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New South Wales

# **Crimes Amendment (Assault of Police Officers) Bill 1997**

## **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 Act 1900* to create new offences relating to assaults committed against police officers in the execution of their duty. The assaults are similar to those provided by sections 35 (Malicious wounding or infliction of grievous bodily harm), 59 (Assault occasioning actual bodily harm) and 61 (Common assault prosecuted by indictment) of the Act, but are dealt with by the Bill as aggravated cases of those offences.

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## 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 amendment to the *Crimes Act 1900* set out in Schedule 1.

## Schedule 1 Amendment

The Schedule inserts a new section 60 into the Act which provides for the punishment of 3 categories of assault committed against police officers while in the execution of their duty. The categories are:

- (a) assault not occasioning actual bodily harm (punishable by penal servitude for 5 years), and
- (b) assault occasioning actual bodily harm (punishable by penal servitude for 7 years), and
- (c) assault consisting of malicious wounding or inflicting grievous bodily harm (punishable by penal servitude for 12 years).

The section extends to a case where the assault is committed on an off-duty officer, if the assault is committed as a consequence of, or in retaliation for, actions undertaken by the officer in the lawful execution of the officer's duty.

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New South Wales

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New South Wales

## **Crimes Amendment (Assault of Police Officers) Bill 1997**

No. , 1997

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### **A Bill for**

An Act to amend the *Crimes Act 1900* with respect to assaults on police officers.

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

**1 Name of Act**

This Act is the *Crimes Amendment (Assault of Police Officers) Act 1997*.

**2 Commencement**

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This Act commences on the date of assent.

**3 Amendment of Crimes Act 1900 No 40**

The *Crimes Act 1900* is amended as set out in Schedule 1.

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## Schedule 1 Amendment

(Section 3)

### Section 60

Insert after section 59:

#### 60 Assault of police officers

(1) A person who assaults a police officer while in the execution of the officer's duty, although no actual bodily harm is occasioned by the assault, is liable to penal servitude for 5 years.

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(2) A person who assaults a police officer while in the execution of the officer's duty, and by the assault occasions actual bodily harm, is liable to penal servitude for 7 years.

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(3) A person who maliciously by any means:

(a) wounds a police officer, or

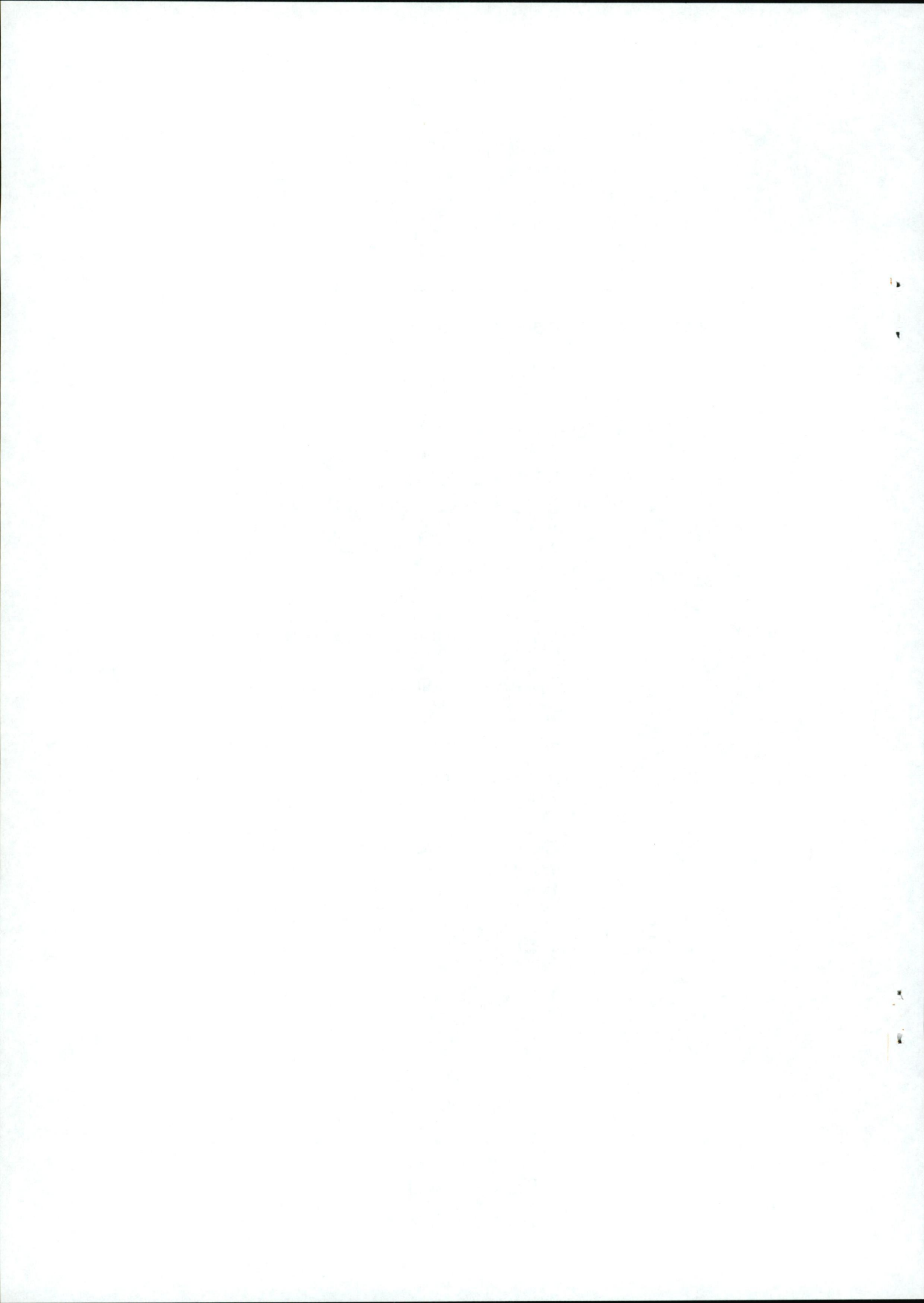
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(b) inflicts grievous bodily harm on a police officer, while in the execution of the officer's duty is liable to penal servitude for 12 years.

(4) For the purposes of this section, an assault on a police officer is taken to be an assault on the officer while in the execution of the officer's duty even though the officer is not on duty at the time of the assault, if the assault is committed as a consequence of, or in retaliation for, actions undertaken by the officer in the execution of the officer's duty.

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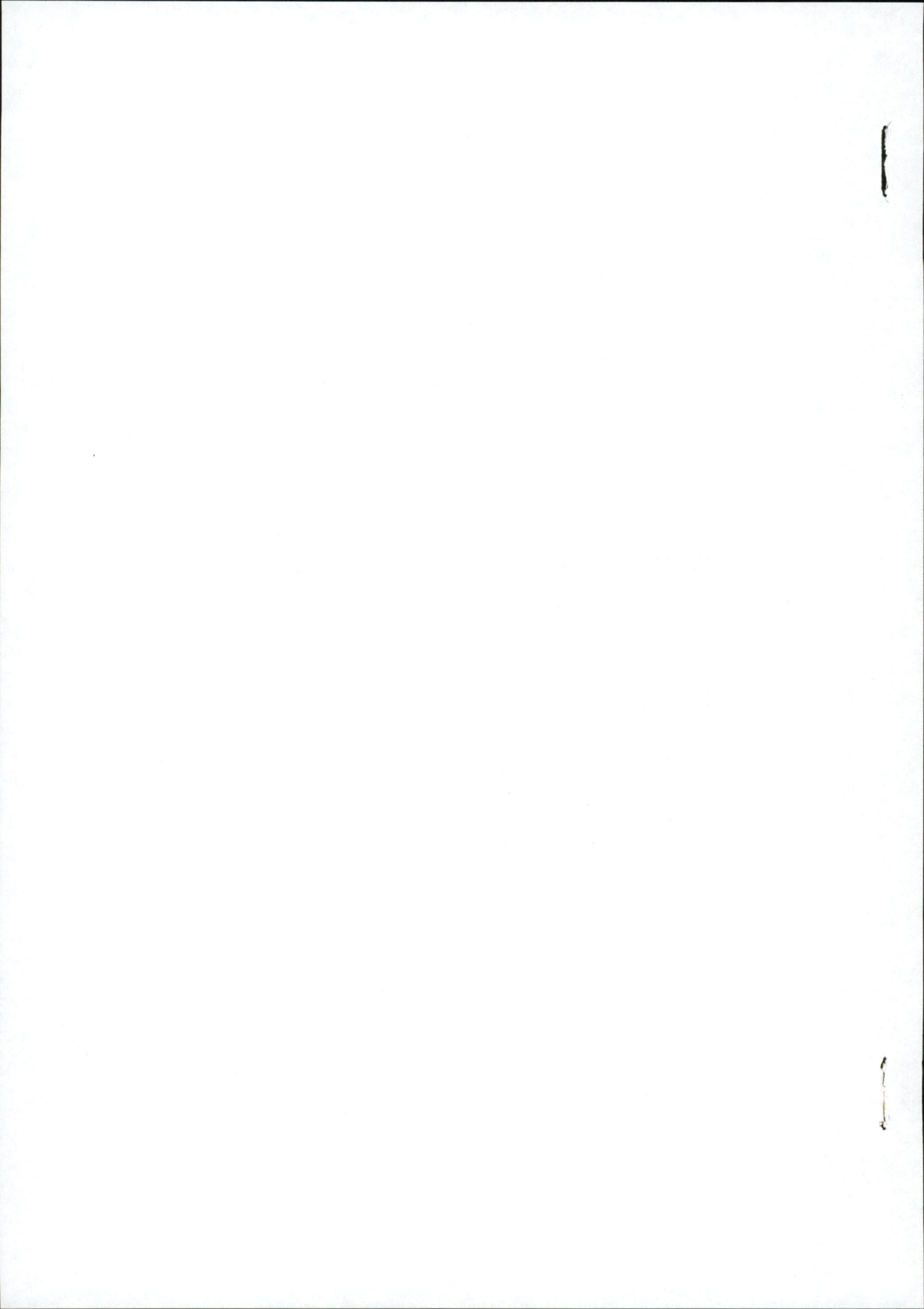
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New South Wales

# **Crimes Amendment (Assault of Police Officers) Act 1997 No 80**

Act No 80, 1997

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An Act to amend the *Crimes Act 1900* with respect to assaults on police officers. [Assented to 10 July 1997]

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

**1 Name of Act**

This Act is the *Crimes Amendment (Assault of Police Officers) Act 1997*.

**2 Commencement**

This Act commences on the date of assent.

**3 Amendment of Crimes Act 1900 No 40**

The *Crimes Act 1900* is amended as set out in Schedule 1.

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## Schedule 1 Amendment

(Section 3)

### Section 60

Insert after section 59:

#### 60 Assault of police officers

- (1) A person who assaults, stalks, harasses or intimidates a police officer while in the execution of the officer's duty, although no actual bodily harm is occasioned to the officer, is liable to penal servitude for 5 years.
- (2) A person who assaults a police officer while in the execution of the officer's duty, and by the assault occasions actual bodily harm, is liable to penal servitude for 7 years.
- (3) A person who maliciously by any means:
  - (a) wounds a police officer, or
  - (b) inflicts grievous bodily harm on a police officer,while in the execution of the officer's duty is liable to penal servitude for 12 years.
- (4) For the purposes of this section, an assault on a police officer is taken to be an assault on the officer while in the execution of the officer's duty even though the officer is not on duty at the time of the assault, if the assault is committed as a consequence of, or in retaliation for, actions undertaken by the officer in the execution of the officer's duty.

[Minister's second reading speech made in—  
Legislative Assembly on 19 June 1997  
Legislative Council on 27 June 1997]

BY AUTHORITY

