



# Three Strikes Legislation Repeal Act 2022

Public Act      2022 No 40  
Date of assent      15 August 2022  
Commencement      see section 2

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**Schedule**  
**Schedule 1AA amended**

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

**1 Title**

This Act is the Three Strikes Legislation Repeal Act 2022.

**2 Commencement**

This Act comes into force on the day after the date of Royal assent.

**Part 1**

**Amendments to Sentencing Act 2002**

**3 Principal Act**

This Part amends the Sentencing Act 2002.

**4 Section 4 amended (Interpretation)**

In section 4(1), definition of **minimum period of imprisonment**, replace “section 86, 86D(4), 86E(4)(a), 89, or 103” with “section 86, 89, or 103”.

**5 Sections 86A to 86I and cross-heading repealed**

Repeal sections 86A to 86I and the cross-heading above section 86A.

**6 Section 89 amended (Imposition of minimum period of imprisonment)**

Repeal section 89(2A).

**7 Section 102 amended (Presumption in favour of life imprisonment for murder)**

Repeal section 102(3).

**8 Section 103 amended (Imposition of minimum period of imprisonment or imprisonment without parole if life imprisonment imposed for murder)**

Replace section 103(1) with:

- (1) If a court sentences an offender convicted of murder to imprisonment for life, it must—
- (a) order that the offender serve a minimum period of imprisonment under that sentence; or
  - (b) if subsection (2A) applies, make an order under that subsection.

**9 Section 104 amended (Imposition of minimum period of imprisonment of 17 years or more)**

In section 104(2), replace “section 86E(2)(b) or (4)(a) or 103(2A)” with “section 103(2A)”.

**10 Schedule 1AA amended**

In Schedule 1AA,—

- (a) insert the Part set out in the Schedule of this Act as the last Part; and
- (b) make all necessary consequential amendments.

## **Part 2**

### **Amendments to other legislation**

#### **Subpart 1—Amendments to Acts**

##### *Amendment to Arms Act 1983*

**11 Principal Act**

Section 12 amends the Arms Act 1983.

**12 Section 22H amended (Persons disqualified from holding firearms licence)**

Replace section 22H(a)(ii) with:

- (ii) a specified violent offence as defined in section 4 of the Victims' Orders Against Violent Offenders Act 2014:

##### *Amendment to Criminal Procedure Act 2011*

**13 Principal Act**

Section 14 amends the Criminal Procedure Act 2011.

**14 Section 180 amended (Court may correct erroneous sentence)**

Repeal section 180(4)(b).

##### *Amendment to Evidence Act 2006*

**15 Principal Act**

Section 16 amends the Evidence Act 2006.

**16 Section 139 amended (Evidence of convictions, acquittals, and other judicial proceedings)**

Repeal section 139(1)(ba).

*Amendments to Parole Act 2002***17 Principal Act**

Sections 18 to 21 amend the Parole Act 2002.

**18 Section 20 amended (Parole eligibility date)**

Repeal section 20(5) to (8).

**19 Section 84 amended (Non-parole periods)**

- (1) In section 84(2), replace “section 86, section 86D(4), section 86E(4), section 89, or section 103” with “section 86, 89, or 103”.
- (2) Replace section 84(3) with:
- (3) The non-parole period of a sentence of imprisonment for life (other than one in respect of which the court has imposed a minimum term of imprisonment) is 10 years.
- (3) Repeal sections 84(3A) and 84(5)(ab).

**20 Section 86 amended (Release date of sentence)**

Repeal section 86(1A).

**21 Section 88 amended (Chief executive must determine key dates, etc)**

After section 88(3), insert:

- (4) A determination made under this section must be made as if the Three Strikes Legislation Repeal Act 2022 had not been enacted.

*Amendments to Victims’ Orders Against Violent Offenders Act 2014***22 Principal Act**

Sections 23 to 26 amend the Victims’ Orders Against Violent Offenders Act 2014.

**23 Section 4 amended (Interpretation)**

- (1) In section 4, definition of **immediate family**, paragraph (a), replace “violent offence” with “specified violent offence”.
- (2) In section 4, definition of **victim**, replace “violent offence” with “specified violent offence” in each place.
- (3) In section 4, repeal the definition of **violent offence**.
- (4) In section 4, insert in its appropriate alphabetical order:  
**specified violent offence** means an offence against any of the following provisions of the Crimes Act 1961:
  - (1) section 128B (sexual violation):

- (2) section 129 (attempted sexual violation and assault with intent to commit sexual violation):
- (3) section 129A(1) (sexual connection with consent induced by threat):
- (4) section 131(1) (sexual connection with dependent family member under 18 years):
- (5) section 131(2) (attempted sexual connection with dependent family member under 18 years):
- (6) section 132(1) (sexual connection with child):
- (7) section 132(2) (attempted sexual connection with child):
- (8) section 132(3) (indecent act on child):
- (9) section 134(1) (sexual connection with young person):
- (10) section 134(2) (attempted sexual connection with young person):
- (11) section 134(3) (indecent act on young person):
- (12) section 135 (indecent assault):
- (13) section 138(1) (exploitative sexual connection with person with significant impairment):
- (14) section 138(2) (attempted exploitative sexual connection with person with significant impairment):
- (15) section 142A (compelling indecent act with animal):
- (16) section 144A (sexual conduct with children and young people outside New Zealand):
- (17) section 172 (murder):
- (18) section 173 (attempted murder):
- (19) section 174 (counselling or attempting to procure murder):
- (20) section 175 (conspiracy to murder):
- (21) section 177 (manslaughter):
- (22) section 188(1) (wounding with intent to cause grievous bodily harm):
- (23) section 188(2) (wounding with intent to injure):
- (24) section 189(1) (injuring with intent to cause grievous bodily harm):
- (25) section 191(1) (aggravated wounding):
- (26) section 191(2) (aggravated injury):
- (27) section 198(1) (discharging firearm or doing dangerous act with intent to do grievous bodily harm):
- (28) section 198(2) (discharging firearm or doing dangerous act with intent to injure):
- (29) section 198A(1) (using firearm against law enforcement officer, etc):

- (30) section 198A(2) (using firearm with intent to resist arrest or detention):
- (31) section 198B (commission of crime with firearm):
- (32) section 200(1) (poisoning with intent to cause grievous bodily harm):
- (33) section 201 (infecting with disease):
- (34) section 208 (abduction for purposes of marriage or civil union or sexual connection):
- (35) section 209 (kidnapping):
- (36) section 232(1) (aggravated burglary):
- (37) section 234 (robbery):
- (38) section 235 (aggravated robbery):
- (39) section 236(1) (causing grievous bodily harm with intent to rob, or assault with intent to rob in specified circumstances):
- (40) section 236(2) (assault with intent to rob)

**24 Section 5 amended (Meaning of violent offender or offender)**

In section 5(1), replace “violent offence” with “specified violent offence”.

**25 Section 7 amended (Application for non-contact order)**

In section 7(1), replace “violent offence” with “specified violent offence”.

**26 Section 18 amended (Discharge of non-contact order by operation of law)**

In section 18(1)(a) and (b), replace “violent offence” with “specified violent offence”.

Subpart 2—Amendments to secondary legislation

*Amendments to Criminal Procedure (Transfer of Information) Regulations  
2013*

**27 Principal regulations**

Sections 28 and 29 amend the Criminal Procedure (Transfer of Information) Regulations 2013.

**28 Regulation 3 amended (Interpretation)**

In regulation 3(1), replace the definition of **violent offence** with:

**specified violent offence** has the same meaning as in section 4 of the Victims’ Orders Against Violent Offenders Act 2014

**29 Regulation 8A amended (Information about criminal proceedings in VOAVOA proceedings)**

In regulation 8A(3)(a) and (c), replace “violent offence” with “specified violent offence”.

*Amendment to Legal Services (Quality Assurance) Regulations 2011*

**30 Principal regulations**

Section 31 amends the Legal Services (Quality Assurance) Regulations 2011.

**31 Schedule amended**

In the Schedule, clause 1(1), definition of **approval level 4 criminal proceedings**, revoke paragraph (c).

*Amendments to Sentencing Regulations 2002*

**32 Principal regulations**

Sections 33 and 34 amend the Sentencing Regulations 2002.

**33 Regulation 5 amended (Prescribed forms)**

In regulation 5(2), delete “12B to”.

**34 Schedule amended**

(1) In the Schedule, form 7,—

- (a) heading, replace “*Sections 86, 86D(4), 86E(4)(a), and 103*” with “*Sections 86 and 103*”; and
- (b) paragraph 2, delete “*or* I am satisfied that section 86D(4)/86E(4)(a)\* of the Sentencing Act 2002 applies to the offender. \*Select one.”; and
- (c) paragraph 3, replace “section 86/86D(4)/86E(4)(a)/103\*” with “section 86/103\*”.

(2) In the Schedule, form 8, paragraph 2, delete “*or* I am satisfied that section 86D(7) of the Sentencing Act 2002 applies to the offender, and consider that a minimum period of imprisonment of [*specify period*] is appropriate”.

(3) In the Schedule, revoke forms 12B to 12E.

(4) In the Schedule, form 12F,—

- (a) heading, replace “*Sections 86C(4), 86D(3), 86E(2), and 103(2A)*” with “*Sections 86 and 103*”; and
- (b) paragraph 2, delete “*For this paragraph select the statement that applies. I am satisfied that section 86C(4) of the Sentencing Act 2002 applies to the offender. or* I am satisfied that section 86D(3) of the Sentencing Act 2002 applies to the offender. *or* I am satisfied that section 86E(2) of the Sentencing Act 2002 applies to the offender. *or*”; and

- (c) paragraph 3,—
  - (i) replace “section 86C(4)/86D(3)/86E(2)/103(2A)\*” with “section 103(2A)”; and
  - (ii) delete “\*Select one.”.

## Schedule Schedule 1AA amended

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### Part 4

#### Provisions relating to Three Strikes Legislation Repeal Act 2022

**13 Treatment of persons convicted and sentenced before enactment of Three Strikes Legislation Repeal Act 2022**

- (1) This clause applies to a person who, before the commencement of the Three Strikes Legislation Repeal Act 2022, was convicted of and sentenced for a stage-2 or stage-3 offence.
- (2) If this clause applies, the person is not eligible for release or re-sentencing as a consequence of any provision brought into force under the Three Strikes Legislation Repeal Act 2022.

**14 Treatment of persons convicted or sentenced after enactment of Three Strikes Legislation Repeal Act 2022**

- (1) This clause applies to a person who, on or after the commencement of the Three Strikes Legislation Repeal Act 2022, is convicted of or sentenced for an offence that would have been a stage-2 or stage-3 offence if the Three Strikes Legislation Repeal Act 2022 had not been brought into force.
- (2) If this clause applies, in the case of a conflict between section 34 of the Legislation Act 2019 and—
  - (a) section 6 of the Sentencing Act 2002, section 6 prevails; or
  - (b) section 25(g) of the New Zealand Bill of Rights Act 1990, section 25(g) prevails.

**15 No entitlement to compensation**

- (1) A person is not entitled to compensation of any kind, on account of any alteration of sentencing rules as a consequence of any provision brought into force under the Sentencing and Parole Reform Act 2010, in respect of the fact that the person—
  - (a) was charged with, or prosecuted for, the offence; or
  - (b) admitted committing or pleaded guilty to, or was found to have committed, was convicted of, was sentenced for, or had an order or a direction made against the person for, the offence; or
  - (c) served a sentence for, or complied with an order or a direction made against the person because of committing, the offence; or

- (d) was required to pay a fine or other money (including costs or any amount by way of restitution or compensation) on account of committing, or being convicted of, or sentenced for, the offence; or
- (e) incurred any loss, or suffered any consequence (including being sentenced, or otherwise dealt with, as an offender, or as a repeat offender, of any kind), as a result of any circumstance referred to in paragraph (a), (b), (c), or (d).
- (2) Nothing in subclause (1) prevents a person from—
- (a) being entitled to compensation in respect of anything that occurred while the person was serving a sentence or complying with an order or a direction:
- (b) bringing a claim for a breach of their rights under the New Zealand Bill of Rights Act 1990 in respect of being convicted of or sentenced for an offence specified in clause 13(1).
- (3) Nothing in subclause (2)(b) is, or implies, an acknowledgement or a denial that relief (monetary or otherwise) may be available for a breach of the New Zealand Bill of Rights Act 1990 in respect of being convicted of or sentenced for an offence specified in clause 13(1).

Compare: 2010 No 24 s 90(1)(b); 2018 No 7 s 23

### Legislative history

11 November 2021	Introduction (Bill 79–1)
17 November 2021	First reading and referral to Justice Committee
16 May 2022	Reported from Justice Committee (Bill 79–2)
7 June 2022	Second reading
2 August 2022	Committee of the whole House (Bill 79–3)
9 August 2022	Third reading
15 August 2022	Royal assent

This Act is administered by the Ministry of Justice.