

Hon. Mr. Conolly.

PRISONS.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Prisons Act, 1882."

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 Prisons Act, 1883." Short Title.
2. In this Act "the said Act" means "The Prisons Act, 1882." Interpretation.
3. In addition to the powers conferred upon the Visiting Justices by the said Act, the Visiting Justices or any one of them shall be empowered to hear any complaint which may be made to them by any prisoner either privately or otherwise at the discretion of the said Visiting Justices, and also to make inquiry and take evidence on oath or otherwise as to the conduct of any prison officer and the treatment and conduct of the prisoners, and as to any alleged abuses within the prison or in connection therewith, and, so often as they shall think fit, to report in writing to the Minister of Justice upon such complaints, or upon any other matter coming under their notice in respect of the prison visited by them. Further powers of Visiting Justices.
4. The Visiting Justices, or any one of them, shall have power to hear complaints respecting any offences by any prisoner against any regulations or against this Act or the said Act, and may examine any person touching such offences upon oath or otherwise at their discretion; but every such hearing and examination shall be in the presence and hearing of the prisoner charged with such offence. May hear complaints against prisoners.
5. When any prisoner shall be found, upon such hearing and examination, to have committed a minor prison offence, as hereinafter specified, the Visiting Justice hearing the charge may punish such offence by ordering the offender— May punish minor prison offences.
- (1.) To be kept in close or other confinement, either with or without irons, and that either in a light or a dark cell, for a time to be specified, but not for a longer time than twenty-four hours; or

- (2.) To be fed upon bread and water only during any time not exceeding three days ; or
- (3.) To be removed to a lower class ; or
- (4.) To be suspended for a time without actual removal from the privileges of his class ; or 5
- (5.) To undergo any two or more of such punishments ; or
- (6.) To forfeit, in addition to any such punishment, a number of marks not exceeding such number as under the regulations it is necessary to earn to obtain fourteen days' remission of sentence. 10

Punishment Book to be kept.

6. Any Visiting Justice imposing any such punishment shall enter in a separate book, to be called "the Punishment Book," a statement of the nature of any offence that he has punished, with the name of the offender, the date of the offence, and the amount of punishment. A copy of every such entry shall be forthwith sent by the Gaoler to the Minister of Justice. 15

Proceedings for punishment of aggravated prison offences.

7. When any prisoner shall be found upon such hearing and examination to have committed an aggravated prison offence as hereinafter specified, the Visiting Justice hearing the charge shall direct the same to be reheard in open Court before a Resident Magistrate or two Justices of the Peace sitting at the nearest Resident Magistrate's Court, or other Court where summary jurisdiction is ordinarily exercised ; and upon such rehearing the Resident Magistrate or Justices hearing the said charge may punish such offence by ordering the offender— 20

- (1.) To be kept in close or other confinement, either with or without irons, and that either in a light or dark cell, for a time to be specified, but not for a longer time in irons than thirty days, or in a dark cell than fourteen days ; or
- (2.) To be fed upon bread and water only during any time not exceeding fourteen days ; or 30
- (3.) To be removed to a lower class ; or
- (4.) To be suspended for a time without actual removal from the privileges of his class ; or
- (5.) To undergo any two or more of such punishments ; or 35
- (6.) To be kept at hard labour, if not already sentenced to hard labour or penal servitude, for any term not exceeding one year ; or
- (7.) To forfeit, in addition to any such punishment, a number of marks not exceeding such number as under the regulations it is necessary to earn to obtain one year's remission of sentence ; or, 40
- (8.) In the case of prisoners convicted of felony, or sentenced to hard labour or penal servitude, by personal correction not exceeding twenty-five lashes. 45

Punishment not to extend beyond original term of imprisonment.

8. No punishment under this Act shall extend the imprisonment of the person charged beyond the term for which he was originally sentenced.

Punishment to be reported by Gaoler.

9. The Gaoler shall forthwith report to the Minister of Justice every punishment ordered under section *seven* of this Act, and such report shall state the name of the offender, the date of the offence, the nature of the offence, and the amount of punishment ordered. 50

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10. The following shall be deemed to be minor prison offences :—

Minor prison offences defined.

- (1.) Disobedience of the regulations of the prison.
- (2.) Common assaults by one prisoner on another.
- (3.) Profane cursing and swearing.
- 5 (4.) Indecent behaviour.
- (5.) Irreverent behaviour at Divine service.
- (6.) Insulting or threatening language to any officer or prisoner.
- (7.) Absence from Divine service.
- (8.) Idleness or negligence at work.
- 10 (9.) Wilful mismanagement of work.
- (10.) Obstructing any officer of the prison in the execution of his duty.
- (11.) Disobedience of the lawful orders of any officer of the prison.
- (12.) Giving provisions to, or exchanging them with, any other
- 15 prisoner.
- (13.) Communicating with any other prisoner without leave, or making signs.
- (14.) Disrespect to any Visiting Justice, Inspector, or officer of the prison.
- 20 (15.) Committing a nuisance.
- (16.) Marking, defacing, or damaging the prison property.
- (17.) Singing, whistling, or making unnecessary noise.
- (18.) Secreting or purloining anything.
- 25 (19.) Any other misconduct subversive of the peace, order, or good government of the prison.

11. The following shall be deemed to be aggravated prison offences :—

Aggravated prison offences defined.

- (1.) Mutiny or open incitement to mutiny in the prison.
- (2.) Personal violence to any officer of the prison.
- 30 (3.) Escaping or attempting to escape.
- (4.) Aggravated or repeated assault on a fellow-prisoner.
- (5.) Repetition of insulting or threatening language to any officer or prisoner.
- (6.) Wilfully and maliciously breaking the prison windows or
- 35 otherwise destroying the prison property.
- (7.) Making or attempting to make any wound or sore.
- (8.) Pretending illness.
- (9.) Preferring false or frivolous complaints against officers of the prison.
- 40 (10.) When under punishment, wilfully making a disturbance tending to interrupt the order and discipline of the prison.
- (11.) Any other act of gross misconduct or insubordination.

12. In addition to any other powers given to the Inspector of Prisons by the said Act, he shall in relation to any prison have and exercise all powers exercisable by a Visiting Justice under section three of this Act.

Inspector to have powers of a Visiting Justice.

13. The Governor may from time to time appoint any persons not being Justices of the Peace to be Visitors of any prison, and such Visitors shall have the powers and duties following :

Appointment of Prison Visitors not being Justices.

- 50 (1.) From time to time to visit such prison and the prisoners therein, due regard being had to the requisitions of the said Act as to the separation of prisoners and the enforcement of hard labour in prisons :

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- (2.) To make inquiry as to the state of the prisoners and the discipline and condition of the prison, but not to give any order or interfere with the administration of the prison :
- (3.) To hear any complaint which may be made to them by any prisoner, whether privately or otherwise, at the discretion of the said Visitors : 5
- (4.) So often as they shall think fit, to report in writing to the Minister of Justice upon all or any matters coming under their notice on their visits to such prison.

Repeal clause.

14. Sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and forty-five of the said Act are hereby repealed. 10