

TASMANIA

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**CRIMINAL CODE AMENDMENT BILL 2022**

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## **CRIMINAL CODE AMENDMENT BILL 2022**

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.

SHANE DONNELLY, *Clerk of the House*  
22 March 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.

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\*No. 69 of 1924

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**4. Principal Act amended**

Schedule 1 to the Principal Act is amended as follows:

(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”;

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

(ga) strangulation;

(h) by inserting in Appendix A after

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.