



New South Wales

# Crimes (Sentencing Procedure) Amendment (Firearms Offences) Bill 2015

## 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 (Sentencing Procedure) Act 1999*:

- (a) to establish standard non-parole periods for a number of firearm offences against the *Crimes Act 1900*, and
- (b) to increase the standard non-parole periods for offences relating to the unauthorised possession or use of firearms and prohibited weapons under the *Firearms Act 1996* and the *Weapons Prohibition Act 1998*.

## 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.

## Schedule 1      **Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

The Table to Division 1A of Part 4 of the *Crimes (Sentencing Procedure) Act 1999* (the **Table**) sets standard non-parole periods for a number of offences. When determining a sentence for an offence listed in the Table, a court is required to take into account the standard non-parole period for that offence.

**Schedule 1 [1] and [2]** amend the Table to introduce a standard non-parole period of 9 years for offences under section 33A (1) and (2) of the *Crimes Act 1900* relating to discharging a firearm with intent to cause grievous bodily harm or to resist arrest or detention, of 5 years for an offence under section 93GA (1) of that Act of firing a firearm at a dwelling-house or other building with reckless disregard for the safety of any person and of 6 years for offences under section 93GA (1A) and (1B) of that Act of firing a firearm with reckless disregard for the safety of any person at a dwelling-house or other building during a public disorder or in the course of organised criminal activity.

**Schedule 1 [3] and [4]** amend the Table to increase the standard non-parole period for offences under section 7 of the *Firearms Act 1996* relating to unauthorised possession or use of firearms from 3 to 4 years and for offences under section 7 of the *Weapons Prohibition Act 1998* relating to unauthorised possession or use of prohibited weapons from 3 to 5 years.

**Schedule 1 [5]** is a savings and transitional provision.



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## Contents

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	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	3



New South Wales

# Crimes (Sentencing Procedure) Amendment (Firearms Offences) Bill 2015

No. , 2015

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## A Bill for

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to make further provision with respect to standard non-parole periods for firearm and prohibited weapon offences.

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**The Legislature of New South Wales enacts:**

1

**1 Name of Act**

2

This Act is the *Crimes (Sentencing Procedure) Amendment (Firearms Offences) Act 2015*.

3

4

**2 Commencement**

5

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

6

<b>Schedule 1</b>	<b>Amendment of Crimes (Sentencing Procedure) Act 1999 No 92</b>	1
		2
<b>[1] Part 4, Division 1A, Table</b>		3
Insert after item 4:		4
4AA	Section 33A (1) of the <i>Crimes Act 1900</i> (discharging a firearm with intent to cause grievous bodily harm)	9 years
4AB	Section 33A (2) of the <i>Crimes Act 1900</i> (discharging a firearm with intent to resist arrest or detention)	9 years
<b>[2] Part 4, Division 1A, Table</b>		5
Insert before item 11:		6
10N	Section 93GA (1) of the <i>Crimes Act 1900</i> (fire a firearm at a dwelling-house or other building with reckless disregard for the safety of any person)	5 years
10O	Section 93GA (1A) of the <i>Crimes Act 1900</i> (fire a firearm, during a public disorder, at a dwelling-house or other building with reckless disregard for the safety of any person)	6 years
10P	Section 93GA (1B) of the <i>Crimes Act 1900</i> (fire a firearm, in the course of an organised criminal activity, at a dwelling-house or other building with reckless disregard for the safety of any person)	6 years
<b>[3] Part 4, Division 1A, Table</b>		7
Omit “3 years” from item 20 (relating to unauthorised possession or use of firearms).		8
Insert instead “4 years”.		9
<b>[4] Part 4, Division 1A, Table</b>		10
Omit “3 years” from item 24 (relating to unauthorised possession or use of prohibited weapon).		11
Insert instead “5 years”.		12
		13

<b>[5] Schedule 2 Savings, transitional and other provisions</b>	1
Insert at the end of the Schedule, with appropriate Part and clause numbering:	2
<b>Part Provision consequent on enactment of Crimes (Sentencing Procedure) Amendment (Firearms Offences) Act 2015</b>	3
	4
	5
<b>Standard non-parole periods</b>	6
An amendment made to this Act by the <i>Crimes (Sentencing Procedure) Amendment (Firearms Offences) Act 2015</i> applies only in respect of an offence committed, or alleged to have been committed, on or after the commencement of the amendment.	7
	8
	9
	10