

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,  
4th September, 1908.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. McGowan.

POLICE OFFENCES AMENDMENT.

ANALYSIS.

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5. Section 35 of principal Act amended.	14. Institutions for fallen women.	
6. Section 35 of principal Act further amended.	15. Women or girls convicted of certain offences may be committed to institutions for fallen women. Period of detention. Discharge.	
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A BILL INTITULED

AN ACT to amend the Police Offences Act, 1908.

Title.

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

10 1. This Act may be cited as the Police Offences Amendment Act, 1908, and shall form part of and be read together with the Police Offences Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section forty of the principal Act is hereby amended by inserting after the words "one year" the words "or to a fine not exceeding twenty pounds."

Section 40 of principal Act amended.  
1884, No. 24, sec. 24

*New clauses.*

*Institutions for Habitual Drunkards.*

15 3. In this Act the term "institution for habitual drunkards" means an institution authorised to receive and detain habitual drunkards under section thirty-seven of the principal Act.

Interpretation.

Section 34 of principal Act amended.

4. Section thirty-four of the principal Act is hereby amended by adding to the definition of "habitual drunkard" the words "and includes a person who, at the time of any conviction for drunkenness, is the subject of a prohibition order issued under Part VI of the Licensing Act, 1908, and has during the currency of that order been twice convicted of having committed a breach thereof." 5

Section 35 of principal Act amended.

5. Section thirty-five of the principal Act is hereby amended by omitting the word "Court," and substituting the word "Magistrate."

Section 35 of principal Act further amended.

6. Section thirty-five of the principal Act is hereby further amended by inserting, after the word "months" in subsection two thereof, the words "and not exceeding three years." 10

Offences with respect to supply of liquor to persons detained in institutions.

7. Every person other than a registered medical practitioner who, save in pursuance of the written authority of a Magistrate or registered medical practitioner, directly or indirectly procures or attempts to procure any intoxicating liquor for, or sends, takes, or delivers or attempts to send, take, or deliver any intoxicating liquor to, any person detained in an institution for habitual drunkards commits an offence, and is liable to a fine not exceeding twenty pounds. 15

Magistrate may authorise release on probation.

8. (1.) Any person detained in any such institution may, at any time during the currency of the order for his detention therein, make application in writing to a Magistrate for his release on probation from that institution. 20

(2.) It shall be the duty of the person under whose control the applicant is, to receive any such application and to forward it, on the request of the applicant, to the Magistrate to whom it is addressed. 25

(3.) Upon the receipt of any such application the Magistrate may, in his discretion, and subject to such conditions as he thinks fit, make an order authorising the release on probation of the person so detained, and such person shall be released accordingly. 30

On breach of conditions of probation Magistrate may cancel order for release.

9. (1.) On the complaint on oath made by any person that any person released on probation in accordance with an order made under the *last preceding* section has committed a breach of the conditions upon which he was so released, any Magistrate may issue his summons to such person to answer the complaint. 35

(2.) On any such complaint as aforesaid the Magistrate to whom the complaint is made may at any time, if he thinks fit, in lieu of issuing a summons, or after the issue of a summons, issue his warrant to apprehend the person concerning whom the complaint has been made, and cause that person to be brought before him to answer the complaint and to be further dealt with according to law. 40

(3.) The Magistrate hearing the complaint, on being satisfied of the truth thereof, may cancel the order for release, and thereupon the person so released may be retaken in the same manner as if no such order authorising his release had been made, and may be detained for the period then unexpired of the term stated in the original order, either in the same or in any other like institution named in that behalf by the Magistrate cancelling the aforesaid order. 45

(4.) All proceedings under this section shall be taken under the provisions of the Justices of the Peace Act, 1908, so far as the same are applicable thereto. 50

10. (1.) When any person is convicted on indictment or by a Magistrate of any offence punishable by imprisonment, or is committed to the Supreme Court for sentence in pursuance of section one hundred and seventy-six of the Justices of the Peace Act, 1908, and the Judge or Magistrate before whom he is so convicted or sentenced is satisfied upon proof that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence, and that the person so convicted or sentenced has been three times convicted of drunkenness within the nine months immediately preceding the first-mentioned conviction or sentence, or that the said person is the subject of a prohibition order and has during the currency thereof been twice convicted of having committed a breach of that order, the Judge or Magistrate may, in addition to sentencing the offender to any lawful term of imprisonment or to any other lawful punishment, or, in lieu of any such imprisonment or other punishment, order the offender to be detained in an institution for habitual drunkards for such period as the said Judge or Magistrate thinks fit, not being less than twelve months or more than three years.

Persons committing offences while under influence of drink may, in addition to or in lieu of penalty, be ordered to be detained in institution for habitual drunkards.

(2.) All the provisions of this Act and of the principal Act relating to habitual drunkards shall apply to any person detained under the *last preceding* subsection, and such order of detention shall take effect as from the expiration of any period of imprisonment to which the person subject thereto is sentenced.

11. (1.) The Minister of Justice may, if he thinks fit, direct the removal of any person detained in an institution for habitual drunkards from that institution to any other like institution.

Transfer of inmates from one institution to another.

(2.) Any person removed in pursuance of any such direction shall be deemed to remain in lawful custody under the original order on which he was committed.

12. (1.) In the case of the illness of any person detained in an institution for habitual drunkards, that person, on the order of any Magistrate or Justice, may be removed by the person having the control of that institution to any hospital under the Hospitals and Charitable Institutions Act, 1908, that is mentioned in such order.

Removal to hospital in case of illness of person detained.

(2.) Any person so removed as aforesaid shall be deemed to remain in lawful custody under the order by which he was detained in the institution, and he may at any time be retaken from the said hospital to the institution.

13. On any order for detention being made under this Act or under section thirty-five of the principal Act, the Judge or Magistrate making the same may issue a warrant to any constable or other person, authorising the arrest of the person so to be detained, and his conveyance to the institution named in the order.

Warrant for arrest.

#### *Institutions for Fallen Women.*

14. In this Act the term "institution for fallen women" means any institution established for the care and reclamation of such women and for the time being authorised and appointed by the Governor by Order in Council as an institution for the reception and detention of fallen women under the authority of this Act.

Institutions for fallen women.

Women or girls convicted of certain offences may be committed to institutions for fallen women.	15. (1.) Where any woman or girl is convicted of any offence under section thirty-three or section forty-nine of the principal Act, the convicting Court, in addition to or in lieu of any penalty to which such woman or girl is liable, may by order commit that woman or girl to an institution for fallen women the governing authority of which is willing to receive such woman or girl.	5
Period of detention.	(2.) Every such order shall specify the period, not exceeding twelve months, during which the person so committed shall be detained in the institution.	
Discharge.	(3.) The Governor may at any time direct the discharge of any person detained in any such institution.	10
Escape.	(4.) Any woman or girl who escapes from any institution during the currency of an order for her detention therein as aforesaid may be retaken and dealt with as provided by law in the case of the escape of persons from lawful custody.	15
In case of illness, person detained may be removed to hospital.	16. (1.) In the case of the illness of any woman or girl detained in an institution, that woman or girl, on the written order of any Magistrate or Justice, may be removed by the person having the control of that institution to any hospital under the Hospitals and Charitable Institutions Act, 1908, that is named in such order.	20
Warrant for arrest.	(2.) Any person so removed as aforesaid shall be deemed to remain in lawful custody under the order by which such person was detained in the institution, and may at any time be retaken from the hospital to the institution.	
Governing authority of institution may make by-laws.	17. On any order being made under section <i>fifteen</i> hereof, the Magistrate or Justice making the same may issue a warrant to any constable or other person, authorising the arrest of the person so to be detained and her conveyance to the institution named in the order.	25
Regulations.	18. (1.) The governing authority of any institution may from time to time make by-laws providing for the mode of employment, the hours of labour, and the remuneration (if any) of persons detained in the institution, and generally for any other purposes necessary for the proper management of the institution.	30
	(2.) No such by-law shall come into operation or have any force unless and until it has been approved by the Minister of Justice.	35
	19. The Governor may from time to time make regulations—	
	(a.) For the inspection and visitation of institutions in which women or girls are detained under section twelve hereof:	
	(b.) For the good conduct and discipline of the women and girls so detained:	40
	(c.) Prescribing the kinds of punishments which may be inflicted by the governing authority of any institution for breaches of any such regulations or of any by-laws made by that governing authority:	
	(d.) Generally for the efficient carrying-out of the provisions of this Act relating to women and girls committed to any such institutions.	45