



Sentencing Amendment Act 2014

Public Act 2014 No 38
Date of assent 6 June 2014
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Sentencing Amendment Act 2014.

2 Commencement

This Act comes into force 6 months after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Sentencing Act 2002.

4 New section 24A inserted

The following section is inserted before section 25:

“24A Adjournment for restorative justice process in certain cases

“(1) This section applies if—

“(a) an offender appears before a District Court at any time before sentencing; and

“(b) the offender has pleaded guilty to the offence; and

“(c) there are 1 or more victims of the offence; and

“(d) no restorative justice process has previously occurred in relation to the offending; and

“(e) the Registrar has informed the court that an appropriate restorative justice process can be accessed.

“(2) The court must adjourn the proceedings to—

“(a) enable inquiries to be made by a suitable person to determine whether a restorative justice process is appropriate in the circumstances of the case, taking into account the wishes of the victims; and

“(b) enable a restorative justice process to occur if the inquiries made under paragraph (a) reveal that a restorative justice process is appropriate in the circumstances of the case.”

5 Power of adjournment for inquiries as to suitable punishment

(1) Section 25(1)(b) is amended by omitting “occur” and substituting “occur, or to be completed”.

(2) Section 25(2) is amended by omitting “section 10(4)” and substituting “section 10(4) or 24A”.

6 Sentence of reparation

Section 32 is amended by repealing subsection (5) and substituting the following subsection:

- “(5) Despite subsections (1) and (3), the court must not order the making of reparation in respect of any consequential loss or damage described in subsection (1)(c) for which compensation has been, or is to be, paid under the Accident Compensation Act 2001.”

7 Court may order reparation report

Section 33(1)(c) is amended by repealing subparagraph (ii) and substituting the following subparagraph:

- “(ii) the amount or extent of compensation paid or payable under the Accident Compensation Act 2001 to the person who suffered the loss or damage in respect of that loss or damage.”

8 Discharge without conviction

Section 106 is amended by repealing subsection (5) and substituting the following subsection:

- “(5) Despite subsection (3)(b), the court must not order the payment of compensation in respect of any consequential loss or damage described in subsection (3)(b)(iii) for which compensation has been, or is to be, paid under the Accident Compensation Act 2001.”

9 Conviction and discharge

Section 108 is amended by repealing subsection (4) and substituting the following subsection:

- “(4) Despite subsection (2)(b), the court must not order the payment of compensation in respect of any consequential loss or damage described in subsection (2)(b)(iii) for which compensation has been, or is to be, paid under the Accident Compensation Act 2001.”

10 Order to come up for sentence if called upon

Section 110 is amended by repealing subsection (5) and substituting the following subsection:

“(5) Despite subsection (3)(b), the court must not order the payment of compensation in respect of any consequential loss or damage described in subsection (3)(b)(iii) for which compensation has been, or is to be, paid under the Accident Compensation Act 2001.”

Legislative history

16 April 2014	Divided from Victims of Crime Reform Bill (Bill 319–2) as Bill 319–3D
27 May 2014	Third reading
6 June 2014	Royal assent

This Act is administered by the Ministry of Justice and the Department of Corrections.
