

Hon. Mr. McGowan.

HABITUAL CRIMINALS AND OFFENDERS.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="padding-left: 40px;"><i>Habitual Criminals.</i></p> <p>2. Judge may declare convicted person an habitual criminal.</p> <p style="padding-left: 40px;"><i>Habitual Offenders.</i></p> <p>3. Judge may declare person to be habitual offender.</p> <p style="padding-left: 40px;"><i>Detention and Discharge of Habitual Criminals and Habitual Offenders.</i></p> <p>4. Reformatory for habitual criminals and offenders.</p>	<p>5. Detention of habitual criminals and offenders.</p> <p>6. Discharge.</p> <p>7. Person discharged may be recommitted to reformatory. Otherwise he ceases to be an habitual criminal or offender.</p> <p>8. Appointment of officers.</p> <p>9. Prisons Act to apply.</p> <p>10. Persons detained to be employed. Wages for labour to be credited and applied.</p> <p style="text-align: center;"><i>Regulations.</i></p> <p>11. Regulations. Schedule.</p>
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A BILL INTITULED

AN ACT to provide for the Detention and Control of Habitual Criminals and Habitual Offenders. Title.

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.

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| 15 | (a.) Where such person is convicted of an offence included in Class I mentioned in such Schedule, and has been previously so convicted on at least <i>two</i> occasions of an offence of the same class, the Judge before whom such person is so convicted may in his discretion declare as part of the sentence of such person that he is an habitual criminal. |
| 20 | (b.) Where such person is convicted of an offence included in Class II mentioned in the said Schedule, and has been |

previously so convicted on at least *four* occasions of an offence included in such class, the Judge may in his discretion declare as aforesaid that such person is an habitual criminal.

New.

(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. 10

(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 and 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. 15

(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. 20

Habitual Offenders.

Judge may declare person to be habitual offender.

3. (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 has been previously so 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. 25 30

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

Detention and Discharge of Habitual Criminals and Habitual Offenders. 35

Reformatory for habitual criminals and offenders.

4. (1.) The Governor may by Proclamation set apart any prison or other suitable place to be a reformatory 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. 40

Detention of habitual criminals and offenders.

5. (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. 45

(2.) Such Court or Judge may thereupon make inquiry in such manner as may be deemed fitting, and on being satisfied that such 50

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.

6. (1.) The Governor may thereupon direct the discharge of
 5 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.

10 (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
 15 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 ex-
 ceeding *three* months.

7. (1.) If during the period aforesaid any person so discharged
 is convicted under the *last preceding* section, or is convicted of any
 20 indictable offence or of any offence punishable on summary convic-
 tion 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 im-
 25 prisonment he shall be recommitted to a reformatory, and he shall
 be so recommitted accordingly.

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
 30 offender, as the case may be.

Otherwise he ceases
 to be an habitual
 criminal or offender.

8. The Governor may from time to time appoint for each re-
 formatory a Manager, a Matron, and such other officers and attend-
 ants as he may deem necessary.

Appointment of
 officers.

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

Prisons Act to apply.

10. (1.) Persons detained in a reformatory shall be employed
 40 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 (sub-
 ject to such regulations) from time to time be credited to such person
 45 in an account to be kept in each reformatory, 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 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
 50 over to him.

Wages for labour to
 be credited and
 applied.

Regulations.

11. The Governor may from time to time, by Order in Council
 gazetted, make regulations for the control and management of

Regulations.

reformatories 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 201 and 203: Abortion.~~

Sections 243, 245, and 246: Robbery.

Sections 251 to 260: Burglary and housebreaking.

New.

Section 225: Theft.

Section 229: False Pretences.

Sections 247, 248, and 249: Extortion.

Part XXIX: Forgery.

Part XXXIII: Mischief.