

[Act 1996 No 112]



New South Wales

Crimes Amendment (Court Finger-printing Scheme) Bill 1996

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 establish a pilot scheme for the taking of finger-prints at court from persons found to have committed any offence punishable by imprisonment.

At present, a person's finger-prints may be taken by police while the person is in lawful custody for an offence punishable on indictment or summary conviction. In addition, a court that finds an offence of a prescribed kind to be proved against a person may order that the person attend a police station for the purpose of having his or her finger-prints or other identifying particulars taken. (See section 353A of the *Crimes Act 1900*.)

The pilot scheme will require a court that convicts a person of an offence that is punishable by imprisonment, or that makes a finding that such an offence is proved against a person without proceeding to conviction, to order that the person submit to having his or her finger-prints taken *at court*. The court need not make the order if the person's finger-prints were taken while the person was in police custody for the charge.

The finger-prints may be taken by a police officer or other person specified or described in the order. A police officer or other person authorised to take the finger-prints will be able to detain a person at court for such time as may be reasonably necessary to take the person's finger-prints in accordance with the order.

The pilot scheme will apply for a period of 6 months. The courts to be involved are Parramatta Local Court, Dubbo Local Court and any other court prescribed by the regulations (but not the Children's Court).

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 a day to be proclaimed.

Clause 3 is a formal provision giving effect to the amendment to the *Crimes Act 1900* set out in Schedule 1.

Schedule 1 Amendment

Schedule 1 inserts new section 353AC in the *Crimes Act 1900*, which contains the provisions described above.