

House of Assembly

As passed all stages and awaiting assent.

This is an unofficial copy and is subject to correction.

South Australia

Criminal Law (Sentencing) (Character Evidence) Amendment Bill 2014

A BILL FOR

An Act to amend the *Criminal Law (Sentencing) Act 1988*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Criminal Law (Sentencing) Act 1988*

- 4 Amendment of section 10—Sentencing considerations
 - 5 Amendment of section 20AAC—Sentence of imprisonment not to be suspended
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Criminal Law (Sentencing) (Character Evidence) Amendment Act 2014*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Criminal Law (Sentencing) Act 1988*

4—Amendment of section 10—Sentencing considerations

Section 10(3)—after paragraph (b) insert:

- (ba) the good character or lack of previous convictions of the defendant if—

- (i) the offence is a class 1 or class 2 offence within the meaning of the *Child Sex Offenders Registration Act 2006*; and
- (ii) the court is satisfied that the defendant's alleged good character or lack of previous convictions was of assistance to the defendant in the commission of the offence;

5—Amendment of section 20AAC—Sentence of imprisonment not to be suspended

- (1) Section 20AAC(2)(a)—delete "primary policy of the criminal law in respect of firearms offences as set out in section 10(3a)" and substitute:

need for general and personal deterrence to be the paramount consideration in the sentencing (as set out in section 10(2)(e))
- (2) Section 20AAC—after subsection (2) insert:
 - (3) If subsection (2) applies, section 10(2)(e) is taken not to apply in relation to the sentencing.