

DEGREES OF MURDER BILL

EXPLANATORY NOTE

PART I

MURDER AND MANSLAUGHTER

Part I: Redefines and classifies “murder” as murder in the first, second, or third degree, and consequentially redefines “manslaughter”.

Clause 2: Culpable homicide, currently either murder or manslaughter, is to be murder in the first, second, or third degree or manslaughter.

Clause 3: Repeals sections 167 to 170 of the principal Act and inserts new sections providing for three degrees of murder as follows:

Murder in the first degree (new section 167) is culpable homicide where the offender means to cause the death of the person killed **and where it is proven that the homicide is committed in a particularly sadistic, heinous, malicious, or inhuman manner.**

Murder in the second degree (new section 168) is defined in the same terms as the existing definitions of murder. It re-enacts, with minor modifications, sections 167 and 168 of the principal Act.

Murder in the third degree (new section 169) is culpable homicide committed under provocation or the influence of alcohol or drugs (other than prescription medicines).

The present definition of provocation is applied to the influence of alcohol or drugs in *new section 169 (2)*. The question of whether any provocation or influence is sufficient is a question of fact for a jury to determine.

Clause 4: Repeals section 171 of the principal Act and substitutes a new section defining manslaughter as a consequence of the three degrees of murder. *Manslaughter* is culpable homicide not amounting to murder in the first, second, or third degree.

PART II

PUNISHMENT OF MURDER AND MANSLAUGHTER

Part II: Repeals the existing maximum sentences for murder and manslaughter and substitutes the following:

No. 157—1

Clause 6:

Murder in the first degree (new section 172): Mandatory imprisonment for natural life, without the possibility of parole or release.

Murder in the second degree (new section 172A): Mandatory imprisonment for life, with the possibility of parole after 10 years or after any minimum period of imprisonment imposed under section 80 (1) of the Criminal Justice Act 1985 (for more than 10 years). This continues the existing mandatory life sentence for murder.

Murder in the third degree (new section 172B): Discretionary sentence of imprisonment, including imprisonment for life. (This is the sentence currently available for manslaughter.) The Bill provides that murder in the third degree is to be a serious violent offence where a sentence of imprisonment of more than two years is imposed. This means that—

- (a) Parole is available after 10 years for sentences of 15 years or more (s. 89 (4) of the Criminal Justice Act 1985).
- (b) For sentences of more than 2 years and less than 15 years, no discretionary release on parole is available; but, where a minimum period of imprisonment is imposed, final release is after that period or, where there is no minimum period of imprisonment, final release is after two-thirds of the sentence (s. 90 (1) (d) of the Criminal Justice Act 1985).
- (c) For sentences of more than 12 months but not more than 2 years, discretionary release on parole is available after one-third of the sentence and final release is after two-thirds of the sentence.
- (d) For sentences of imprisonment of 12 months or less, discretionary release on parole is not available; but final release is after one-half of the sentence.
- (e) For indeterminate sentences (i.e. life imprisonment), parole is available after 10 years or after any minimum period of imprisonment imposed under section 80 (1) of the Criminal Justice Act 1985 (for more than 10 years) (s. 89 (1), (2) of that Act).

Clause 7:

Manslaughter (new section 177): Discretionary sentence of imprisonment for a term not exceeding 10 years. Manslaughter is a serious violent offence where a sentence of imprisonment of more than two years is imposed. This means that—

- (a) For sentences of more than 2 years and less than 15 years, no discretionary release on parole is available; but, where a minimum period of imprisonment is imposed, final release is after that period or, where there is no minimum period of imprisonment, final release is after two-thirds of the sentence (s. 90 (1) (d) of the Criminal Justice Act 1985).
- (b) For sentences of more than 12 months but not more than 2 years, discretionary release on parole is available after one-third of the sentence and final release is after two-thirds of the sentence.
- (c) For sentences of imprisonment of 12 months or less, discretionary release on parole is not available; but final release is after one-half of the sentence.

Clause 8: Consequentially amends the Criminal Justice Act 1985 to provide that a person subject to a sentence for murder in the first degree shall not be eligible for parole, and to include murder in the third degree in the definition of a serious violent offence.

A summary of the current sentences and parole provisions for murder and manslaughter compared with the Bill's proposals are set out in the Appendix to these Notes.

PART III

JURY STATEMENT AND VICTIM IMPACT STATEMENTS

Part III: Inserts new sections in the principal Act, Criminal Justice Act 1985 and victims of Offences Act 1987 providing for jury statements and enhanced provisions for victim impact statements.

Clause 9: Gives a jury the right to make a statement to the court when delivering a verdict in cases of murder or manslaughter.

Where the accused is found guilty of murder or manslaughter, the jury may make a statement concerning the sentence or conditions or terms of imprisonment or parole or any other matter relating to the custody or sentence of the offender or the homicide it considers relevant to the interests of the community, victim or offender (*new section 370A (1)*).

The statement may include recommendations to the Judge who passes sentence or any Judge of competent jurisdiction, the Minister of Justice, Secretary for Justice or the Parole Board.

Where the accused is found not guilty of murder or manslaughter, the jury may make a statement concerning that verdict.

Clause 10: Inserts *new sections 15A and 15B* into the Criminal Justice Act 1985 requiring a Judge sentencing an offender for murder or manslaughter to consider and have regard to any jury statement (made under *new section 370A* of the Crimes Act 1961, inserted by *clause 9* of the Bill).

New section 15B of the Criminal Justice Act 1985 requires the Judge who passes sentence or any Judge of competent jurisdiction, the Minister of Justice, Secretary for Justice, or Parole Board to consider and have regard to any jury statement when discharging any duty, function, or power (under the Criminal Justice Act 1985 or the principal Act) relating to any person convicted of murder or manslaughter.

Clause 11: Amends section 8 of the Victims of Offences Act 1987 to allow victims (in murder or manslaughter cases this means the members of the immediate family of the deceased), as well as instead of the prosecutor, to make an oral or written statement to a sentencing judge about the effect of the death on the family or its members. Only the prosecutor can be compelled to make a statement, however.

PART IV

VICTIM'S PAROLE BOARD REPRESENTATION

Part IV: Amends section 130 of the Criminal Justice Act 1985 by providing for a victim's representative to sit as a member of the Parole Board on occasions where any matter relating to the parole of a person serving a sentence for the murder or manslaughter of the victim is considered.

Clause 12: Provides for a victim's representative to be appointed by the Minister of Justice under the Minister's existing powers to appoint members under section 130 (1) (d) of the Criminal Justice Act 1985. The victim's representative is not entitled to vote, but is otherwise able to take part in all proceedings of the Board that he or she attends. The Chairperson of the Board determines what is appropriate for the victim's representative to attend. This enables the Chairperson to identify and arrange meetings of the Board accordingly to meet the purposes of *new section 130 (1A)*.

This provision is in addition to section 104 of the Criminal Justice Act 1985 which provides that the Parole board must consider the need to protect the public or any person or class of persons who may be affected by the release of the offender. The Bill is intended to give greater regard to the rights of victims.

APPENDIX

<i>Current provisions of Crimes Act 1961 and Criminal Justice Act 1985</i>	<i>Relevant section of Crimes Act 1961 (CA) or Criminal Justice Act 1985 (CJ)</i>	<i>Proposals contained in this Bill</i>
No equivalent provision.		Murder in the first degree Mandatory sentence of imprisonment for natural life, without the possibility of parole or release. (clause 6, new section 172.)
Murder Mandatory sentence of imprisonment for life. Parole is possible after— <ul style="list-style-type: none"> ● 10 years; or ● any minimum period (of more than 10 years) imposed under s. 80 (1) of the Criminal Justice Act 1985. 	section 172, CA section 89 (1), CJ section 89 (2), CJ	Murder in the second degree Same as the current provisions for murder. (clause 6, new section 172A)
Manslaughter 1. Discretionary sentence of imprisonment for life. Parole is possible after— <ul style="list-style-type: none"> ● 10 years; or ● any minimum period (of more than 10 years) imposed under s. 80 (1) of the Criminal Justice Act 1985. 	section 177, CA section 89 (1), CJ section 89 (2), CJ	Murder in the third degree Same as the current provisions for manslaughter. (clause 6, new section 172B)

OR

<i>Current provisions of Crimes Act 1961 and Criminal Justice Act 1985</i>	<i>Relevant section of Crimes Act 1961 (CA) or Criminal Justice Act 1985 (CJ)</i>	<i>Proposals contained in this Bill</i>
<p>2. Discretionary sentence of imprisonment for a serious violent offence for a term of 15 years or more.</p> <p>Parole is possible after 10 years.</p> <p>Final release is after—</p> <ul style="list-style-type: none"> • any minimum period imposed under s. 80 (4) of the Criminal Justice Act 1985; or • where no minimum period is imposed, two-thirds of the sentence. 	<p>section 177, CA</p> <p>Manslaughter is a serious offence as defined in s. 2 (1), CJ</p> <p>section 89 (4), CJ</p> <p>section 90 (1) (d), CJ</p>	<p>Manslaughter</p> <p>(clause 6, new section 177)</p> <p>Discretionary sentence of imprisonment for a serious violent offence for a term of more than 2 years but not more than 10 years. Parole and final release provisions are the same as current 3 for manslaughter.</p>
<p>OR</p> <p>3. Discretionary sentence of imprisonment for a serious violent offence for a term of more than 2 years but less than 15 years.</p> <p>No parole is possible.</p> <p>Final release is after—</p> <ul style="list-style-type: none"> • any minimum period imposed under s. 80 (4) of the Criminal Justice Act 1985; or • where no minimum period is imposed, two-thirds of the sentence. 	<p>section 177, CA</p> <p>Manslaughter is a serious violent offence as defined in s. 2 (1), CJ</p> <p>section 89 (7), CJ</p> <p>section 90 (1) (d), CJ</p>	<p>OR</p> <p>See current provisions 4, 5, or 6 for manslaughter.</p>

APPENDIX—continued

<i>Current provisions of Crimes Act 1961 and Criminal Justice Act 1985</i>	<i>Relevant section of Crimes Act 1961 (CA) or Criminal Justice Act 1985 (CJ)</i>	<i>Proposals contained in this Bill</i>
<p>4. Not being a serious violent offence, discretionary sentence of imprisonment for a term of more than 12 months but not more than 2 years.</p> <p>Parole is possible after one-third of the sentence.</p> <p>Final release is after two-thirds of the sentence.</p>	<p>section 177, CA section 2 (1), CJ</p> <p>section 89 (3), CJ</p> <p>section 90 (1) (b), CJ</p>	
<p>OR</p> <p>5. Not being a serious violent offence, discretionary sentence of imprisonment for a term of 12 months or less.</p> <p>No parole is possible.</p> <p>Final release is after one-half of the sentence.</p>	<p>section 177, CA section 2 (1), CJ</p> <p>section 89, CJ section 90 (1) (a), CJ</p>	
<p>OR</p> <p>6. No term of imprisonment.</p>	<p>section 177, CA</p>	

DEGREES OF MURDER

ANALYSIS

Title	172b. Punishment of murder in the third degree
1. Short Title and commencement	
PART I	
MURDER AND MANSLAUGHTER	
<i>Culpable Homicide</i>	
2. Culpable homicide	7. Punishment of manslaughter
<i>Degrees of Murder</i>	
3. New sections substituted	8. Amendments to Criminal Justice Act 1985
167. Murder in the first degree	
168. Murder in the second degree	PART III
169. Murder in the third degree	JURY STATEMENT AND VICTIM IMPACT REPORT
170. Illegal arrest may be evidence of provocation	<i>Jury Statement</i>
9. Right of jury to make statement in cases of murder or manslaughter	
<i>Manslaughter</i>	
4. Manslaughter	10. New sections inserted
<i>References to Murder</i>	
5. References to murder	15A. Pre-sentence reports in cases of murder or manslaughter
PART II	
PUNISHMENT OF MURDER AND MANSLAUGHTER	
<i>Punishment of Murder</i>	
6. New sections substituted	15B. Jury statement to be considered in cases of murder or manslaughter
172. Punishment of murder in the first degree	11. Victim impact statements
172A. Punishment of murder in the second degree	
	PART IV
	VICTIM'S PAROLE BOARD REPRESENTATION
	12. Parole Board

A BILL INTITULED

An Act to—

- 5 (a) Redefine and classify “murder” as murder in the first, second, or third degree, and consequentially to redefine “manslaughter”:
- (b) Provide new punishments for murder and manslaughter:

(c) Give a jury the right, at any trial for culpable homicide where,—

(i) The accused is found guilty, to make any statement relating to the case it considers relevant, including the right to make recommendations to the Judge who passes sentence or any Judge of competent jurisdiction, the Minister of Justice, the Secretary for Justice, and the Parole Board; and to require those persons and the Board to consider and have regard to a jury statement:

(ii) The accused is found not guilty, to make any statement concerning its finding:

(d) Allow members of the immediate family of the deceased to make either an oral or written statement about the effect of a murder or manslaughter on the family and its members:

(e) Give a victim's representative the right to attend any proceedings of the Parole Board concerning the parole of any offender serving a sentence for the murder or manslaughter of that victim:

(f) Amend the Crimes Act 1961 and the Criminal Justice Act 1985

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

1. Short Title and commencement—(1) This Act may be cited as the Degrees of Murder Act 1996, and shall be read together with and deemed part of the Crimes Act 1961* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 30th day after the date on which it receives the Royal assent.

*R. S. Vol. 1, p. 635

Amendments: 1979, No. 5; 1979, No. 124, s. 12; 1979, No. 125, s. 18 (2); 1979, No. 127; 1979, No. 143, s. 2 (2) (a); 1980, No. 21, ss. 29 (2), 31 (2); 1980, No. 63; 1980, No. 85; 1981, No. 23, s. 37 (1); 1981, No. 113, s. 48 (1), (3), 51 (1); 1982, No. 46; 1982, No. 123, s. 193 (1); 1982, No. 157; 1983, No. 128, s. 30; 1983, No. 130, s. 76 (1); S.R. 1983/232; 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. 75, s. 70 (1); 1987, No. 116, s. 10 (2); 1987, No. 138, s. 2 (2) (c), (e); 1987, No. 167; 1987, No. 179, s. 22; 1988, No. 34, s. 9; 1988, No. 114; 1988, No. 159, s. 14 (1), (3) (a); 1989, No. 22; 1989, No. 103; 1989, No. 119, ss. 2, 3; 1989, No. 143, s. 11; 1989, No. 145, s. 2 (f); 1990, No. 60, s. 28 (2), (3); 1991, No. 63; 1991, No. 106; 1992, No. 105, s. 56 (2); 1993, No. 33; 1993, No. 46; 1993, No. 48, s. 6 (1); 1993, No. 62; 1993, No. 94, ss. 1 (3), 150 (1); 1994, No. 27; 1994, No. 120, ss. 1 (2), 27; S.R. 1994/188/2

PART I
MURDER AND MANSLAUGHTER
Culpable Homicide

5 **2. Culpable homicide**—Section 160 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Except as provided in section 178 of this Act, culpable homicide is murder in the first, second, or third degree, or manslaughter.”

10 Cf. 1961, No. 43, s. 160 (3)

Degrees of Murder

3. New sections substituted—The principal Act is hereby amended by repealing sections 167 to 170, and substituting the following sections:

15 “**167. Murder in the first degree**—Culpable homicide is murder in the first degree—

“(a) If the offender means to cause the death of the person killed; and

20 “(b) Where it is proven that the homicide is committed in a particularly sadistic, heinous, malicious, or inhuman manner.

“**168. Murder in the second degree**—(1) Culpable homicide is murder in the second degree in each of the following cases:

25 “(a) If the offender means to cause the death of the person killed:

30 “(b) If the offender means to cause to the person killed any bodily injury that is known to the offender to be likely to cause death, and is reckless whether death ensues or not:

“(c) If the offender means to cause death or, being so reckless as aforesaid, means to cause such bodily injury as aforesaid to one person, and by accident or mistake kills another person, though he or she does not mean to hurt the person killed:

35 “(d) If the offender for any unlawful object does an act that he or she knows to be likely to cause death, and thereby kills any person, though he or she may have desired that his or her object should be effected without hurting any one.

40 “(2) Culpable homicide is also murder in the second degree in each of the following cases, whether the offender means or

does not mean death to ensue, or knows or does not know that death is likely to ensue:

- “(a) If he or she means to cause grievous bodily injury for the purpose of facilitating the commission of any of the offences mentioned in **subsection (3)** of this section, or facilitating the flight or avoiding the detection of the offender upon the commission or attempted commission thereof, or for the purpose of resisting lawful apprehension in respect of any offence whatsoever, and death ensues from such injury: 5
- “(b) If he or she administers any stupefying or overpowering thing for any of the purposes aforesaid, and death ensues from the effects thereof: 10
- “(c) If he or she by any means wilfully stops the breath of any person for any of the purposes aforesaid, and death ensues from such stopping of breath. 15
- “(3) The offences referred to in **subsection (2)** of this section are those specified in the following provisions of this Act, namely:
- “(a) Section 73 (treason) or section 78 (communicating secrets): 20
- “(b) Section 79 (sabotage):
- “(c) Section 92 (piracy):
- “(d) Section 93 (piratical acts):
- “(e) Sections 119 to 122 (escape or rescue from penal institution or lawful custody or detention): 25
- “(f) Section 128 (rape):
- “(g) **Section 167** (murder in the first degree):
- “(h) **Subsection (1)** of this section (murder in the second degree):
- “(i) Section 208 (abduction):
- “(j) Section 209 (kidnapping): 30
- “(k) Section 234 (robbery):
- “(l) Section 241 (burglary):
- “(m) Section 294 (arson).
- “**169. Murder in the third degree**—(1) Culpable homicide is murder in the third degree in each of the following cases: 35
- “(a) If the person who caused the death did so under provocation:
- “(b) If the person who caused the death did not mean death to ensue, or did not know that death was likely to ensue because, at the time of the homicide, the person who caused the death did so under the influence of alcohol or drugs. 40
- “(2) Anything done or said may be provocation or a person may be said to be under the influence of alcohol or drugs if—

5 “(a) In the circumstances of the case it was sufficient to deprive a person having the power of self-control of an ordinary person, but otherwise having the characteristics of the offender, of the power of self-control; and

“(b) It did in fact deprive the offender of the power of self-control and thereby induced him to commit the act of homicide.

10 “(3) Whether there is any evidence of provocation is a question of law.

“(4) Whether there is any evidence of the influence of alcohol or drugs is a question of fact.

15 “(5) Whether, if there is evidence of provocation or the influence of alcohol or drugs, the provocation or influence was sufficient, and whether it did in fact deprive the offender of the power of self-control and thereby induced him or her to commit the act of homicide, are questions of fact.

20 “(6) No one shall be held to give provocation to another by lawfully exercising any power conferred by law, or by doing anything which the offender incited him or her to do in order to provide the offender with an excuse for killing or doing bodily harm to any person.

25 “(7) No one shall be held to cause inebriation or intoxication who, in good faith, administers to the offender any prescription medicine (as that term is defined in section 3 of the Medicines Act 1981) prescribed for the offender.

“(8) This section—

30 “(a) Shall apply in relation to homicide committed under provocation in any case where the provocation was given by the person killed, and also in any case where the offender, under provocation by one person, by accident or mistake killed another person:

35 “(b) Shall not apply in relation to homicide committed under the influence of any prescription medicine (as that term is defined in section 3 of the Medicines Act 1981) prescribed for the offender.

40 “(9) The fact that by virtue of this section one party to a homicide has not been or is not liable to be convicted of murder in the first or second degree shall not affect the question whether the homicide amounted to murder in the first or second degree of any other party to it.

“170. **Illegal arrest may be evidence of provocation—**
An illegal arrest shall not necessarily reduce the offence from

murder in the first or second degree to murder in the third degree, but if the illegality was known to the offender it may be evidence of provocation.”

Cf. 1961, No. 43, ss. 167-170

Manslaughter

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4. Manslaughter—The principal Act is hereby amended by repealing section 171, and substituting the following section:

“171. Except as provided in section 178 of this Act, culpable homicide not amounting to murder in the first, second, or third degree is manslaughter.”

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Cf. 1961, No. 43, s. 171

References to Murder

5. References to murder—Every reference to murder in any Act, regulation, order, agreement, deed, instruction, application, notice or other document whatever shall, unless the context otherwise requires, be read as a reference to murder in the first, second, or third degree.

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PART II

PUNISHMENT OF MURDER AND MANSLAUGHTER

Punishment of Murder

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6. New sections substituted—The principal Act is hereby amended by repealing section 172, and substituting the following sections:

“172. **Punishment of murder in the first degree**—Every one who commits murder in the first degree shall, upon conviction, be sentenced to imprisonment for the period of his or her natural life and shall not be eligible for parole.

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“172A. **Punishment of murder in the second degree**—Every one who commits murder in the second degree shall, upon conviction, be sentenced to imprisonment for life.

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“172B. **Punishment of murder in the third degree**—Every one who commits murder in the third degree is liable to imprisonment for life.”

Cf. 1961, No. 43, s. 172

Punishment of Manslaughter

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7. Punishment of manslaughter—The principal Act is hereby amended by repealing section 177, and substituting the following section:

“177. Every one who commits manslaughter is liable to imprisonment for a period not exceeding 10 years.”

Cf. 1961, No. 43, s. 177

Consequential Amendments

5 **8. Amendments to Criminal Justice Act 1985—**

(1) Section 2 (1) of the Criminal Justice Act 1985* is hereby amended by inserting in the definition of serious violent offence, after paragraph (a), the following paragraph:

“**(aa) Section 169** (murder in the third degree):”.

10 (2) Section 89 of the Criminal Justice Act 1985 is hereby amended by repealing subsection (1), and substituting the following subsections:

“**(1)** An offender who is subject to an indeterminate sentence for murder in the first degree shall not be eligible for parole.

15 “**(1A)** Subject to subsection (2) of this section, an offender who is subject to an indeterminate sentence (other than an indeterminate sentence for murder in the first degree) is eligible to be released on parole after the expiry of 10 years of that sentence.”

*1985, No. 120

Amendments: 1986, No. 83; 1986, No. 124, s. 32 (1); 1987, No. 25; 1987, No. 74, ss. 1 (2), 151 (1); 1987, No. 95; 1987, No. 96, ss. 1 (3), 25 (3) (e); 1987, No. 165, ss. 17, 18; 1987, No. 168; 1987, No. 172, s. 8 (3) (g) S.R. 1987/300; 1988, No. 170, ss. 8, 19 (2); 1989, No. 20; 1989, No. 24, ss. 449, 454; 1989, No. 91; 1991, No. 20, s. 3; 1991, No. 20, s. 159; 1991, No. 71, s. 159; 1991, No. 144, s. 19; 1992, No. 46, s. 139; 1992, No. 92, s. 41 (b); 1993, No. 28, s. 129 (2); 1993, No. 43; 1993, No. 47, s. 23 (2) (d); 1993, No. 62, s. 3; 1993, No. 87, ss. 2, 284; 1993, No. 93; 1993, No. 98, s. 8 (4); 1994, No. 28; 1994, No. 120, ss. 1 (2), 29

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PART III

JURY STATEMENT AND VICTIM IMPACT REPORT

Jury Statement

25 **9. Right of jury to make statement in cases of murder or manslaughter—**The principal Act is hereby amended by inserting, after section 370, the following section:

30 “**370A.** (1) If the jury finds any person accused of murder in the first, second, or third degree or manslaughter guilty, it may also make a statement of any kind concerning the sentence or conditions or terms of imprisonment or parole or any other matter relating to the custody or sentence of the offender or the homicide it considers relevant to the interests of the community, the victim, or the offender. The statement may include recommendations to any of the following:

35 “(a) The Judge who passes sentence, or any other Judge of competent jurisdiction:

“**(b)** The Minister of Justice:

“(c) The Secretary for Justice:

“(d) The Parole Board.

“(2) The Registrar shall ensure that any statement made under **subsection (1)** of this section is made available, in writing, to the person or the Parole Board to whom it is directed. 5

“(3) If the jury finds any person accused of murder in the first, second, or third degree or manslaughter not guilty, it may also make a statement of any kind concerning that verdict.”

Pre-sentence Reports

10. New sections inserted—The Criminal Justice Act 1985 10
is hereby amended by inserting, after section 15, the following sections:

“**15A. Pre-sentence reports in cases of murder or manslaughter**—In sentencing an offender found guilty of murder in the first, second, or third degree, or manslaughter, a Judge shall consider and have regard to any statement made by a jury under **section 370A** of the Crimes Act 1961. 15

“**15B. Jury statement to be considered in cases of murder or manslaughter**—In discharging any duty, function, or power under this Act or the Crimes Act 1961 in relation to any person convicted of murder in the first, second, or third degree, or manslaughter, any Judge, the Minister of Justice, the Secretary for Justice, or the Parole Board, as the case may be, shall consider and have regard to any statement made by a jury and forwarded by the Registrar under **section 370A** of the Crimes Act 1961.” 20 25

11. Victim impact statements—Section 8 of the Victims of Offences Act 1987* is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Any such information should be conveyed to the Judge 30
by the victim or by the prosecutor or both either orally or by means of a written statement about the victim.”

*1987, No. 173

Amendments: 1988, No. 219, s. 2; 1994, No. 66, s. 2

PART IV

VICTIM'S PAROLE BOARD REPRESENTATION

12. Parole Board—(1) Section 130 of the Criminal Justice Act 1985 is hereby amended by inserting, after subsection (1) (as substituted by section 49 of the Criminal Justice Amendment Act 1993), the following subsection: 35

“(1A) For the purposes of considering any matter relating to the parole of a person serving a sentence for murder in the 40

first, second, or third degree or manslaughter, and in addition to the provisions of section 104 of the Criminal Justice Act 1985,—

- 5 “(a) A victim’s representative shall be one of the members appointed under **subsection (1) (d)** of this section; and
- “(b) That member shall not be entitled to vote in any proceedings of the Board; and
- “(c) Shall be appointed for, and may attend, such proceedings of the Parole Board as the Chairperson shall determine.”
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(2) Section 130 (2) of the Criminal Justice Act 1985 is hereby amended by inserting, after the word “Secretary”, the words “or victim’s representative appointed under **subsection (1A)** of this section”.