



New South Wales

Crimes Amendment (Murder of Police Officers) Bill 2011

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes Act 1900* to provide for mandatory life sentences to be imposed on persons convicted of murdering police officers. A life sentence is a sentence for the term of the person's natural life without release on parole.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 inserts section 19B into the *Crimes Act 1900*. The proposed section provides that a mandatory life sentence is to be imposed by the court on a person convicted of murdering a police officer:

- (a) while the officer was executing his or her duties or as a consequence of, or in retaliation for, actions undertaken by any police officer in the execution of his or her duties, and

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- (b) where the person knew (or ought reasonably to have known) the person killed was a police officer, and
- (c) where the person intended to kill the police officer or was engaged in criminal activity that risked serious harm to police officers.

The proposed section does not apply to convicted persons under the age of 18 years or suffering a significant cognitive impairment.

First print



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No. , 2011

A Bill for

An Act to amend the *Crimes Act 1900* with respect to mandatory life sentences for the murder of police officers.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes Amendment (Murder of Police Officers) Act 2011</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Crimes Act 1900 No 40	7
Section 19B	8
Insert after section 19A:	9
19B Mandatory life sentences for murder of police officers	10
(1) A court is to impose a sentence of imprisonment for life for the murder of a police officer if the murder was committed:	11 12
(a) while the police officer was executing his or her duty, or	13 14
(b) as a consequence of, or in retaliation for, actions undertaken by that or any other police officer in the execution of his or her duty,	15 16 17
and if the person convicted of the murder:	18
(c) knew or ought reasonably to have known that the person killed was a police officer, and	19 20
(d) intended to kill the police officer or was engaged in criminal activity that risked serious harm to police officers.	21 22 23
(2) A person sentenced to imprisonment for life under this section is to serve the sentence for the term of the person's natural life.	24 25 26
(3) This section does not apply to a person convicted of murder:	27 28
(a) if the person was under the age of 18 years at the time the murder was committed, or	29 30
(b) if the person had a significant cognitive impairment at that time (not being a temporary self-induced impairment).	31 32 33
(4) If this section requires a person to be sentenced to imprisonment for life, nothing in section 21 (or any other provision) of the <i>Crimes (Sentencing Procedure) Act 1999</i>	34 35 36

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- or in any other Act or law authorises a court to impose a
lesser or alternative sentence. 1
2
- (5) Nothing in this section affects the obligation of a court to 3
impose a sentence of imprisonment for life on a person 4
convicted of murder in accordance with section 61 of the 5
Crimes (Sentencing Procedure) Act 1999. 6
- (6) Nothing in this section affects the prerogative of mercy. 7
- (7) This section applies to offences committed after the 8
commencement of this section. 9