

Mr. Sidey.

HABITUAL CRIMINALS.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Judge may declare convicted person an habitual criminal.</p> <p>3. Proof of previous conviction.</p> <p>4. Habitual criminal to be detained during pleasure.</p> <p>5. Habitual criminal to work at some trade.</p> <p>6. Governor may direct his release.</p> <p>7. Offender during probation liable for certain offences.</p>	<p>8. Conditions under which offender may be committed.</p> <p>9. Otherwise ceases to be an habitual criminal.</p> <p>10. Males and females to be kept apart.</p> <p>11. Regulations.</p> <p>12. Place of confinement to be a prison within meaning of Prisons Act.</p> <p>Schedule.</p>
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A BILL INTITULED

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

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

5 1. The Short Title of this Act is "The Habitual Criminals Act, 1905." Short Title.

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

10 (a.) Where such person is so convicted of an offence included in Classes I. and II. of the offences mentioned in such Schedule, and has been previously so convicted on at least two 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.

15 (b.) Where such person is so convicted of an offence included in any other such class, and has been previously so convicted on at least three occasions of an offence within the same class, such Judge may in his discretion declare as aforesaid that such person is an habitual criminal.

20 (2.) This section shall apply whether such previous convictions took place within or without New Zealand and either before or after the commencement of this Act.

25 3. (1.) For the purposes of this Act a previous conviction against any person may be proved by producing a record or extract of such conviction. Proof of previous conviction.

viction and by giving proof of the identity of such person with the person appearing in the record or extract of conviction to have been convicted.

(2.) A record or extract of a conviction shall consist of—

(a.) An extract from the indictment or the counts of the indictment on which the said person was convicted;

(b.) A statement of the verdict;

(c.) A statement of the sentence—

certified under the hand of the Clerk of the Court or other officer having the custody of the records of the Court by which such conviction was made.

(3.) Such record or extract shall be admissible in evidence without proof of the signature or official character of the person appearing to have signed the same.

(4.) The mode of proving a previous conviction authorised by this section shall be in addition to and not in exclusion of any other mode of proving such conviction.

4. Every habitual criminal shall at the expiration of his sentence be detained during His Majesty's pleasure.

5. (1.) Subject to such regulations as may be prescribed by the Governor in Council, every person confined as an habitual criminal shall be required to work at some trade or avocation, and shall be offered facilities for selling or otherwise disposing of the products of his labour.

(2.) The manner of dealing with the net proceeds arising from the sale or disposal of such products shall be as prescribed by regulations under this Act; provided that the habitual criminal shall receive not less than one-half of such net proceeds.

6. (1.) If the Governor determines that an habitual criminal is sufficiently reformed, or that for other good cause it is expedient, he may, by his Warrant, direct his release.

(2.) Every offender so released, while he remains in New Zealand, shall once at least in every three months during the period of two years next after such release report his address and occupation to the principal officer of police at the place in which he was convicted, or at such other place as the Commissioner of Police may appoint. Such report may be made either by the offender personally or by letter signed by him and posted to the principal officer of police at that place.

7. If during the period specified in the *last preceding* section an offender so discharged—

(a.) 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 *last preceding* section; or

(b.) Is charged by an officer of police with getting his livelihood by dishonest means, and being brought before any Court of summary jurisdiction it appears to such Court that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(c.) On being charged with an offence punishable on indictment or summary conviction, and on being required by the Court before whom he is charged to give his name and address refuses to do so, or gives a false name or a false address,—

he is liable to a fine not exceeding *twenty* pounds or to imprisonment for a term not exceeding *three* months.

Habitual criminal to be detained during pleasure.

Habitual criminal to work at some trade.

Governor may direct his release.

Offender during probation liable for certain offences.

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