

# Crimes Amendment (Strangulation) Act 2014 No 23

[2014-23]



New South Wales

## Status Information

### Currency of version

Repealed version for 5 June 2014 to 5 June 2014 (accessed 27 December 2024 at 16:57)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 6.6.2014.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 6 June 2014

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# Crimes Amendment (Strangulation) Act 2014 No 23



New South Wales

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

## 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
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## 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)”.