

TASMANIA

CRIMINAL CODE AMENDMENT BILL 2022

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CRIMINAL CODE AMENDMENT BILL 2022

*(Brought in by the Minister for Justice, the Honourable Elise
Nicole Archer)*

A BILL FOR

An Act to amend the *Criminal Code Act 1924*

Be it enacted by Her 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 *Criminal Code Amendment Act 2022*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

In this Act, the *Criminal Code Act 1924** is referred to as the Principal Act.

4. Principal Act amended

Schedule 1 to the Principal Act is amended as follows:

*No. 69 of 1924

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(a) by inserting the following subsection after subsection (2) in section 2A:

(2A) Without limiting the application of subsection (2) to an act of sexual intercourse, a person does not freely agree to an act of sexual intercourse with another person if the person says or does anything to communicate to the other person that a condom must be used for that sexual intercourse and the other person intentionally –

(a) does not use a condom; or

(b) tampers with the condom;
or

(c) removes the condom –

before or during the sexual intercourse.

(b) by inserting the following section after section 170A:

170B. Strangulation, &c.

A person who intentionally and unlawfully chokes, suffocates or strangles another person is guilty of a crime.

Charge: Strangulation.

- (c) by inserting the following section after section 333:

333A. Attempted murder

Upon an indictment for attempting to commit murder the accused person may be convicted of –

(a) an unlawful act intended to cause bodily harm; or

(b) strangulation.

- (d) by inserting the following section after section 334:

334AA. Strangulation

Upon an indictment for strangulation the accused person may be convicted of assault.

- (e) by inserting the following paragraph after paragraph (a) in section 334A(1):

(ab) strangulation; or

- (f) by inserting in section 334A(2) “or strangulation” after “assault”;

- (g) by inserting the following paragraph after paragraph (g) in section 337A(1):

(ga) strangulation;

- (h) by inserting in Appendix A after

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Persistent family violence.

the following item:

Strangulation.

5. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.