

FACT SHEET

Sentencing Amendment (Mandatory Sentencing) Bill 2022

The Sentencing Amendment (Mandatory Sentencing) Bill 2022 (the Bill) amends the *Sentencing Act 1997* to provide for the following mandatory minimum terms of imprisonment:

- 4 years' imprisonment for the crime of rape (section 185 of the *Criminal Code*) where a victim is under 17 years at the time of the offence;
- 4 years' imprisonment for the crime of persistent sexual abuse of a child or young person (section 125A of the *Criminal Code*) where at least one of the unlawful sexual acts is an offence of rape;
- 3 years' imprisonment for the crime of persistent sexual abuse of a child or young person (section 125A of the *Criminal Code*) where there are circumstances of aggravation and none of the unlawful sexual acts is an offence of rape; and
- 2 years' imprisonment for the crime of penetrative sexual abuse of a child or young person (section 124 of the *Criminal Code*) where there are circumstances of aggravation.

The mandatory minimum sentencing provisions proposed in the Bill will not apply where there are exceptional circumstances.

The provisions will also not apply to offenders who are under the age of 18 years at the time the offence was committed, or, in certain circumstances, to offenders who have impaired mental functioning that is causally linked to the offence.