# Crimes Amendment Bill

Government Bill

As reported from the committee of the whole House

# Key to symbols used in reprinted bill

## As reported from the committee of the whole House

text inserted

*Hon Andrew Little*

# Crimes Amendment Bill

Government Bill

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## Schedule 2
## Consequential amendments to principal Act

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

### 1 Title

This Act is the Crimes Amendment Act **2018**.

### 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 (the **principal Act**).

# Part 1
# Substantive amendments to principal Act

### 4 Section 71 amended (Accessory after the fact)

Repeal section 71(2).

### 5 Section 123 repealed (Blasphemous libel)

Repeal section 123.

### 6 Section 162 repealed (Death must be within a year and a day)

Repeal section 162.

### 6A New section 220A inserted (Theft of livestock and other animals)

After section 220, insert:

**220A Theft of livestock and other animals**

A person commits theft and is liable to imprisonment for a term not exceeding 7 years if they steal any livestock or any other animal that is the property of any other person.

### 6B New section 231A inserted (Entry onto agricultural land with intent to commit imprisonable offence)

After section 231, insert:

**231A Entry onto agricultural land with intent to commit imprisonable offence**

(1) A person commits an offence and is liable to imprisonment for a term not exceeding 10 years if they enter onto any land used for agricultural purposes,

without authority and with intent to commit an imprisonable offence relating to any building or structure, livestock, animal, or machinery on that land.

(2) For the purpose of this section,—

(a) entry onto land occurs as soon as any part of the body of the person entering onto the land, or any part of any instrument used by that person, is within the boundaries of the land; and

(b) everyone who gains entry onto land by any threat or artifice used for that purpose is to be treated as having entered without authority.

(3) Sections 232 and 233 apply to this section with any necessary modifications.

(4) For the purpose of this section,—

**agricultural purposes** includes (without limitation) the farming of livestock or crops, horticulture (including growing fruit, berries, or vegetables), viticulture, bee-keeping, and forest cultivation

**land** does not include a building within the meaning given in section 231.

## Part 2
## Other amendments to principal Act

### 7 New section 4A inserted (Transitional, savings, and related provisions)

After section 4, insert:

### 4A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

### 7A Section 221 amended (Theft of animals)

Replace the heading to section 221 with "**Theft of parts of killed animals**".

### 7B Section 223 amended (Punishment of theft)

In section 223, replace "theft" with "theft (except under **section 220A**)".

### 8 New Schedule 1AA inserted

Insert the **Schedule 1AA** set out in **Schedule 1** of this Act as the first schedule to appear after the last section of the principal Act.

### 9 Consequential amendments

Amend the principal Act as set out in **Schedule 2**.

# Schedule 1
# New Schedule 1AA inserted

**s 8**

## Schedule 1AA
## Transitional, savings, and related provisions

**s 4A**

### Part 1
### Provisions relating to Crimes Amendment Act 2018

**1 Immunity for spouses and civil union partners from prosecution as accessory after the fact**

(1) For the purpose of this clause, **repeal date** means the date on which the Crimes Amendment Act **2018** comes into force.

(2) The immunity in section 71(2) continues to apply on and after the repeal date if an act to which section 71(1) would otherwise apply was done before the repeal date.

**2 Limitation on prosecution for killing person if period between cause of death and death is more than a year and a day**

(1) For the purpose of this clause, **repeal date** means the date on which the Crimes Amendment Act **2018** comes into force.

(2) The limitation on prosecution in section 162 continues to apply on and after the repeal date if an act to which section 162 applies is done, or an omission to which section 162 applies occurs, before the repeal date (irrespective of when the resulting death occurs).

# Schedule 2
# Consequential amendments to principal Act

s 9

### Section 1

In section 1(3), after "Part 7—", replace "Crimes against religion, morality, and public welfare (sections 123 to 150)" with "Crimes against morality and decency, sexual crimes, and crimes against public welfare (sections 124 to 150)".

### Part 7 heading

Replace the Part 7 heading with:

## Part 7
## Crimes against morality and decency, sexual crimes, and crimes against public welfare

### Cross-heading above section 123

Repeal the cross-heading above section 123.

### Legislative history

| | |
|---|---|
| 19 March 2018 | Introduction (Bill 32–1) |
| 28 March 2018 | First reading and referral to Justice Committee |
| 28 September 2018 | Reported from Justice Committee (Bill 32-2) |
| 11 December 2018 | Second reading |
| 20 February 2019 | Committee of the whole House (Bill 32–3) |

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