

First print



New South Wales

Crimes Amendment (Court Finger-printing Scheme) Bill 1996

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 establish a pilot scheme for the taking of finger-prints at court from persons found to have committed any offence punishable by imprisonment.

At present, a person's finger-prints may be taken by police while the person is in lawful custody for an offence punishable on indictment or summary conviction. In addition, a court that finds an offence of a prescribed kind to be proved against a person may order that the person attend a police station for the purpose of having his or her finger-prints or other identifying particulars taken. (See section 353A of the *Crimes Act 1900*.)

The pilot scheme will require a court that convicts a person of an offence that is punishable by imprisonment, or that makes a finding that such an offence is proved against a person without proceeding to conviction, to order that the person submit to having his or her finger-prints taken *at court*. The court need not make the order if the person's finger-prints were taken while the person was in police custody for the charge.

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Explanatory note

The finger-prints may be taken by a police officer or other person specified or described in the order. A police officer or other person authorised to take the finger-prints will be able to detain a person at court for such time as may be reasonably necessary to take the person's finger-prints in accordance with the order.

The pilot scheme will apply for a period of 6 months. The courts to be involved are Parramatta Local Court, Dubbo Local Court and any other court prescribed by the regulations (but not the Children's Court).

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 to be proclaimed.

Clause 3 is a formal provision giving effect to the amendment to the *Crimes Act 1900* set out in Schedule 1.

Schedule 1 Amendment

Schedule 1 inserts new section 353AC in the *Crimes Act 1900*, which contains the provisions described above.

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Crimes Amendment (Court Finger-printing Scheme) Bill 1996

No. , 1996

A Bill for

An Act to amend the *Crimes Act 1900* to establish a pilot scheme for the taking of finger-prints at court from persons found to have committed any offence punishable by imprisonment.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (Court Finger-printing Scheme) Act 1996*.

2 Commencement

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

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3 Amendment of Crimes Act 1900 No 40

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

Schedule 1 Amendment

(Section 3)

Section 353AC

Insert after section 353AB:

- 353AC Taking of finger-prints at court—pilot scheme** 5
- (1) A prescribed court that convicts a person of an offence that is punishable by imprisonment, or that finds such an offence to be proved against a person but does not proceed to conviction, must order that the person submit to the taking of his or her finger-prints before the person leaves the building in which the court is situated. 10
 - (2) This section applies regardless of whether the court sentences the person to a term of imprisonment.
 - (3) However, the court is not required to make an order under this section if it is satisfied that the person's finger-prints were taken while the person was in lawful custody for the offence. 15
 - (4) The finger-prints may be taken by a police officer, or by a person specified or described by the court in the order.
 - (5) A police officer or person specified or described in the order may detain a person for such time as may be reasonably necessary to take the person's finger-prints in accordance with the order. 20
 - (6) This section does not prevent a court making an order in respect of a person under section 353A and does not affect any obligation to make an order under section 5AA of the *Periodic Detention of Prisoners Act 1981*. 25
 - (7) In this section:
imprisonment includes penal servitude.
prescribed court means Parramatta Local Court, Dubbo Local Court and any other court prescribed by the regulations but does not include the Children's Court or any court while it is exercising jurisdiction as the Children's Court. 30

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Schedule 1 Amendment

- (8) This section expires at the end of the period of 6 months commencing with the date on which this section commences. If an earlier expiry date is appointed by proclamation, this section expires at the end of the date so appointed.

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Crimes Amendment (Court Finger-printing Scheme) Act 1996 No 112

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New South Wales

Crimes Amendment (Court Finger-printing Scheme) Act 1996 No 112

Act No 112, 1996

An Act to amend the *Crimes Act 1900* to establish a pilot scheme for the taking of finger-prints at court from persons found to have committed any offence punishable by imprisonment. [Assented to 2 December 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (Court Finger-printing Scheme) Act 1996*.

2 Commencement

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

3 Amendment of Crimes Act 1900 No 40

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

Schedule 1 Amendment

(Section 3)

Section 353AC

Insert after section 353AB:

353AC Taking of finger-prints at court—pilot scheme

- (1) A prescribed court that convicts a person of an offence that is punishable by imprisonment, or that finds such an offence to be proved against a person but does not proceed to conviction, must order that the person submit to the taking of his or her finger-prints before the person leaves the building in which the court is situated.
- (2) This section applies regardless of whether the court sentences the person to a term of imprisonment.
- (3) However, the court is not required to make an order under this section if it is satisfied that the person's finger-prints were taken while the person was in lawful custody for the offence.
- (4) The finger-prints may be taken by a police officer, or by a person specified or described by the court in the order.
- (5) A police officer or person specified or described in the order may detain a person for such time as may be reasonably necessary to take the person's finger-prints in accordance with the order.
- (6) This section does not prevent a court making an order in respect of a person under section 353A and does not affect any obligation to make an order under section 5AA of the *Periodic Detention of Prisoners Act 1981*.
- (7) In this section:

imprisonment includes penal servitude.

prescribed court means Parramatta Local Court, Dubbo Local Court and any other court prescribed by the regulations but does not include the Children's Court or any court while it is exercising jurisdiction as the Children's Court.

- (8) This section expires at the end of the period of 6 months commencing with the date on which this section commences. If an earlier expiry date is appointed by proclamation, this section expires at the end of the date so appointed.

[Minister's second reading speech made in—
Legislative Council on 30 October 1996
Legislative Assembly on 13 November 1996]

BY AUTHORITY