

Protection for First Responders and Prison Officers Bill

Member's Bill

Explanatory note

General policy statement

This Bill introduces new protections for first responders in the Crimes Act 1961 and the Summary Offences Act 1981.

First responders are defined as staff from the police, and emergency health and fire services. This bill will:

- create a new offence of injuring a first responder or prison officer with intent, which has a mandatory minimum sentence of 6 months' imprisonment
- include emergency health and fire service staff in the offence of assault on Police, prison, or traffic officers currently provided for in the Summary Offences Act 1981.

There has been an increase in assaults against first responders and prison officers with more and more serious injuries occurring as a result. There must be a firm stance against any assault of first responders or prison officers, as they have a duty to prevent crime, harm, injury, or death to New Zealanders.

The public needs confidence that the safety of these important personnel is being preserved and first responders need confidence in their ability to do their job. When a first responder is injured in the line of duty that will impede their ability to save a life, or prevent a crime.

Offenders need to think twice before they attempt to assault or injure first responders, as their actions can affect the lives of others.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Part 1 — Amendment to Crimes Act 1961

Clause 3 identifies the Crimes Act 1961 (the **principal Act**) as the Act being amended.

Clause 4 inserts a *new section 189A* into the principal Act that creates a new offence of injuring a first responder or prison officer with intent, which has a maximum sentence of 10 years' imprisonment.

Part 2 — Amendment to Sentencing Act 2002

Clause 5 identifies the Sentencing Act 2002 (the **principal Act**) as the Act being amended.

Clause 6 inserts a *new section 85A* into the principal Act which requires the court to impose a sentence of 6 months' imprisonment for an offence against *new section 189A* of the Crimes Act 1961, unless to impose such a sentence would be manifestly unjust.

Part 3 — Amendment to Summary Offences Act 1981

Clause 7 identifies the Summary Offences Act 1981 (the **principal Act**) as the Act being amended.

Clause 8 amends section 10 of the principal Act to include first responders in the category of workers to which this offence applies.

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Protection for First Responders and Prison Officers Act **2018**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

Amendment to Crimes Act 1961

- 3 Principal Act**
This Part amends the Crimes Act 1961 (the **principal Act**).
- 4 New section 189A inserted (Injuring first responder or prison officer with intent)** 10
After section 189, insert:

- 189A Injuring first responder or prison officer with intent**
- (1) Every one is liable to imprisonment for a term not exceeding 10 years who— 15
- (a) intentionally injures a first responder or prison officer who is acting in the execution of their duty; or
 - (b) being reckless as to whether their conduct may lead to that result, injures a first responder or prison officer who is acting in the execution of their duty. 20
- (2) In this section,— 20
- first responder** means—
- (a) a constable (within the meaning of section 4 of the Policing Act 2008); or
 - (b) an emergency services worker (within the meaning of section 92(4) of the Health and Safety at Work Act 2015) 25
- prison officer** means an officer within the meaning of section 3(1) of the Corrections Act 2004; and includes a security officer within the meaning of that section.

Part 2

Amendment to Sentencing Act 2002 30

- 5 Principal Act**
This Part amends the Sentencing Act 2002 (the **principal Act**).

6 New section 85A and cross-heading inserted

After section 85, insert:

Imposition of minimum period of imprisonment for offence against section 189A of Crimes Act 1961

85A Imposition of minimum period of imprisonment for offence against section 189A of Crimes Act 1961 5

- (1) This section applies if a court finds an offender guilty of an offence against section 189A of the Crimes Act 1961.
- (2) The court must impose a minimum sentence of 6 months imprisonment unless, given the circumstances of the offence and the offender, a sentence of imprisonment would be manifestly unjust. 10
- (3) If a court does not impose a sentence of imprisonment on an offender in accordance with **subsection (2)**, it must give written reasons for not doing so.

Part 3**Amendment to Summary Offences Act 1981** 15**7 Principal Act**

This Part amends the Summary Offences Act 1981 (the **principal Act**).

8 Section 10 amended (Assault on Police, prison, or traffic officer)

- (1) In the heading to section 10, replace “**Police, prison**” with “**first responder, prison officer**”. 20
- (2) In section 10, replace “constable” with “first responder”.
- (3) In section 10, insert as subclause (2):
- (2) In this section, **first responder** means—
 - (a) a constable (within the meaning of section 4 of the Policing Act 2008); or
 - (b) an emergency services worker (within the meaning of section 92(4) of the Health and Safety at Work Act 2015). 25