

Hon. Mr. Tole.

PRISONERS PROBATION.

ANALYSIS.

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A BILL INTITULED

AN ACT to permit the Conditional Release of First Offenders for Probation of Good Conduct. Title.

WHEREAS it would be conducive to the public good if first offenders were in certain cases permitted to be at large on probation, without suffering imprisonment: Preamble.

For such purpose,—

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 Prisoners Probation Act, 1885." Short Title.

2. In this Act, if not inconsistent with the context,— "Court" means any Court or Justices having jurisdiction to try an offence as herein defined: Interpretation.

"Offence" means an indictable offence not being a capital felony, and includes all indictable offences which may be tried summarily by consent of the accused:

"Offender" means a person convicted of an offence as herein defined:

Words in this Act relating to any Court, Justices, officer, district, or office shall be construed distributively as applying to each Court, Visiting Justice, officer, district, or office to which or to whom the same is applicable.

Governor may make regulations.

3. The Governor may from time to time make, alter, or repeal regulations for any purpose incidental or necessary to the due administration of this Act; and any such regulations, on being gazetted, shall take effect and have the operation of law, as if they had been herein enacted.

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Governor may appoint Probation Officers.

4. The Governor may from time to time appoint and remove such police officers or other persons as he shall think fit to be Probation Officers under this Act, and may assign to any such officer a district wherein he may exercise his functions.

Every appointment of a Probation Officer shall be gazetted.

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Probation Officers to have powers of constables.

5. Every Probation Officer shall, in the exercise of his official duties, have the powers of a constable and of a police officer, and shall be paid such salary or other remuneration as the General Assembly may determine.

Duties of Probation Officers.

6. It shall be the duty of every Probation Officer—

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(1.) To inquire carefully into the character and offence of every person arrested for any first offence, for the purpose of ascertaining whether the accused may reasonably be expected to reform without imprisonment;

(2.) To attend the sittings of all Courts in his district where first offenders are to be tried;

(3.) To recommend to the Court the placing on probation of first offenders;

(4.) To keep a full record of the results of his investigations.

To recommend release of accused persons upon probation.

7. It shall be the special duty of every Probation Officer, if satisfied upon investigation that the best interests of the public and the offender would be subserved by placing him upon probation, to recommend the same to the Court trying the case.

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Court may release first offenders on probation.

8. When any person is convicted of any offence as defined in this Act, and it is his first offence, the Court, instead of sentencing the offender to prison, may direct the sentence of the Court to be recorded against him, and, upon the recommendation of the Probation Officer, may permit the offender to be placed upon probation upon such terms as it may deem best, having regard to his reformation, and may order him to appear before the Court at some future time as it shall think fit.

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Conditions of release to be furnished to person released.

9. The person thus released shall be furnished with a written statement of the terms of his probation, and the Probation Officer shall keep a record of the same, and of his conduct during the said probation.

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Costs of prosecution.

It may be a condition of every such release on probation that the offender shall pay the costs of his prosecution.

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Discharge.

Upon the due and satisfactory fulfilment of all the conditions of his release, the person on probation at the expiration of the term of his probation shall be deemed to be discharged, as if he had served his sentence.

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Person on probation may be rearrested by Probation Officer.

10. Any person placed upon probation, upon the recommendation of a Probation Officer, may be rearrested by him, without further warrant, and again brought before the Court where he was originally convicted, or before any Judge thereof, or before any two Justices of the Peace if originally convicted on summary procedure; and such Judge or Justices, as the case may be, may thereupon commit such person to prison for the period of his original sentence, or again release him on probation on such further terms as he or they shall think fit.

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11. If any person so rearrested is committed to prison, the time between his release on probation and his committal to prison shall not be taken to be any part of the term of sentence.

If committed, time on probation not counted as part of sentence.

12. Every Probation Officer shall make a return to the Minister of Justice monthly, showing the name, sex, and offence of each person placed upon probation on his recommendation, with such other particulars as the said Minister may require, and the result in each case when the term of probation is completed.

Monthly return of persons on probation to be sent to Minister of Justice.