



## **Criminal Investigations (Bodily Samples) Amendment Act 2013**

Public Act 2013 No 112  
Date of assent 4 December 2013  
Commencement see section 2

### **Contents**

	Page
1 Title	2
2 Commencement	2
3 Principal Act	2
4 Section 4A amended (Detained under sentence of imprisonment)	2
5 Section 24P amended (Information that may be kept on Part 2B temporary databank)	3
6 Section 36 amended (Withdrawal of consent after sample taken)	3
7 Section 39C amended (Date and place for taking of sample to be specified in databank compulsion notice)	3
8 Section 40 amended (Databank compulsion notice of no effect if conviction for relevant offence quashed)	3
9 Section 41 amended (Databank compulsion notice hearing may be requested on certain grounds)	3
10 Section 43A amended (Change of circumstances before databank compulsion notice hearing takes place or is completed)	4
11 Section 44 amended (Further databank compulsion notice)	4
12 Section 45 amended (Judge may issue warrant for arrest and detention)	4

13	Section 47 amended (Variation by Judge on application of place and date for taking sample)	4
14	Section 60A amended (Disposal of bodily samples and identifying information obtained under Part 2B)	4
15	Section 61 amended (Extension of period for which sample may be retained)	4
16	Section 62 amended (Disposal of bodily samples and identifying information obtained under Part 3)	5

---

**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Criminal Investigations (Bodily Samples) Amendment Act 2013.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act**

This Act amends the Criminal Investigations (Bodily Samples) Act 1995 (the **principal Act**).

**4 Section 4A amended (Detained under sentence of imprisonment)**

- (1) In section 4A(1), replace “a relevant offence” with “an imprisonable offence or offence against any of the provisions listed in Part 3 of the Schedule”.
- (2) In section 4A(2)(a),—
  - (a) replace “a relevant offence” with “an imprisonable offence or offence against any of the provisions listed in Part 3 of the Schedule”; and
  - (b) replace “the relevant offence” with “the offence” in each place.
- (3) In section 4A(2)(b), replace “a relevant offence” with “an imprisonable offence or offence against any of the provisions listed in Part 3 of the Schedule”.

- (4) In section 4A(3), replace “a relevant offence” with “an imprisonable offence or offence against any of the provisions listed in Part 3 of the Schedule”.

**5 Section 24P amended (Information that may be kept on Part 2B temporary databank)**

- (1) In section 24P(a), delete “relevant”.
- (2) In section 24P, insert as subsection (2):
- “(2) In this section, **related offence** means—
- “(a) a related imprisonable offence or offence against any of the provisions listed in Part 3 of the Schedule, if the bodily sample was taken under section 24J; or
- “(b) a related relevant offence, if the bodily sample was taken under section 24K.”

**6 Section 36 amended (Withdrawal of consent after sample taken)**

In section 36(2), replace “a relevant offence” with “an imprisonable offence or offence against any of the provisions listed in Part 3 of the Schedule”.

**7 Section 39C amended (Date and place for taking of sample to be specified in databank compulsion notice)**

In section 39C(3) and (4), delete “relevant” in each place.

**8 Section 40 amended (Databank compulsion notice of no effect if conviction for relevant offence quashed)**

- (1) In the heading to section 40, delete “for relevant offence”.
- (2) In section 40(1), delete “relevant”.

**9 Section 41 amended (Databank compulsion notice hearing may be requested on certain grounds)**

- (1) In section 41(2)(a)(i), replace “a relevant offence” with “an imprisonable offence or offence against any of the provisions listed in Part 3 of the Schedule”.
- (2) In section 41(2)(a)(ii), delete “relevant”.
- (3) In section 41(2)(b), delete “relevant”.
- (4) In section 41(2)(e), delete “relevant” in each place.

- (5) In section 41(4), delete “relevant” in each place.
- 10 Section 43A amended (Change of circumstances before databank compulsion notice hearing takes place or is completed)**  
In section 43A(1), delete “relevant” in each place.
- 11 Section 44 amended (Further databank compulsion notice)**  
In section 44(2), delete “relevant” in each place.
- 12 Section 45 amended (Judge may issue warrant for arrest and detention)**  
In section 45(3)(b), delete “relevant” in each place.
- 13 Section 47 amended (Variation by Judge on application of place and date for taking sample)**  
In section 47(2)(b), delete “relevant” in each place.
- 14 Section 60A amended (Disposal of bodily samples and identifying information obtained under Part 2B)**
- (1) In section 60A(3)(a), delete “relevant”.
- (2) After section 60A(4), insert:
- “(5) In this section, **related offence** means—
- “(a) a related imprisonable offence or offence against any of the provisions listed in Part 3 of the Schedule, if the bodily sample was taken under section 24J; or
- “(b) a related relevant offence, if the bodily sample was taken under section 24K.”
- 15 Section 61 amended (Extension of period for which sample may be retained)**
- (1) In section 61(3)(a), delete “relevant”.
- (2) After section 61(5), insert:
- “(6) In this section, **related offence** means—
- “(a) a related imprisonable offence or offence against any of the provisions listed in Part 3 of the Schedule, if the bodily sample was taken under section 24J; or

“(b) a related relevant offence, if the bodily sample was taken under section 24K.”

**16 Section 62 amended (Disposal of bodily samples and identifying information obtained under Part 3)**

In section 62(4)(a), replace “a relevant offence” with “an imprisonable offence or offence against any of the provisions listed in Part 3 of the Schedule”.

---

**Legislative history**

19 November 2013	Divided from Statutes Amendment Bill (Bill 89–2) by committee of the whole House, third reading
4 December 2013	Royal assent

---

This Act is administered by the Ministry of Justice.

---