No. 63; 1980, No. 85; 1982, No. 46; 1982, No. 157; 1985, No. 82; 1985, No. 121; 1985, No. 160; 1985, No. 171; 1986, No. 4; 1986, No. 33; 1986, No. 71; 1986, No. 75; 1986, No. 82; 1987, No. 1; 1987, No. 167; 1988, No. 114; 1989, No. 22; 1989, No. 103; 1991, No. 63; 1991, No. 106; 1993, No. 33; 1993, No. 46