

FIRST PRINT

## PRISONS (ESCAPE) AMENDMENT BILL 1991

NEW SOUTH WALES



### EXPLANATORY NOTE

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

The object of this Bill is to amend the Prisons Act 1952 to:

- (a) increase from 7 years to 10 years the maximum sentence for escaping or attempting to escape from lawful custody;
- (b) to provide that a sentence for escape or attempted escape is to be cumulative on not only the current sentence being served at the time of the escape or attempt (as at present) but also any sentence imposed during the current sentence (such as a sentence for an offence committed while at large as a result of the escape);
- (c) to insert a transitional provision which makes it clear that the amendment described in (b) does not apply to a sentence imposed for an escape before the amendment commences.

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Clause 1 specifies the short title of the proposed Act.

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

Clause 3 gives effect to the Schedule of amendments (Schedule 1).

Schedule 1 contains the amendments described above.

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FIRST PRINT

**PRISONS (ESCAPE) AMENDMENT BILL 1991**

NEW SOUTH WALES

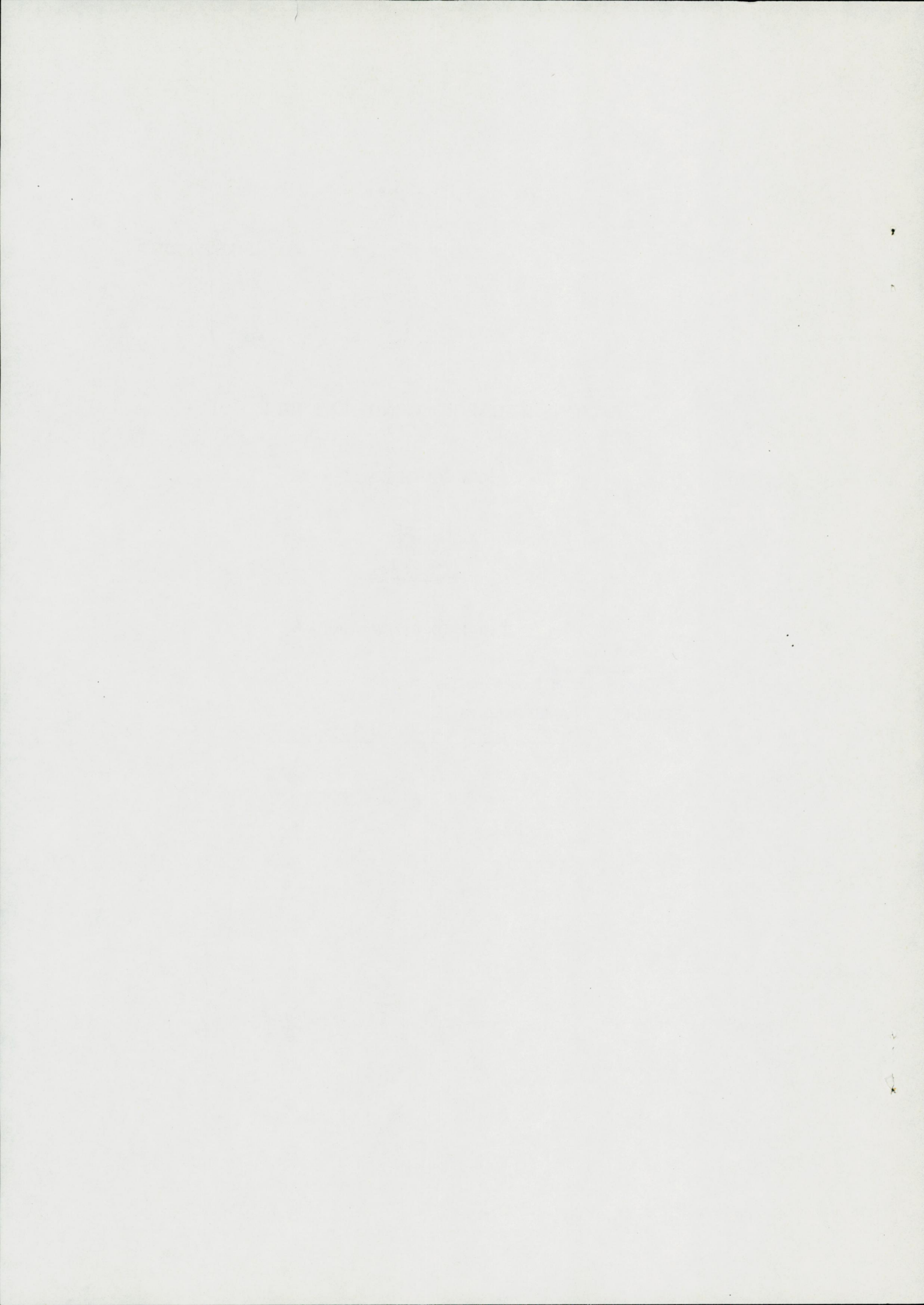


**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Prisons Act 1952 No. 9

**SCHEDULE 1—AMENDMENTS**

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**PRISONS (ESCAPE) AMENDMENT BILL 1991**

NEW SOUTH WALES



No. , 1991

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**A BILL FOR**

An Act to amend the Prisons Act 1952 to make further provision with respect to the offence of escaping or attempting to escape from lawful custody.

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*Prisons (Escape) Amendment 1991*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Prisons (Escape) Amendment Act 1991.

**Commencement**

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

**Amendment of Prisons Act 1952 No. 9**

3. The Prisons Act 1952 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 34:

Omit the section, insert instead:

**Escaping**

34. (1) Any prisoner in lawful custody who escapes or attempts to escape from that custody is guilty of an offence and liable to penal servitude for a term not exceeding 10 years.

(2) A sentence of penal servitude imposed by a court under this section is to be imposed as a sentence that is cumulative on all previous sentences imposed by the court or to which the prisoner is subject.

(2) Schedule 8 (**Savings and transitional provisions**):

At the end of the Schedule, insert:

**PART 5—PROVISION CONSEQUENT ON THE  
ENACTMENT OF THE PRISONS (ESCAPE)  
AMENDMENT ACT 1991**

**Cumulative sentences for escape**

18. Section 34 (2) does not apply in respect of a sentence imposed under section 34 before that section was substituted by the Prisons (Escape) Amendment Act 1991 and that section (as in force before its substitution) continues to apply in respect of such a sentence.

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FIRST PRINT

**PRISONS (ESCAPE) AMENDMENT BILL 1991 (No. 2)**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The object of this Bill is to amend the Prisons Act 1952 so as:

- (a) to increase from 7 years to 10 years the maximum sentence for escaping or attempting to escape from lawful custody; and
- (b) to provide that a sentence for escape or attempted escape is to be cumulative on not only the current sentence being served at the time of the escape or attempt (as at present) but also any other sentence previously imposed (such as a sentence for an offence committed while at large as a result of the escape); and
- (c) to insert a transitional provision which makes it clear that the amendment described in paragraph (b) does not apply to a sentence imposed for an escape before the amendment commences.

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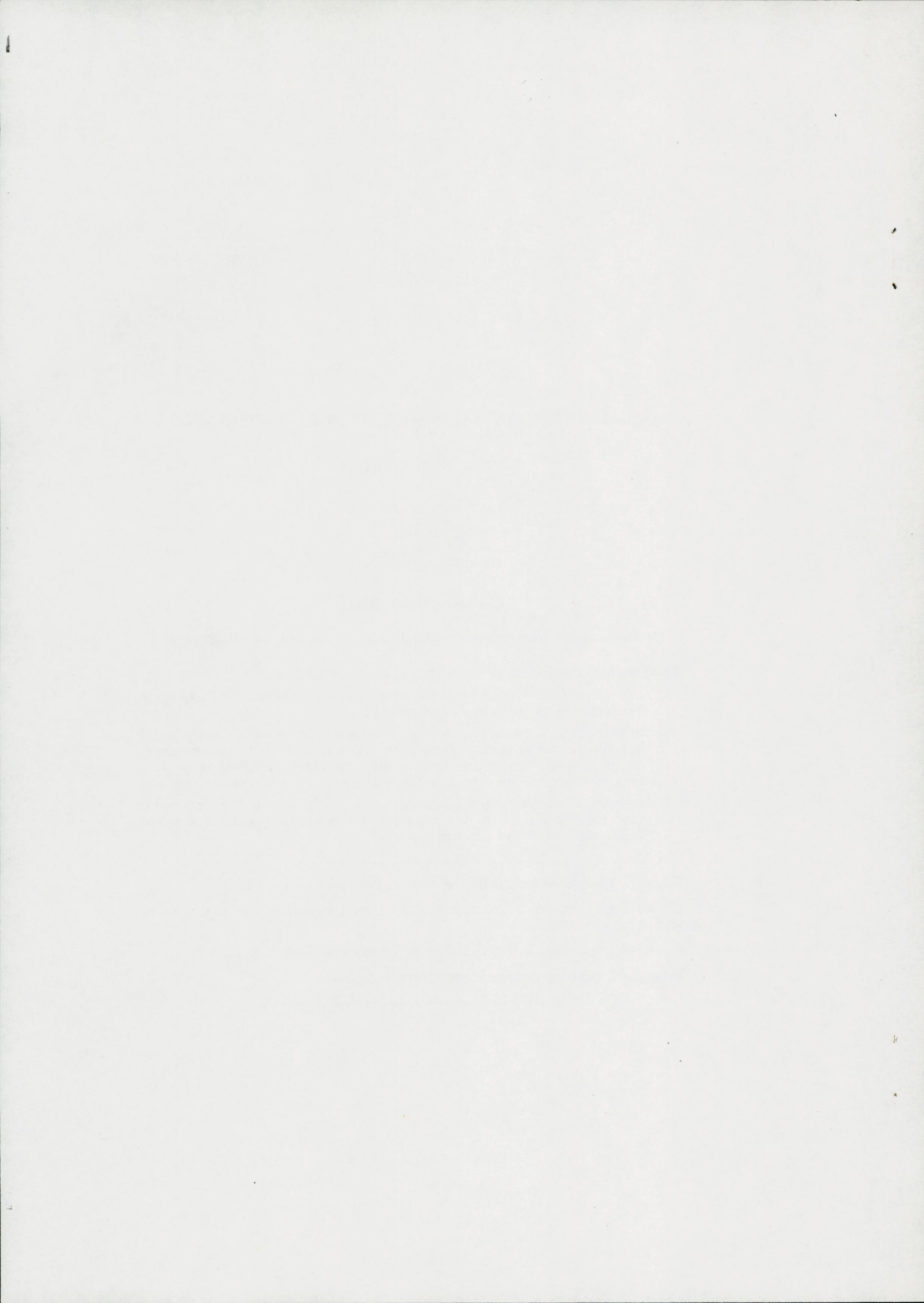
Clause 1 specifies the short title of the proposed Act.

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

Clause 3 gives effect to the Schedule of amendments (Schedule 1).

Schedule 1 contains the amendments described above.

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FIRST PRINT

**PRISONS (ESCAPE) AMENDMENT BILL 1991 (No. 2)**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Prisons Act 1952 No. 9

SCHEDULE 1—AMENDMENTS

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**PRISONS (ESCAPE) AMENDMENT BILL 1991 (No. 2)**

NEW SOUTH WALES



No. , 1991

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**A BILL FOR**

An Act to amend the Prisons Act 1952 to make further provision with respect to the offence of escaping or attempting to escape from lawful custody.

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*Prisons (Escape) Amendment 1991 (No. 2)*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Prisons (Escape) Amendment Act 1991.

**Commencement**

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

**Amendment of Prisons Act 1952 No. 9**

3. The Prisons Act 1952 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 34:

Omit the section, insert instead:

**Escaping**

34. (1) Any prisoner in lawful custody who escapes or attempts to escape from that custody is guilty of an offence and liable to penal servitude for a term not exceeding 10 years.

(2) A sentence of penal servitude imposed by a court under this section is to be imposed as a sentence that is cumulative on all previous sentences imposed by the court or to which the prisoner is subject.

(2) Schedule 8 (**Savings and transitional provisions**):

At the end of the Schedule, insert:

**PART 5—PROVISION CONSEQUENT ON THE  
ENACTMENT OF THE PRISONS (ESCAPE)  
AMENDMENT ACT 1991**

**Cumulative sentences for escape**

18. Section 34 (2) does not apply in respect of a sentence imposed under section 34 before that section was substituted by the Prisons (Escape) Amendment Act 1991 and that section (as in force before its substitution) continues to apply in respect of such a sentence.

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PRISONS (ESCAPE) AMENDMENT ACT 1991 No. 26

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Prisons Act 1952 No. 9

SCHEDULE 1—AMENDMENTS

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**PRISONS (ESCAPE) AMENDMENT ACT 1991 No. 26**

NEW SOUTH WALES



**Act No. 26, 1991**

An Act to amend the Prisons Act 1952 to make further provision with respect to the offence of escaping or attempting to escape from lawful custody. [Assented to 6 September 1991]

*Prisons (Escape) Amendment 1991*

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The Legislature of New South Wales enacts:

**Short title**

1. This Act may be cited as the Prisons (Escape) Amendment Act 1991.

**Commencement**

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

**Amendment of Prisons Act 1952 No. 9**

3. The Prisons Act 1952 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

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(2) Schedule 8 (**Savings and transitional provisions**):

At the end of the Schedule, insert:

**PART 5—PROVISION CONSEQUENT ON THE  
ENACTMENT OF THE PRISONS (ESCAPE)  
AMENDMENT ACT 1991**

**Cumulative sentences for escape**

18. Section 34 (2) does not apply in respect of a sentence imposed under section 34 before that section was substituted



*Prisons (Escape) Amendment 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

by the Prisons (Escape) Amendment Act 1991 and that section (as in force before its substitution) continues to apply in respect of such a sentence.

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[*Minister's second reading speech made in—  
Legislative Assembly on 2 July 1991  
Legislative Council on 28 August 1991*]







PRISONS (ESCAPE) AMENDMENT ACT 1991 No. 26

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Prisons Act 1952 No. 9

SCHEDULE 1—AMENDMENTS

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**PRISONS (ESCAPE) AMENDMENT ACT 1991 No. 26**

NEW SOUTH WALES



**Act No. 26, 1991**

An Act to amend the Prisons Act 1952 to make further provision with respect to the offence of escaping or attempting to escape from lawful custody. [Assented to 6 September 1991]

*Prisons (Escape) Amendment 1991*

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The Legislature of New South Wales enacts:

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*Prisons (Escape) Amendment 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

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