2013/491

Sentencing Amendment Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 11th day of December 2013

Present:
His Excellency the Governor-General in Council

Pursuant to section 147 of the Sentencing Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Sentencing Amendment Regulations 2013.

2 Commencement

These regulations come into force on 22 January 2014.

3 Principal regulations

These regulations amend the Sentencing Regulations 2002 (the **principal regulations**).

4 Schedule, form 1 amended

(1) In the Schedule, form 1, replace "The start date of the sentence is the date of this order." with:

"*The start date of the sentence is the date of this order.

"*The start date of the sentence is the date you finish serving your current sentence of [*sentence type*] (including any post-detention conditions), because your sentence of supervision has been deferred under section 20A(2)(b) of the Sentencing Act 2002.

*Delete whichever is inapplicable.

(2) In the Schedule, form 1, third paragraph, replace "after your sentence of supervision was imposed" with "after the start date of your sentence of supervision".

(3) In the Schedule, form 1, paragraph (a), replace "after the sentence is imposed" with "after the start date of the sentence".

5 Schedule, form 2 amended

(1) In the Schedule, form 2, replace "The start date of the sentence is the date of this order." with:

"*The start date of the sentence is the date of this order.

"*The start date of the sentence is the date you finish serving your current sentence of [*sentence type*] (including any post-detention conditions), because your sentence of intensive supervision has been deferred under section 20A(2)(b) of the Sentencing Act 2002.

*Delete whichever is inapplicable.

(2) In the Schedule, form 2, third paragraph, replace "after your sentence of intensive supervision was imposed" with "after the start date of your sentence of intensive supervision".

(3) In the Schedule, form 2, paragraph (a), replace "after the sentence is imposed" with "after the start date of the sentence".

6 Schedule, form 3 amended

(1) In the Schedule, form 3, fourth paragraph, replace "section 57A" with "section 20A(2)(b) or 57A".

(2) In the Schedule, form 3, replace all the text from "*The Court has authorised" to "you are directed to do so." with:

"You must report to a probation officer in the probation area in which you reside as soon as practicable, and not later than 72 hours, after the start date of your sentence of community work.

"During the course of your sentence, you must comply with the terms of the sentence, including that you must report to a probation officer at any time you are directed to do so."

(3) In the Schedule, form 3, section headed "**Notes:**", replace "a Judge may permit a probation officer to direct" with "a probation officer may direct".

7 Schedule, form 4 amended

(1) In the Schedule, form 4, replace all the text from "The start date of the sentence" to "specified below: [*specify curfew details*]." with:

"*The start date of the sentence is the date of this order.

"*The start date of the sentence is the date of the expiry of the sentence on which this order is cumulative.

"*The start date of the sentence is the date you finish serving your current sentence of [*sentence type*] (including any post-detention conditions), because your sentence of community detention has been deferred under section 20A(2)(b) of the Sentencing Act 2002.

*Delete whichever are inapplicable.

"You must report to a probation officer in the probation area in which you reside as soon as practicable, and not later than 24 hours, after the start date of your sentence of community detention. If the 24-hour period ends on a weekend or public holiday, you must report to a probation officer in the probation area in which you reside on the next working day.

"The sentence includes a curfew period or periods starting from [*curfew start date*], to be spent at the curfew address, as specified: [*specify curfew details*]."

(2) In the Schedule, form 4, section headed "**Variation or cancellation of sentence**", after "if one of the other grounds for variation or cancellation in that section applies.", insert:

"If the curfew address becomes unsuitable, the Chief Executive of the Department of Corrections may approve an alternative curfew address under section 69JA of the Sentencing Act 2002."

(3) In the Schedule, form 4, paragraph (c), replace "after the sentence is imposed," with "after the start date of the sentence,".

(4) In the Schedule, form 4, after paragraph (e), insert:

"(ea) the offender must, if required to submit to the electronic monitoring of his or her sentence, remain during the curfew period within the area defined by the probation officer:".

8 Schedule, form 6 amended

(1) In the Schedule, form 6, after the paragraph ending "The start date of your sentence is [*deferred start date*].", insert:

"*****The start date of your sentence is the date you finish serving your current sentence of [*sentence type*], because your sentence of home detention has been deferred under section 20A(2)(b) of the Sentencing Act 2002."

(2) In the Schedule, form 6, section headed "**Variation or cancellation of sentence**", after "if one of the other grounds for variation or cancellation in that section applies.", insert:

"If the home detention residence becomes unsuitable, the Chief Executive of the Department of Corrections may approve an alternative home detention residence under section 80FA of the Sentencing Act 2002."

(3) In the Schedule, form 6, section headed "**Standard conditions of sentence of home detention**", after paragraph (d), insert:

"(da) the offender must, if required to submit to the electronic monitoring of his or her sentence, remain within the area defined by the probation officer:".

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 22 January 2014, amend the Sentencing Regulations 2002 to adjust forms 1, 2, 3, 4, and 6 to account for changes made to the Sentencing Act 2002 by the Administration of Community Sentences and Orders Act 2013.

Issued under the authority of the Legislation Act 2012.
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These regulations are administered by the Department of Corrections.

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