

## **Crimes (Sentencing Procedure) Amendment (Victims' Rights and Plea Bargaining) Bill 2002**

### **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### **Overview of Bill**

The objects of this Bill are:

- (a) to provide that any reduction of sentence for a guilty plea can be of no more than 10 per cent of the sentence that would otherwise have been imposed, and
- (b) to create a right for victims of crimes to make a statement concerning any plea bargaining negotiations, and
- (c) to ensure that plea bargaining negotiations are made public by courts.

### **Outline of provisions**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Crimes (Sentencing Procedure) Act 1999* set out in Schedule 1.

### **Schedule 1 Amendments**

#### **Reduction of sentences for guilty plea**

Section 22 of the *Crimes (Sentencing Procedure) Act 1999* requires a court to take into account the fact that the offender has pleaded guilty, and when the offender pleaded guilty or indicated an intention to plead guilty, when passing sentence for an offence. The court may accordingly impose a lesser penalty than it would otherwise have imposed.

**Schedule 1 [1]** limits the extent to which a sentence can be reduced because an offender has pleaded guilty at a particular time to 10 per cent of the penalty that would otherwise have been imposed.

#### **Plea bargaining**

**Schedule 1 [2]** inserts provisions that apply to any decision of the prosecutor to modify or not to proceed with charges laid against the offender, including any decision for the offender to accept a plea of guilty to a less serious charge in return for a full discharge with respect to the other charges. A victim of a crime must be informed of the decision and must be given an opportunity to tell the prosecutor whether or not he or she approves of the decision.

The provisions also require a judge, in sentencing an offender who has pleaded guilty, to publicly disclose details of any plea bargaining.