

New Zealand.

## ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;"><i>Habitual Criminals.</i></p> <p>2. Judge may declare convicted person an habitual criminal.</p> <p>3. Committal for sentence deemed to be a conviction.</p> <p style="text-align: center;"><i>Habitual Offenders.</i></p> <p>4. Judge may declare person to be habitual offender.</p> <p style="text-align: center;"><i>Detention and Discharge of Habitual Criminals and Habitual Offenders.</i></p> <p>5. Reformatory for habitual criminals and offenders.</p> | <p>6. Detention of habitual criminals and offenders.</p> <p>7. Discharge.</p> <p>8. Person discharged may be recommitted to reformatory. Otherwise he ceases to be an habitual criminal or offender.</p> <p>9. Appointment of officers.</p> <p>10. Prisons Act to apply.</p> <p>11. Persons detained to be employed. Wages for labour to be credited and applied.</p> <p style="text-align: center;"><i>Regulations.</i></p> <p>12. Regulations. Schedule.</p> |
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1906, No. 8.

AN ACT to provide for the Detention and Control of Habitual Criminals and Habitual Offenders. Title  
[29th October, 1906.]

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

1. The Short Title of this Act is "The Habitual Criminals and Offenders Act, 1906." Short Title.

*Habitual Criminals.*

2. (1.) Where any person is convicted on indictment of an offence of one of the classes of offences mentioned in the Schedule hereto the following provisions shall have effect:— Judge may declare convicted person an habitual criminal.

(a.) Where such conviction is in respect of an offence included in Class I of such Schedule, and such person has been previously convicted on at least two occasions of any offence mentioned in such Class I (whether of the same description of offence or not), the Judge may in his discretion declare as part of the sentence of such person that he is an habitual criminal.

(b.) Where such conviction is in respect of an offence included in Class II of such Schedule, and such person has been previously convicted on at least four occasions of any offence mentioned in Classes I or II of such Schedule

(whether of the same description of offence or not), the Judge may in his discretion declare as aforesaid that such person is an habitual criminal.

(2.) This section shall apply whether such previous convictions took place within or out of New Zealand, and either before or after the coming into operation of this Act.

Committal for sentence deemed to be a conviction.

3. For the purposes of this Act a committal to the Supreme Court for sentence under "The Indictable Offences Summary Jurisdiction Amendment Act, 1900," shall be deemed to be a previous conviction on indictment.

#### *Habitual Offenders.*

Judge may declare person to be habitual offender.

4. (1.) Where any person is convicted of any offence under sections twenty-six, twenty-seven, twenty-eight, or twenty-nine of "The Police Offences Act, 1884," and either before or after the coming into operation of this Act has been previously convicted on at least six occasions of any offence mentioned in such sections (whether of the same description of offence or not), the Justice or Magistrate before whom the charge is heard, in addition to sentencing such person to any lawful term of imprisonment, may order that such person be brought before the Supreme Court or a Judge thereof to be dealt with as an habitual offender.

(2.) Where any person has been previously convicted on indictment on at least two occasions of any offence mentioned in Class I of the Schedule hereto (whether of the same description of offence or not), or has been previously so convicted on at least four occasions of any of the offences mentioned in Classes I and II of the Schedule hereto (whether of the same description of offence or not), and is convicted summarily of any offence punishable by not less than three months' imprisonment, then, provided that such person has been previously convicted summarily on at least six occasions of any offence punishable by imprisonment for not less than three months, the Magistrate or Justice before whom the charge is heard, in addition to sentencing such person to any lawful term of imprisonment, may order that such person be brought before the Supreme Court or a Judge thereof to be dealt with as an habitual offender.

(3.) Such Court or Judge may declare any such person to be an habitual offender, and may direct that on the expiration of his sentence he shall be detained in a reformatory prison under this Act.

#### *Detention and Discharge of Habitual Criminals and Habitual Offenders.*

Reformatory for habitual criminals and offenders.

5. (1.) The Governor may from time to time, by Proclamation, set apart any prison or other suitable place to be a reformatory prison for the detention of habitual criminals and habitual offenders.

(2.) In every reformatory under this Act women shall be detained in separate buildings or separate parts of the same buildings in such manner as to prevent their seeing, conversing, or holding any intercourse with the men.

Detention of habitual criminals and offenders.

6. (1.) Every habitual criminal and habitual offender shall be detained during the pleasure of the Governor; but any person detained under this Act may apply to the Supreme Court or a Judge

thereof for a recommendation that such person, having sufficiently reformed, or for other good and sufficient reason, may be discharged.

(2.) Such Court or Judge may thereupon make inquiry in such manner as may be deemed fitting, and on being satisfied that such person has sufficiently reformed, or that there is some other good and sufficient reason to warrant his discharge, may recommend the Governor to discharge him accordingly.

7. (1.) The Governor may thereupon direct the discharge of such person; and may order that so long as such person remains in New Zealand he shall report his address and occupation to some Probation Officer appointed under "The First Offenders' Probation Act, 1886," for such period, not exceeding two years, and at such intervals, as are named in the order. Discharge.

(2.) Such report may be made either personally or by letter addressed to the Probation Officer.

(3.) If during the period specified in such order any person so discharged is proved to any Court of summary jurisdiction to have failed to report his address and occupation to the person at the times and in the manner prescribed by the said order, he is liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months.

8. (1.) If during the period aforesaid any person so discharged is convicted under the last preceding section, or is convicted of any indictable offence or of any offence punishable on summary conviction for which imprisonment for a period exceeding three months may be imposed, the Court before which the charge is heard, in addition to any fine or any term of imprisonment then imposed upon him, may direct that on the completion of such term of imprisonment he shall be recommitted to a reformatory prison, and he shall be so recommitted accordingly; and the provisions of section five hereof shall apply to every person so recommitted. Person discharged may be recommitted to reformatory.

(2.) If during the period so specified none of the events mentioned in the last preceding subsection happens, the person so discharged shall cease to be an habitual criminal or an habitual offender, as the case may be. Otherwise he ceases to be an habitual criminal or offender.

9. The Governor may from time to time appoint for each reformatory prison a Manager, a Matron, and such other officers and attendants as he may deem necessary. Appointment of officers.

10. Every reformatory prison shall be deemed to be a prison within the meaning of "The Prisons Act, 1882," and all the provisions of that Act relating to offences in prisons, escapes from custody, removal and safe custody of prisoners, shall, *mutatis mutandis*, apply to persons detained in any reformatory prison. Prisons Act to apply.

11. (1.) Persons detained in a reformatory prison shall be employed in such labour as is prescribed by regulations or directed by the Minister of Justice. Persons detained to be employed.

(2.) Wages according to the scale prescribed by regulations for the class of labour in which any such person is employed shall (subject to such regulations) from time to time be credited to such person in an account to be kept in each reformatory prison, and the amount from time to time standing to his credit shall be applied wholly or in part, as directed by the Minister, towards maintaining his wife and Wages for labour to be credited and applied.

children (if any) during the period of his detention, and the balance (if any) standing to his credit on his ceasing to be so detained shall be paid over to him.

*Regulations.*

Regulations.

12. The Governor may from time to time, by Order in Council gazetted, make regulations for the control and management of any reformatory prison, and for the good order, discipline, diet, and health of the persons detained therein, and for the classes of labour, hours of employment, wages, and deductions from wages of such persons.

Schedule.

SCHEDULE.

CLASSIFICATION OF OFFENCES UNDER "THE CRIMINAL CODE ACT, 1893."

*Class I.*

Sections 136, 137, 188, and 192 to 197: Sexual offences.  
Sections 201 and 203: Abortion.

*Class II.*

Sections 175, 177, and 178: Wounding.  
Sections 243, 245, and 246: Robbery.  
Sections 251 to 260: Burglary and housebreaking.  
Section 225: Theft.  
Section 229: False Pretences.  
Sections 247, 248, and 249: Extortion.  
Part XXIX: Forgery.  
Part XXXIII: Mischief.