



## ANALYSIS

## Title

1. Short Title and commencement
2. Release after serving part sentence
3. Offences by inmates

4. Powers of Visiting Justice and Superintendent in relation to offences by inmates
5. Inmate may be required to submit to sputum test or finger swab

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1979, No. 131

**An Act to amend the Penal Institutions Act 1954**

[12 December 1979]

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 Penal Institutions Amendment Act 1979, and shall be read together with and deemed part of the Penal Institutions Act 1954 (hereinafter referred to as the principal Act).

(2) Sections 2 and 4 of this Act shall come into force on the date appointed for the commencement of sections 14 to 16 of the Penal Institutions Amendment Act 1975 in relation to sentences of imprisonment.

(3) Except as provided in subsection (2) of this section, this Act shall come into force on the day after the date on which it receives the Governor-General's assent.

**2. Release after serving part sentence**—Section 31 of the principal Act (as substituted by section 14 of the Penal Institutions Amendment Act 1975) is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) Where any person escapes from lawful custody after the actual date for his release has been fixed pursuant to subsection (4) of this section, the fixing of that date shall be cancelled.”

**3. Offences by inmates**—Section 32 (2) of the principal Act is hereby amended by adding the following paragraph:

“(j) Having been directed, pursuant to subsection (2) of section 36B of this Act, to submit to a sputum test or finger swab, or to supply a urine specimen, refuses, after that section has been read to him, to comply with that direction.”

**4. Powers of Visiting Justice and Superintendent in relation to offences by inmates**—(1) Section 33 (3) of the principal Act (as amended by section 15 (1) of the Penal Institutions Amendment Act 1975) is hereby amended by adding to subparagraph (ii) of paragraph (a) the words “, in the case of an inmate to whom subsection (1) of that section applies, or to one-half of the term already served under the sentence, in the case of an inmate to whom subsection (2) of that section applies”.

(2) Section 34 (3) of the principal Act (as amended by section 16 (1) of the Penal Institutions Amendment Act 1975) is hereby amended by adding to subparagraph (ii) of paragraph (a) the words “, in the case of an inmate to whom subsection (1) of that section applies, or to one-half of the term already served under the sentence, in the case of an inmate to whom subsection (2) of that section applies”.

**5. Inmate may be required to submit to sputum test or finger swab**—The principal Act is hereby amended by inserting, after section 36A (as inserted by section 6 of the Penal Institutions Amendment Act 1961), the following section:

“36B. (1) In this section ‘drug’ means a controlled drug as defined in section 2 of the Misuse of Drugs Act 1975.

“(2) Where any Superintendent, or other officer authorised for the purpose by the Secretary, believes on reasonable grounds that an inmate is under the influence of drugs, he may direct that inmate to submit to a sputum test or finger swab, or to supply a urine specimen.

“(3) Without limiting the general power to make regulations under section 45 of this Act, regulations may be made under that section for either or both of the following purposes:

“(a) Prescribing the procedures to be followed in the carrying out of sputum tests and finger swabs under this section, and analysing any sputum or other substance obtained thereby for the presence of drugs:

“(b) Prescribing the method or methods to be used in the taking of urine samples under this section, and analysing such samples for the presence of drugs.

“(4) Neither the fact that any inmate has been required to submit to a sputum test or finger swab, or to supply a urine sample, pursuant to this section, nor any information obtained from any such test or swab or sample, shall be admissible as evidence against the inmate or any other person in any proceedings under this Act (except under section 32 (2) (j)) or any other enactment.”

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This Act is administered in the Department of Justice.

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