

Sentencing Amendment Bill (No 2)

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Law Reform (Epidemic Preparedness) Bill as reported from the Government Administration Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- The Epidemic Preparedness Bill, comprising Part 1
 - The Health Amendment Bill, comprising clauses 16 to 24A and the Schedule
 - The Immigration Amendment Bill (No 2), comprising clauses 27 to 30
 - The Parole Amendment Bill, comprising clauses 33 to 38
 - This Bill, comprising clauses 41 to 44
 - The Social Security Amendment Bill (No 2), comprising clauses 45 to 48
 - The Summary Proceedings Amendment Bill (No 2), comprising clauses 51 and 52.
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Key to symbols used in reprinted bill

As reported from a select committee

New (unanimous)

Subject to this Act,	Text inserted unanimously
<u>Subject to this Act,</u>	Words inserted unanimously

Hon Pete Hodgson

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Sentencing Amendment Act (No 2) 2006.

2 Commencement

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

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41 Principal Act amended

Sections 42 to 44 amend the Sentencing Act 2002.

New (unanimous)

41A Interpretation

Section 4(1) is amended by inserting the following definition after the definition of **District Court**:

“**epidemic management notice** means a notice under **section 6(1) of the Law Reform (Epidemic Preparedness) Act 2006** stating that the application of this Act is modified in order to deal with the practical effects of the outbreak of the disease referred to in the notice”.

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42 New section 54A inserted

The following section is inserted after section 54:

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“54A Application of section 54 during epidemic

“(1) While an epidemic management notice is in force,—

“(a) a probation officer who has applied in accordance with section 72 for an order under section 54(3) varying the conditions subject to which a sentence of supervision was imposed by the court on an offender may himself or herself vary those conditions; and

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“(b) any probation officer may himself or herself vary the conditions subject to which a sentence of supervision was imposed by the court on an offender if the offender has applied in accordance with section 72 for an order under section 54(3) varying those conditions.

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“(2) A variation under **subsection (1)** has effect until the application concerned has been heard and disposed of.”

43 New section 67A inserted

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The following section is inserted after section 67:

“67A Remission of community work hours during epidemic

“(1) While an epidemic management notice is in force, the chief executive of the Department of Corrections may authorise probation officers to remit the hours of community work imposed by the court on offenders, for periods (in any individual case)—

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“(a) of not more than 8 hours in any week; and

“(b) of not more in total than the lesser of 48 hours and one-third of the sentence imposed.

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“(2) This section does not give any offender a right to a remission.”

44 New section 69A inserted

The following section is inserted after section 69:

“69A Extension during epidemic of period within which community work must be done

- “(1) While an epidemic management notice is in force, the chief executive of the Department of Corrections may authorise probation officers to extend by not more than 12 months the period during which the community work of offenders, or the community work of offenders of any kind or description, must be done. 5 10
- “(2) This section does not give any offender a right to an extension.”

Legislative history

6 December 2006

Divided from Law Reform (Epidemic Preparedness)
Bill (Bill 39–2) as Bill 39–3E
