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SUMMARY CONVICTIONS FOR INDICTABLE OFFENCES.

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ANALYSIS.

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A BILL INTITULED

AN ACT to make Provision for the Sentencing of Persons who plead guilty of Indictable Offences. Title.

5 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 Summary Convictions for Indictable Offences Act, 1899." Short Title.

10 2. When any Court at the close of the preliminary hearing of any information shall propose to commit any accused person for trial for any indictable offence not punishable by death, an intimation shall be made in open Court, by or on behalf of the Court, to the accused, in the following words:— Accused may plead guilty.

15 "This Court proposes to commit you for trial; but you may, if you so desire, plead guilty to the offence charged. If you now plead guilty, you will not afterwards be allowed to deny your guilt, and you may be sentenced or dealt with by this Court as if you had pleaded guilty in the Supreme Court, or, at the option of the Court, you will be committed for sentence." Consequences of plea of "Guilty."

20 3. If on such intimation the accused shall plead guilty to the offence charged, the following consequences shall ensue:—

25 (1.) The Court shall have all the powers of the Supreme Court, or any Judge thereof, for sentencing or otherwise dealing with the accused, and for finally disposing of the charge and of all incidental matters, as if the accused on arraignment at any criminal sessions of the Supreme Court had pleaded guilty to the offence charged on an indictment found by a grand jury.

- (2.) If the Court shall not deal with the accused and dispose of the charge under the *preceding* subsection, the accused shall be committed for sentence to the Supreme Court.
- (3.) The accused shall thereupon, so soon as practicable, be brought before the Supreme Court or some Judge thereof for sentence. 5
- (4.) Any Judge of the Supreme Court before whom any accused committed for sentence shall be brought shall have all the powers referred to in subsection *one* hereof. 10
- (5.) All proceedings relating to a commitment for trial shall apply, as nearly as may be, to a commitment for sentence, and bail may be similarly granted; but no person shall be bound over to give evidence on any commitment for sentence unless the committing Court shall otherwise order. 15

Jurisdiction.

4. The power of sentencing an accused person on a preliminary hearing shall not be exercised by any Court unless such Court consists of a Stipendiary Magistrate, or includes a Stipendiary Magistrate who shall join in the exercise of such power. 20

Form of plea.

5. A plea of "Guilty" for the purposes of this Act shall be indorsed upon the information, and shall be in the following form:—

"I plead guilty to the offence charged in the within information.

"Dated this day of ." 25

And the accused shall either sign the same, or shall adhibit his mark thereto, and such mark shall be certified to by the Stipendiary Magistrate.

Computation of sentence.

6. Every sentence passed by any Court of first instance pursuant to section *three* hereof shall run from the passing thereof, unless otherwise ordered by the Court passing the same. 30

No objection to be made to information after plea of "Guilty."

7. No objection on any ground whatever shall be taken to any information to which any accused shall have pleaded guilty, and no accused who shall have pleaded guilty to any such information shall afterwards be allowed to withdraw such plea. 35