



New South Wales

Crimes (Sentencing Procedure) Amendment (Assaults on Aged Persons) Bill 2001

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Crimes (Sentencing Procedure) Act 1999* so as to increase the maximum penalty that may be imposed for an offence involving assault, or any other offence against the person, in circumstances in which the victim of the offence is of or above the age of 65 years. The amount of the increase will vary from 10 per cent (where the victim is between 65 and 70) to 75 per cent (where the victim is 90 or over).

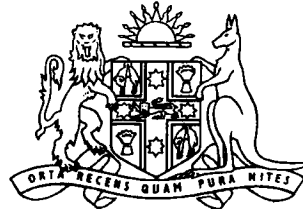
Outline of provisions

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 the date of assent.

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 amends the *Crimes (Sentencing Procedure) Act 1999* so as to achieve the object set out in the Overview above.



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Crimes (Sentencing Procedure) Amendment (Assaults on Aged Persons) Bill 2001

No. , 2001

A Bill for

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* with respect to the penalties imposed under that Act for assaults on aged persons.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes (Sentencing Procedure) Amendment (Assaults on Aged Persons) Act 2001</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	7
The <i>Crimes (Sentencing Procedure) Act 1999</i> is amended as set out in Schedule 1.	8 9

Schedule 1 Amendment

1

(Section 3)

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Section 24A

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Insert after section 24:

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24A Increased penalties for assaults on aged persons

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- (1) This section applies to an offence involving assault, or any other offence against the person, occasioning actual bodily harm, where the victim of the offence is of or above the age of 65 years. 6
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- (2) The maximum penalty that a court may impose for such an offence is increased: 10
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 - (a) by 10 per cent, if the victim is of or above the age of 65 years but under the age of 70 years, and 12
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 - (b) by 20 per cent, if the victim is of or above the age of 70 years but under the age of 75 years, and 14
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 - (c) by 30 per cent, if the victim is of or above the age of 75 years but under the age of 80 years, and 16
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 - (d) by 40 per cent, if the victim is of or above the age of 80 years but under the age of 85 years, and 18
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 - (e) by 50 per cent, if the victim is of or above the age of 85 years but under the age of 90 years, and 20
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 - (f) by 75 per cent, if the victim is of or above the age of 90 years. 22
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- (3) The maximum penalty for such an offence, as increased by subsection (2), is further increased by 10 per cent if the offence occurs in the premises in which the victim resides and follows the offender's forcible entry into those premises. 24
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- (4) This section applies whether or not the offender was aware, when the offence was committed, of the victim's age, but does not apply if the court is satisfied that the offence was provoked by the victim. 28
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Persons) Bill 2001

Schedule 1 Amendment

- (5) In this section, a reference to a victim's age in relation to an offence is a reference to the victim's age when the offence was committed. 1
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