

South Australia

**Criminal Law (Sentencing) (Mandatory  
Imprisonment for Serious Domestic Violence  
Offenders) Amendment Bill 2017**

A BILL FOR

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

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

5 This Act may be cited as the *Criminal Law (Sentencing) (Mandatory Imprisonment for Serious Domestic Violence Offenders) Amendment Act 2017*.

### **2—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***

### **3—Insertion of Part 2 Division 2AB**

After section 20AAC insert:

#### **Division 2AB—Serious domestic violence offenders**

##### **20AAD—Mandatory sentence of imprisonment**

- 15 (1) Despite any other provision of this Act or any other Act or law, the following provisions apply in relation to the sentencing of a person who has been convicted of a serious domestic violence offence (whether the offence was committed as an adult or as a youth):
- 20 (a) a sentence of imprisonment of at least 2 years must be imposed on the person;
  - (b) the sentence of imprisonment cannot be suspended;
  - (c) section 18 does not apply in respect of the sentencing of the person;
  - 25 (d) if—
    - (i) the person is also being sentenced in respect of other offences; and

- (ii) 1 or more of those offences are not serious domestic violence offences,

section 18A does not apply to the sentencing of the person in respect of the serious domestic violence offence (however nothing in this paragraph affects the operation of section 18A in respect of the other offences).

- (2) For the purposes of this section, a reference to imprisonment includes, in the case of a youth, a reference to detention in a training centre or home detention (within the meaning of the *Young Offenders Act 1993*).

- (3) In this section—

***close personal relationship*** has the same meaning as in Part 3 of the *Family Relationships Act 1975*;

***prescribed provision***, in relation to the *Criminal Law Consolidation Act 1935*, means any of the following provisions of Part 3 of that Act:

- (a) Division 7;
- (b) Division 7A;
- (c) Division 8;
- (d) Division 11 (other than section 58);

***serious domestic violence offence*** means—

- (a) an offence against a prescribed provision of the *Criminal Law Consolidation Act 1935* where—
  - (i) a relationship described in section 5AA(1)(g) of the *Criminal Law Consolidation Act 1935* exists between the victim of the offence and the offender; or
  - (ii) the victim of the offence is or has been in a close personal relationship with the offender; or
- (b) an offence against Part 3 Division 8 of the *Criminal Law Consolidation Act 1935* where the child to whom the offence relates is a grandchild of the offender; or
- (c) an offence against section 72 of the *Criminal Law Consolidation Act 1935* where the close family member to whom the offence relates is a child or grandchild of the offender.