

Passed by both Houses



New South Wales

Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011

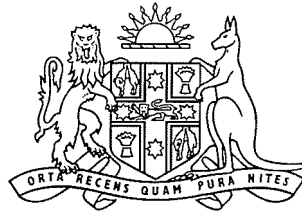
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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2011

Clerk of the Parliaments



New South Wales

Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011

Act No , 2011

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to make it an aggravating factor in sentencing for certain traffic offences where a child was present in the offender's vehicle.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Act 2011*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92

[1] Section 21A Aggravating, mitigating and other factors in sentencing

Insert after section 21A (2) (o):

- (p) without limiting paragraph (ea), the offence was a prescribed traffic offence and was committed while a child under 16 years of age was a passenger in the offender's vehicle.

[2] Section 21A (5C)

Insert after section 21A (5B):

- (5C) For the purpose of subsection (2) (p), an offence under section 13 (2), 15 (4), 18B (2), 18D (2), 22 (2), 24D (1) or 29 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* is taken to have been committed while a child under 16 years of age was a passenger in the offender's vehicle if the offence was part of a series of events that involved the driving of the vehicle while the child was a passenger in the vehicle.

[3] Section 21A (6)

Insert in alphabetical order:

prescribed traffic offence means an offence under any of the following provisions:

- (a) sections 9, 11B (1) and (3), 12 (1), 13 (2), 15 (4), 18B (2), 18D (2), 22 (2), 24D (1) and 29 (2) of the *Road Transport (Safety and Traffic Management) Act 1999*,
- (b) sections 51B (1) and 52A (1) (a) and (3) (a) of the *Crimes Act 1900*,
- (c) section 52A (2) and (4) of the *Crimes Act 1900* in the circumstances of aggravation referred to in section 52A (7) (a), (c) or (d) of that Act.

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Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92

[4] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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