



# Crimes (Child Exploitation Offences) Amendment Act 2023

Public Act    2023 No 16  
Date of assent    12 April 2023  
Commencement    see section 2

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

- 1      Title**  
This Act is the Crimes (Child Exploitation Offences) Amendment Act 2023.
- 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 Crimes Act 1961.
- 4      New section 131AB inserted (Grooming for sexual conduct with young person)**  
After section 131A, insert:

**131AB Grooming for sexual conduct with young person**

- (1) A person aged 18 years or over is liable to imprisonment for a term not exceeding 3 years, if—
  - (a) they communicate by words or conduct with a person under the age of 16 years (the **young person**); and
  - (b) they do so intending to facilitate the young person engaging or being involved in conduct that would be an offence against this Part, or against any of paragraphs (a)(i), (d)(i), (e)(i), or (f)(i) of section 98AA(1).
- (2) It is immaterial whether or not a response is made to the communication by the young person.
- (3) A reference in this section to a young person under the age of 16 years or the young person includes a reference to a constable who pretends to be a young person under the age of 16 years (the **fictitious young person**) if the offender, when taking any of the actions described in subsection (1), believed that the fictitious young person was a young person under the age of 16 years.
- (4) It is a defence to a charge under subsection (1) if the person charged proves that,—
  - (a) before the time they took the action concerned, they had taken reasonable steps to find out whether the young person was of or over the age of 16 years; and
  - (b) at the time they took the action concerned, they believed on reasonable grounds that the young person was of or over the age of 16 years.

**Legislative history**

5 August 2021	Introduction (Bill 59–1)
20 October 2021	First reading and referral to Justice Committee
4 October 2022	Reported from Justice Committee (Bill 59–2)
9 November 2022	Second reading
7 December 2022	Committee of the whole House
5 April 2023	Third reading
12 April 2023	Royal assent

This Act is administered by the Ministry of Justice.