

South Australia

**Criminal Law (Sentencing) (Victim Impact)
Amendment Bill 2006**

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

This Act may be cited as the *Criminal Law (Sentencing) (Victim Impact) Amendment Act 2006*.

5 2—Commencement

This Act will come into operation 1 month after the date of assent.

3—Amendment provisions

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

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

4—Amendment of section 7A—Victim impact statements

- (1) Section 7A(1)—after "indictable offence" insert:

or a prescribed summary offence

- (2) Section 7A—after subsection (3a) insert:

- 15 (3b) The court must, if the person so requested when furnishing the statement, ensure that the defendant is present when the statement is read out to the court.

- (3) Section 7A—after subsection (4) insert:

- (5) In this section—

- 20 *prescribed summary offence* means a summary offence that has caused the death of, or serious harm to, a person;

serious harm means—

- 5
- (a) harm that endangers, or is likely to endanger, a person's life;
or
 - (b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or
 - (c) harm that consists of, or is likely to result in, serious disfigurement.

Schedule 1—Transitional provision

- 10 The amendments to the *Criminal Law (Sentencing) Act 1988* effected by this Act apply in relation to proceedings for an offence whether the offence was committed before or after the commencement of this Act, provided that the defendant has not been sentenced in relation to the offence before the commencement of this Act.