

TASMANIA

**SENTENCING AMENDMENT (ASSAULTS ON
POLICE OFFICERS) BILL 2014**

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SENTENCING AMENDMENT (ASSAULTS ON POLICE OFFICERS) BILL 2014

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
27 August 2014

*(Brought in by the Minister for Police and Emergency
Management, the Honourable Marinus Theodoor Hidding)*

A BILL FOR

An Act to amend the *Sentencing Act 1997*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Sentencing Amendment (Assaults on Police Officers) Act 2014*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Sentencing Act 1997** is referred to as the Principal Act.

4. Section 16A inserted

After section 16 of the Principal Act, the following section is inserted in Division 1:

16A. Mandatory imprisonment for offence causing serious bodily harm to police officer

(1) Despite section 7, if –

- (a) a person is convicted of an offence, against a provision of an Act, committed in relation to a police officer while the police officer was on duty; and
- (b) the police officer suffered serious bodily harm caused by, or arising from, the offence –

a court that convicts the person, and a court that imposes a sentence upon the conviction of the person, in respect of the offence must, unless there are exceptional circumstances, order the person to serve in respect of the offence a term of imprisonment of not less than 6 months.

*No. 59 of 1997

- (2) For the purposes of this section, an offence is to be taken to be committed in relation to a police officer only if the person who committed the offence knows, or ought reasonably be expected to know, that bodily harm to a police officer may be caused by, or arise from, the offence.
- (3) Subsection (1) applies in relation to an offence against a provision of an Act even if the Act –
- (a) does not indicate that the offence is punishable by imprisonment; or
 - (b) indicates that the offence is punishable by imprisonment for a term of less than 6 months –
- but, in either such case, the term of imprisonment that is, in accordance with subsection (1), to be imposed in respect of the offence is to be 6 months.
- (4) If an order has been made, in accordance with subsection (1), that a person must serve in respect of an offence a sentence of imprisonment for a term of not less than 6 months, a court must not –
- (a) make any other order in respect of the offence; or
 - (b) amend an order in respect of the offence –

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if the effect of that other order or amendment would be that the person is not imprisoned for a term of at least 6 months in respect of the offence.

- (5) Section 10(2)(b)(v) does not apply in relation to an offence to which subsection (1) applies, to the extent that section 10(2)(b)(v) might otherwise be taken to require subsections (1) and (3) to apply to an offence in relation to which a finding of guilt has been made but a conviction has not been recorded.
- (6) Nothing in this section, apart from subsection (7), is to be taken to prevent the application of section 11 in relation to an offence to which subsection (1) applies.
- (7) Subsection (3) and section 11(2) are each not to be taken to prevent the making of an order imposing, in respect of an offence to which subsection (1) applies, a term of imprisonment of more than 6 months if the order is imposed, in accordance with section 11(1), in respect of more than one offence, including but not limited to more than one offence to which subsection (1) applies.
- (8) Section 12 does not apply in relation to an offence to which subsection (1) applies.

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- (9) Nothing in this section, apart from subsections (4) and (8), is to be taken to prevent a court making, in respect of an offence to which subsection (1) applies, an order (including an order imposing a penalty) that is an order in addition to an order imposing in respect of the offence a term of imprisonment in accordance with this section.

5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.