

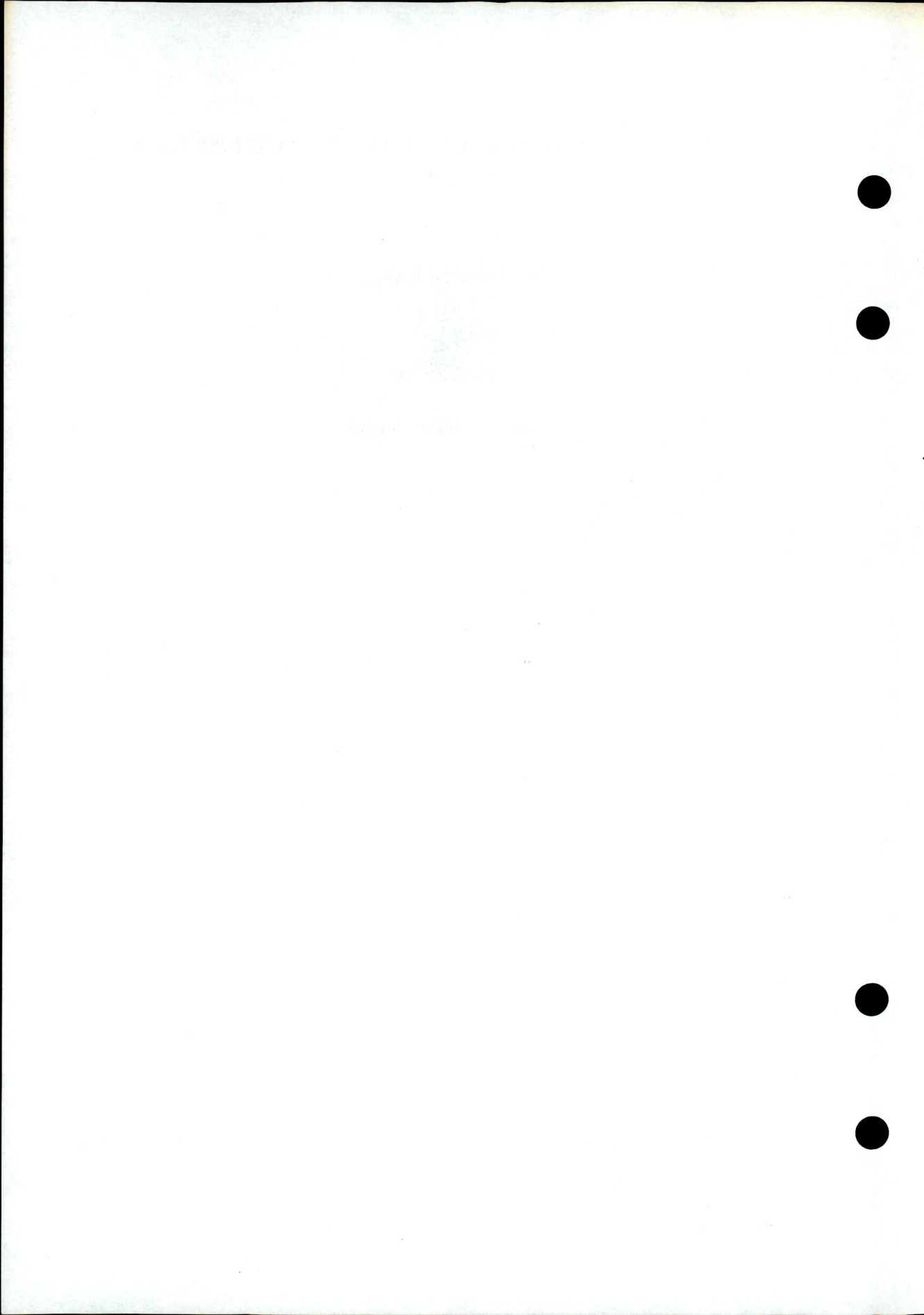
JUSTICES (SENTENCING) AMENDMENT ACT 1988 No. 26

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Justices Act 1902 No. 27
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JUSTICES (SENTENCING) AMENDMENT ACT 1988 No. 26

NEW SOUTH WALES



Act No. 26, 1988

An Act to amend the Justices Act 1902 with respect to sentences of imprisonment. [Assented to 6 July 1988]

Justices (Sentencing) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Justices (Sentencing) Amendment Act 1988.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Justices Act 1902 No. 27

3. The Justices Act 1902 is amended by inserting after section 80AA the following section:

Restriction on imposing sentences of imprisonment

80AB. (1) A Justice or Justices shall not sentence a person to full-time imprisonment unless satisfied, having considered all possible alternatives, that no other course is appropriate.

(2) A Justice or Justices shall—

- (a) when sentencing a person to imprisonment—state that, before imposing the sentence, all possible alternatives were considered; and
- (b) if the regulations so provide—record the statement as prescribed by the regulations.

(3) A sentence is not invalidated by a failure to comply with this section.

FIRST PRINT

JUSTICES (SENTENCING) AMENDMENT BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

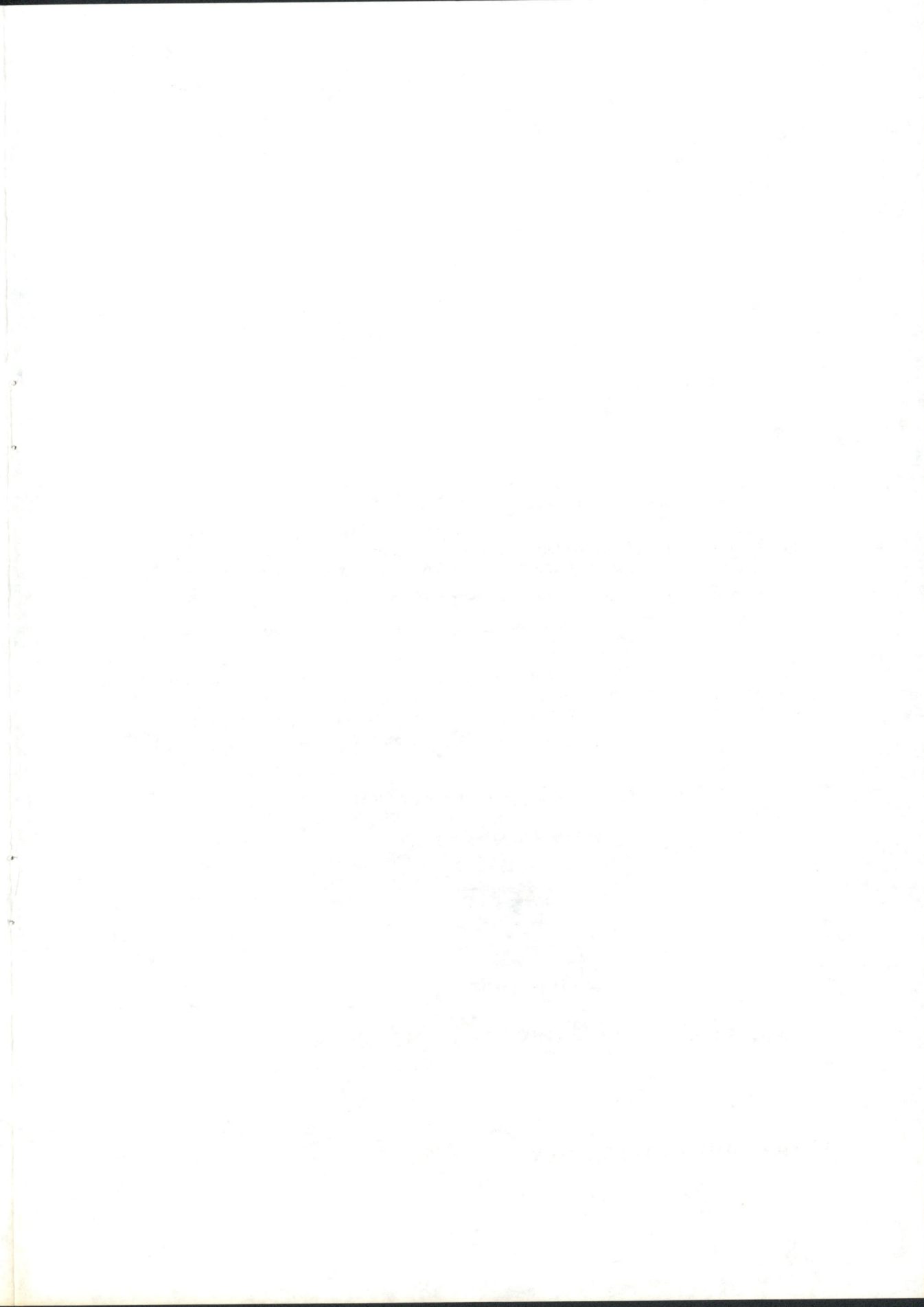
This Bill is cognate with the Summary Offences Bill 1988.

The object of this Bill is to amend the Justices Act 1902 to require a sentence of imprisonment for an offence punishable summarily by a Local Court to be imposed only after being satisfied that no other course is appropriate.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a proclaimed day.

Clause 3 amends the Justices Act 1902 by inserting a new section 80AB directing a Justice or Justices not to impose a sentence of imprisonment without stating that all possible alternatives were considered.



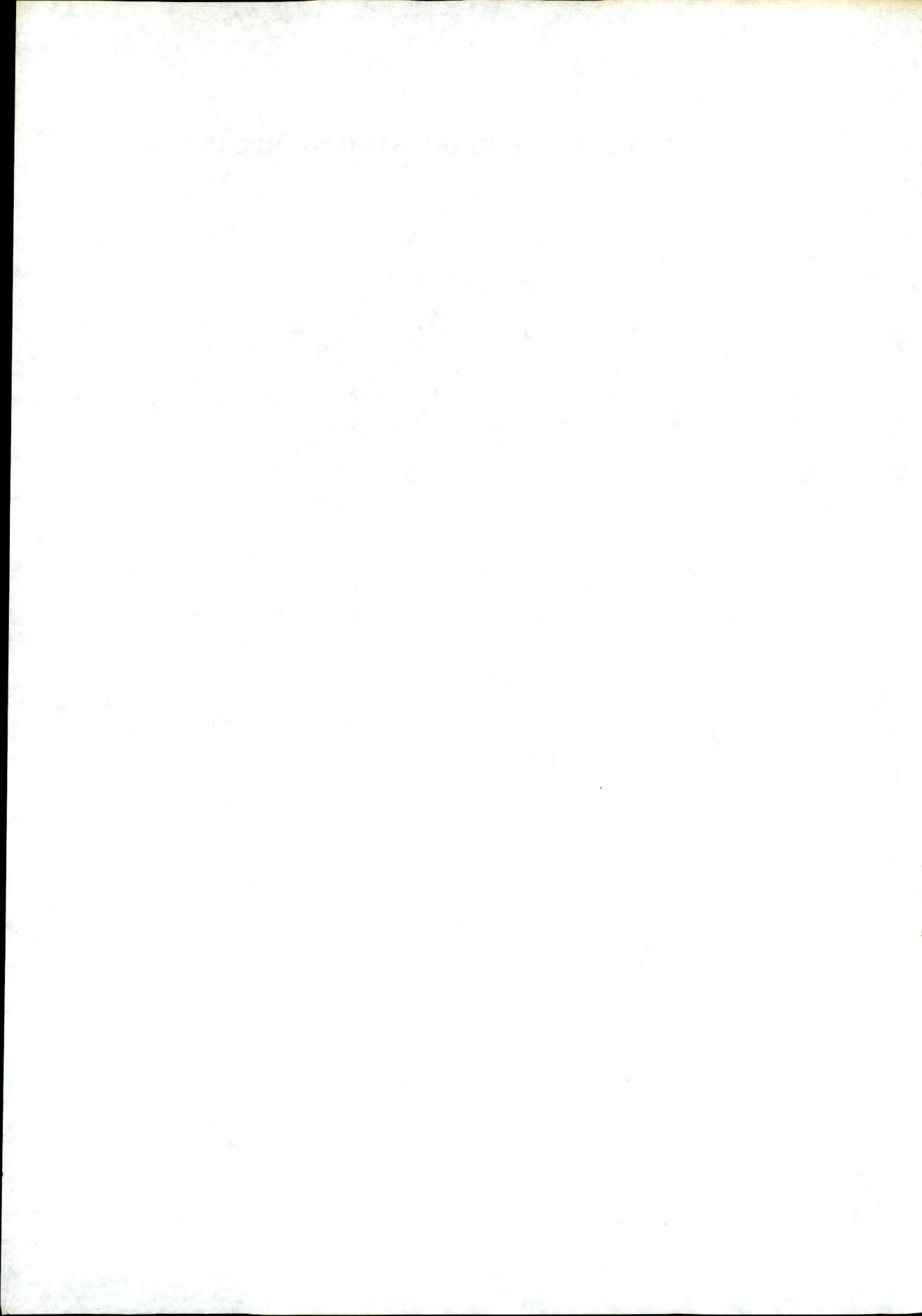
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JUSTICES (SENTENCING) AMENDMENT BILL 1988

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No. , 1988

A BILL FOR

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