

Criminal Justice Amendment Act (No. 2) 1993

Public Act 1993 No 93
Date of assent 20 August 1993

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An Act to amend the Criminal Justice Act 1985

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Criminal Justice Amendment Act (No. 2) 1993, and shall be read together with and deemed part of the Criminal Justice Act 1985 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 1st day of September 1993.

2 Concurrent sentences

- (1) The principal Act is hereby amended by repealing section 13 (as substituted by section 6 of the Criminal Justice Amendment Act 1993), and substituting the following section:

“13

“(1) Where a court imposes on an offender for any offence a sentence of reparation or a sentence of a fine or both, it may also impose on the offender, for that offence,—

“(a) Either or both of the following:

- “(i) Any one kind of community-based sentence or the combination of the sentences of periodic detention and supervision:
 - “(ii) A suspended sentence of imprisonment; or
 - “(b) Any one kind of full-time custodial sentence.
- “(2) Except as provided in subsections (1), (3), and (4) of this section, where a court imposes on an offender any kind of community-based sentence, it shall not at the same time also impose on the offender any other kind of community-based sentence or any kind of full-time custodial sentence, whether for the offence for which that community-based sentence was imposed or for any other offence for which the offender has appeared for sentence.
- “(3) Where a court imposes on an offender a sentence of periodic detention, it may at the same time also impose on the offender a sentence of supervision.
- “(4) Where a court imposes on an offender a suspended sentence of imprisonment, it may at the same time also impose on the offender either or both of the following:
- “(a) Any one kind of community-based sentence or the combination of the sentences of periodic detention and supervision:
 - “(b) A sentence of reparation or a sentence of a fine, or both.
- “(5) Except as provided in subsection (6) of this section, where a court imposes on an offender any kind of full-time custodial sentence, it shall not at the same time also impose on the offender any other kind of full-time custodial sentence or any kind of community-based sentence or a suspended sentence of imprisonment, whether for the offence for which that full-time custodial sentence was imposed or for any other offence for which the offender has appeared for sentence.
- “(6) Where a court imposes on an offender for any offence a sentence of preventive detention or a sentence of imprisonment, it may at the same time also impose on the offender any other kind of full-time custodial sentence, other than a sentence of corrective training, for any other offence for which the offender has appeared for sentence.
- “(7) Where an offender who is before a court for sentence is already detained under a full-time custodial sentence imposed on an earlier occasion, the court shall not impose on the offender any kind of community-based sentence or a suspended sentence of imprisonment.
- “(8) Nothing in this section shall empower a court to impose any sentence that it would not otherwise be empowered to impose.
- “(9) Nothing in this section shall limit the power of a court to make any order that it is empowered to make on the conviction of any person, whether under this Act or under any other enactment.

- “(10) Nothing in this section shall limit the power of the court to impose, pursuant to any other section of this Act, a community-based sentence that is cumulative on a sentence of imprisonment.”
- (2) Section 6 of the Criminal Justice Amendment Act 1993 is hereby consequentially repealed.

This Act is administered in the Department of Justice.