

South Australia

**Sentencing (Home Detention) Amendment
Bill 2018**

A BILL FOR

An Act to amend the *Sentencing Act 2017*.

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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 *Sentencing (Home Detention) Amendment Act 2018*.

5 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 *Sentencing Act 2017*

3—Insertion of section 70A

10 After section 70 insert:

70A—Home detention not available for certain child sex offences

- 15 (1) The powers vested in a court by this Subdivision are not exercisable in relation to a defendant who is being sentenced for a prescribed child sex offence (including, to avoid doubt, where the defendant is also being sentenced for other offences).
- 20 (2) This section applies—
 - (a) to a prescribed child sex offence committed before or after the commencement of this section; and
 - (b) whether the defendant was charged with, or found guilty of, the prescribed child sex offence before or after the commencement of this section; and
 - (c) whether or not the powers vested in a court by this Subdivision would, but for this section, otherwise be exercisable in relation to the defendant.
- 25 (3) In this section—
child means a person under 18 years of age;

prescribed child sex offence means—

- (a) an offence against Part 3 Division 11 or 12 of the *Criminal Law Consolidation Act 1935* where the victim is a child, or the offence is committed in the course of, or in circumstances involving, the sexual exploitation or abuse of a child; or
- (b) an offence against Part 3 Division 11A of the *Criminal Law Consolidation Act 1935*,

and includes an offence of conspiracy to commit such an offence.

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