

Criminal Proceeds (Recovery) (Definition of Significant Criminal Activity) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The aim of this bill is to increase the power of police to seize assets connected with significant criminal activity. The current regime means that police are only able to seize assets if a series of conditions have been reached. This includes proof that illegally obtained funds over \$30,000 have been discovered and other factors such as proof that illegal activity have been undertaken on the premises. This does not take into account the discovery of illegal firearms used by gang members involved in criminal activity. However, this is a circumstance that is currently being regularly faced by New Zealanders. Ensuring that there is a regulatory response that targets those who commit serious crime in this way, who use illegal firearms, and who victimise New Zealanders is important.

Clause by clause analysis

Clause 1 is the title clause.

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

Clause 3 provides that the Bill amends the Criminal Proceeds (Recovery) Act 2009 (the **principal Act**).

Clause 4 amends section 6(1) of the principal Act to expand the definition of **significant criminal activity** to include activity engaged in by a person that could be proceeded against a criminal offence, regardless of any maximum term of imprisonment for that offence, that occurs at a place where there are prohibited firearms or firearms that are possessed unlawfully and a person who is a member of a gang or an organised criminal group.

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Contents

| | Page |
|--|------|
| 1 Title | 1 |
| 2 Commencement | 1 |
| 3 Principal Act | 1 |
| 4 Section 6 amended (Meaning of significant criminal activity) | 1 |

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Criminal Proceeds (Recovery) (Definition of Significant Criminal Activity) Amendment Act **2021**.

2 Commencement

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This Act comes into force on the day after date on which it receives the royal assent.

3 Principal Act

This Act amends the Criminal Proceeds (Recovery) Act 2009 (the **principal Act**).

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4 Section 6 amended (Meaning of significant criminal activity)

Replace section 6(1) with:

- (1) In this Act, unless the context otherwise requires, **significant criminal activity** means—

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- (a) an activity engaged in by a person that if proceeded against as a criminal offence would amount to offending that—
 - (i) consists of, or includes, 1 or more offences punishable by a maximum term of imprisonment of 5 years or more; or
 - (ii) from which property, proceeds, or benefits of a value of \$30,000 or more have, directly or indirectly, been acquired or derived; or
- (b) an activity engaged in by a person that could be proceeded against as a criminal offence, regardless of any maximum term of imprisonment for that offence, that occurs at a place where—
 - (i) there are prohibited firearms or firearms that are possessed unlawfully; and
 - (ii) a person is present who is a member of a gang or an organised criminal group.