

FACT SHEET

Sentencing Amendment (Breaches of Home Detention Orders) Bill 2023

- Home Detention Orders are provided for under Part 5A of the *Sentencing Act 1997* and require an offender to be detained in a residence. Offenders are usually required to wear an electronic monitoring device throughout the period of the order.
- These provisions commenced in 2019 as an alternative to imprisonment and are being increasingly used as an alternative sentencing option.
- The Sentencing Amendment (Breaches of Home Detention Orders) Bill 2023 (the Bill) aims to ensure more timely and consistent responses to breach of conditions of home detention orders and deter any person from removing or disabling an electronic monitoring device.
- The Bill enables a court, magistrate or justice to issue a warrant for arrest of an offender subject to a home detention order if the court, magistrate or justice believes on reasonable grounds that the offender has breached, is breaching or is about to breach a condition of the order.
- This provides another more efficient avenue for Community Corrections to seek to bring an individual back into custody where there is evidence of a breach of the order.
- The Bill will also introduce two new offences within Part 5A of the Sentencing Act. Namely:
 - it will be an offence for a person subject to a home detention order to tamper with, damage or disable any device used for the purpose of the electronic monitoring; and
 - it will also be an offence for a third party, not subject to the order, to tamper with, damage or disable any device used for the purpose of the electronic monitoring.
- The Bill enables an application for a breach of condition of a home detention order, as well as an application to vary or cancel an order, to be heard where an individual on an order is already before the court on another matter (where the court considers this appropriate to do so).
- The Bill will commence on Proclamation.