

South Australia

Statutes Amendment (Assaults on Police) Bill 2009

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935* and 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 *Statutes Amendment (Assaults on Police) Act 2009*.

2—Amendment provisions

- 5 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 Consolidation Act 1935*

3—Amendment of section 20—Assault

- (1) Section 20(4), penalty provision, (b)—after "(c)" insert:
 - 10 or (d)
- (2) Section 20(4), penalty provision—after paragraph (c) insert:
 - (d) for an offence aggravated under section 5AA(1)(c) where the victim is a police officer—imprisonment for not less than 6 months and not more than 5 years.
- 15 (3) Section 20—after subsection (4) insert:
 - (5) Despite any other Act or law, a minimum penalty for an aggravated offence fixed under this section applies whether the offender is a youth or an adult and cannot be—
 - (a) reduced or mitigated in any way; or
 - 20 (b) suspended; or

- (c) substituted by any other penalty or sentence.

4—Amendment of section 23—Causing serious harm

- (1) Section 23(1), penalty provision, (b)—delete paragraph (b) and substitute:

- (b) for an aggravated offence—

- (i) if the offence is aggravated under section 5AA(1)(c) where the victim is a police officer—imprisonment for not less than 2 years and not more than 25 years;
- (ii) in any other case—imprisonment for 25 years.

- (2) Section 23(3), penalty provision, (b)—delete paragraph (b) and substitute:

- (b) for an aggravated offence—

- (i) if the offence is aggravated under section 5AA(1)(c) where the victim is a police officer—imprisonment for not less than 1 year and not more than 19 years;
- (ii) in any other case—imprisonment for 19 years.

- (3) Section 23—after subsection (3) insert:

- (4) Despite any other Act or law, a minimum penalty for an aggravated offence fixed under this section applies whether the offender is a youth or an adult and cannot be—

- (a) reduced or mitigated in any way; or
- (b) suspended; or
- (c) substituted by any other penalty or sentence.

5—Amendment of section 24—Causing harm

- (1) Section 24(1), penalty provision, (b)—delete paragraph (b) and substitute:

- (b) for an aggravated offence—

- (i) if the offence is aggravated under section 5AA(1)(c) where the victim is a police officer—imprisonment for not less than 9 months and not more than 13 years;
- (ii) in any other case—imprisonment for 13 years.

- (2) Section 24(2), penalty provision, (b)—delete paragraph (b) and substitute:

- (b) for an aggravated offence—

- (i) if the offence is aggravated under section 5AA(1)(c) where the victim is a police officer—imprisonment for not less than 6 months and not more than 7 years;
- (ii) in any other case—imprisonment for 7 years.

(3) Section 24—after subsection (2) insert:

(3) Despite any other Act or law, a minimum penalty for an aggravated offence fixed under this section applies whether the offender is a youth or an adult and cannot be—

- 5
- (a) reduced or mitigated in any way; or
 - (b) suspended; or
 - (c) substituted by any other penalty or sentence.

Part 3—Amendment of *Criminal Law (Sentencing) Act 1988*

6—Amendment of section 32—Duty of court to fix or extend non-parole periods

10 Section 32(5)—after paragraph (ba) insert:

- 15
- (bb) if fixing a non-parole period in respect of a person sentenced to imprisonment for an offence for which a mandatory minimum period of imprisonment is prescribed, any non-parole period fixed under this section must be a period not less than the prescribed mandatory minimum period of imprisonment;

Part 4—Transitional provision

7—Transitional provision

20 An amendment made by this Act to the *Criminal Law Consolidation Act 1935* or the *Criminal Law (Sentencing) Act 1988* applies in relation to an offence occurring after the commencement of the amendment.