

FACT SHEET

Sentencing Amendment (Assaults on Police Officers) Bill 2014

This Bill introduces a minimum mandatory sentence of 6 months imprisonment for a person convicted of an offence against an on duty police officer that results in the officer suffering serious bodily harm, unless there are exceptional circumstances.

The penalty is not restricted to persons charged with specific offences or crimes such as “assaulting a police officer” as is found at section 34B of the *Police Offences Act 1935* or “resisting a public officer” under section 114 of the *Criminal Code Act 1924*. This means that a person convicted of an offence generally considered more serious than a simple assault, such as wounding or grievous bodily harm, will also be given the mandatory sentence as an absolute minimum.

The mandatory penalty will only apply where the offence has resulted in serious bodily harm. This ensures that the penalty will not apply if the assault for which the offender was convicted was relatively minor and resulted in slight injuries.

The mandatory sentencing provision only applies to an adult by virtue of section 5 of the *Sentencing Act 1997* and section 46 of the *Youth Justice Act 1997*. To impose a mandatory term of detention on a minor, particularly if the offender had no prior convictions would be contrary to the provisions of the *Youth Justice Act 1997* with its emphasis on restorative justice and imprisonment as a last resort.

The Government intends to extend the mandatory sentence to other emergency service workers after further consultation with relevant groups.