



New South Wales

Crimes Amendment (Strangulation) Act 2014 No 23

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New South Wales

Crimes Amendment (Strangulation) Act 2014 No 23

Act No 23, 2014

An Act to amend the *Crimes Act 1900* to make further provision for offences that involve choking, suffocation or strangulation; and for related purposes. [Assented to 5 June 2014]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (Strangulation) Act 2014*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] Section 37

Omit the section. Insert instead:

37 Choking, suffocation and strangulation

- (1) A person is guilty of an offence if the person:
 - (a) intentionally chokes, suffocates or strangles another person so as to render the other person unconscious, insensible or incapable of resistance, and
 - (b) is reckless as to rendering the other person unconscious, insensible or incapable of resistance.

Maximum penalty: imprisonment for 10 years.

- (2) A person is guilty of an offence if the person:
 - (a) chokes, suffocates or strangles another person so as to render the other person unconscious, insensible or incapable of resistance, and
 - (b) does so with the intention of enabling himself or herself to commit, or assisting any other person to commit, another indictable offence.

Maximum penalty: imprisonment for 25 years.

- (3) In this section:
another indictable offence means an indictable offence other than an offence against this section.

[2] Section 428B Offences of specific intent to which Part applies

Omit the matter relating to section 37 from the Table to section 428B. Insert instead:

- | | |
|--------|--|
| 37 (2) | Choking, suffocation or strangulation with intent to commit or assist in committing another indictable offence |
|--------|--|

Schedule 2 Amendment of other legislation

2.1 Criminal Procedure Act 1986 No 209

Schedule 1 Indictable offences triable summarily

Insert “37 (1),” after “35A (1),” in clause 2 of Table 1.

2.2 Criminal Procedure Regulation 2010

Clause 63 Eligibility to participate in program

Omit “37” from paragraph (a) of the definition of *category 2 personal violence offence* in clause 63 (3).

Insert instead “37 (1) or (2)”.

2.3 Criminal Records Act 1991 No 8

Section 7 Which convictions are capable of becoming spent?

Omit “37” from paragraph (e) of the definition of *sexual offences* in section 7 (4).

Insert instead “37 (2)”.

[Second reading speech made in—

Legislative Assembly on 7 May 2014

Legislative Council on 28 May 2014]