



ANALYSIS

Title
 1. Short Title and commencement
 2. Minimum periods of imprisonment

3. Consequential amendments to Criminal
 Justice Regulations 1985

1999, No. 78

**An Act to amend the Criminal Justice Act 1985 to lower
 the threshold for imposing non-parole periods**

[16 July 1999]

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

1. Short Title and commencement—(1) This Act may be cited as the Criminal Justice Amendment Act (No. 2) 1999, and is part of the Criminal Justice Act 1985 (“the principal Act”).

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

2. Minimum periods of imprisonment—(1) Section 80 of the principal Act is amended by repealing subsection (2), and substituting the following subsections:

“(2) The court may impose a minimum period of imprisonment under subsection (1) if satisfied that the circumstances of the offence are sufficiently serious to justify a minimum period of imprisonment of more than 10 years.

“(2A) Despite any other provision of this section, if a court is satisfied that the commission of an offence of murder involved home invasion, the court—

“(a) Must impose under subsection (1) a minimum period of imprisonment of not less than 13 years:

“(b) May impose a longer minimum period of imprisonment if the circumstances of the offence are sufficiently

serious to justify a minimum period of imprisonment of more than 13 years.”

(2) Section 80 of the principal Act is amended by repealing subsection (5), and substituting the following subsections:

“(5) The court may impose a minimum period of imprisonment under subsection (4) if satisfied that the circumstances of the offence are sufficiently serious to justify a minimum period of imprisonment that is longer than the period otherwise applicable under section 89 or section 90, as the case may be.

“(5A) For the purposes of this section, the circumstances of an offence may be regarded as sufficiently serious if the court is satisfied that the circumstances take the offence out of the ordinary range of offending of the particular kind, but the circumstances need not be exceptional.”

(3) Section 80 of the principal Act is amended by adding the following subsection:

“(8) For the purposes of subsection (2A), sections 17A and 17D of the Crimes Act 1961 apply as if murder were an offence specified in section 17C of that Act.”

(4) Section 80 of the principal Act (as amended by this section) applies in respect of the making of any order under that section on or after the date of commencement of this section, even if the offence concerned was committed before that date.

3. Consequential amendments to Criminal Justice Regulations 1985—(1) Form 11A of the First Schedule of the Criminal Justice Regulations 1985 is consequentially amended by omitting the words “so exceptional”, and substituting the words “sufficiently serious”.

(2) Form 11A of the First Schedule of the Criminal Justice Regulations 1985 is consequentially amended by inserting, immediately before the paragraph beginning “I am satisfied that”, the following provision:

“[In the case of an offence of murder that involved home invasion, it is sufficient that, instead of the following statement, there be a statement that indicates which provision of section 80 (2A) applies.]”