

Passed by both Houses



New South Wales

Crimes Amendment (Strangulation) Bill 2014

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2014



New South Wales

Crimes Amendment (Strangulation) Bill 2014

Act No , 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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

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)”.