

Service 175 — June 2020

Hall's Sentencing (NZ)

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Commentary

Introduction: Principles of Sentencing

Commentary has been updated in the following paragraphs:

- Appellate guidance: see [I.2(a)], [I.2.3(a)(viii)], [I.2.3(f)(iii)], [I.2.3(h)(v)] and [I.2.3(i)(a)].
- The nature and gravity of the offence: see [I.5.2], [I.5.2(a)], [I.5.4], [I.5.6(b)], [I.5.6(b)(iii)], [I.5.6(m)] and [I.5.11(a)].
- Circumstances of the offender: see [I.6.1(f)], [I.6.2(a)], [I.6.3], [I.6.3(b)] and [I.6.12(c)].
- Behaviour or circumstances of the offender subsequent to the offence: see [I.7.2(a)(iv)].

Sentencing Act

Commentary has been updated in the following paragraphs:

- Part 1 — Sentencing purposes and principles, and provisions of general application: see [SA8.7]–[SA8.8], [SA9.3], [SA9.3(a)], [SA9.5], [SA9.8A]–[SA9.8B], [SA10.1(a)], [SA10.2], [SA10B.1]–[SA10B.1(a)], [SA10B.3], [SA16.4(a)(i)], [SA27.1], [SA27.1(a)]–[SA27.1A], [SA27.4]–[SA27.5], [SA28.5] and [SA31.4].
- Part 2 — Sentences, orders, and related matters: see [SA32.1(a)], [SA32.6], [SA81.15], [SA85.9], [SA86.1]–[SA86.1A], [SA86.1A(c)], [SA86.2], [SA86.4(aaa)]–[SA86.4(aa)], [SA86.4(e)], [SA86.7], [SA86D.2(a)], [SA103.2(c)], [SA104.1], [SA104.1(aa)], [SA104.1(b)], [SA104.1(b)(i)], [SA104.2]–[SA104.2A], [SA105.1], [SA106.1], [SA106.4]–[SA106.4(a)], [SA106.6], [SA106.6A], [SA106.8(b)], [SA107.1]–[SA107.1(b)], [SA107.2(b)]–[SA107.2(e)], [SA107.3(a)(i)]–[SA107.3(a)(ii)], [SA107.3(b)(i)], [SA107.3(d)(i)], [SA107.3(f)(i)], [SA107.3(g)]–[SA107.3(g)(i)], [SA107.3(h)(i)]–[SA107.3(h)(ii)], [SA111.2], [SA123B.1]–[SA123B.2], [SA123B.4], [SA123B.6], [SA123H.1], [SA124.1]–[SA124.1(c)], [SA124.3], [SA128.1], [SA128.3], [SA129.1(d)(i)] and [SA129EA.1].

Parole Act

Commentary has been updated in the following paragraphs:

- Part 1 — Parole and other release from detention: see [PA25.5], [PA27.7], [PA28.7]–[PA28.8], [PA41.3], [PA43.4], [PA58.4], [PA66.7], [PA67.3] and [PA104.2].
- Part 1A — Extended supervision orders: see [PA107I.6].
- Part 2 — New Zealand Parole Board and amendments to other enactments relating to parole and release generally: see [PA109.2].

Criminal Procedure Act

Commentary has been updated in the following paragraphs:

- Part 5 — General provisions: see [CPA175.1], [CPA195.2], [CPA196.1], [CPA196.3], [CPA200.1]–[CPA200.1(c)(i)], [CPA200.2(a)], [CPA200.2(d)], [CPA200.4]–[CPA200.5], [CPA200.5(d)], [CPA200.6(b)(ii)], [CPA200.7(a)], [CPA200.7(c)], [CPA200.7(e)]–[CPA200.7(g)], [CPA200.8(c)], [CPA200.11], [CPA200.12]–[CPA200.12(a)], [CPA200.12(b)]–[CPA200.13(a)], [CPA200.14(b)], [CPA202.1(a)], [CPA202.1(c)]–[CPA202.2], [CPA204.1]–[CPA204.2] and [CPA208.1]–[CPA208.4].

Child Protection (Child Sex Offender Government Agency Registration) Act 2016

Commentary has been updated in the following paragraphs:

- Section 1 — Title: see [CP(CSOGAR)A1.2] and [CP(CSOGAR)A1.5].
- Part 1 — Preliminary matters: see [CP(CSOGAR)A9.2].
- Schedule 2 — Qualifying offences: see [CP(CSOGAR)A Sched2.1].

Appendix I — The Sentencing Process

Commentary has been updated in the following paragraphs:

- Procedure upon imposition of sentence: see [APPI.3.5(a)].
- Procedure subsequent to imposition of sentence: see [APPI.4.7(c)].

Appendix II — Appeals Against Sentence

Commentary has been updated in the following paragraphs:

- Introduction: see [APPII.1.1].
- Offender's right to appeal against sentence under the Criminal Procedure Act 2011: see [APPII.2].
- Prosecutor's (crown's) right to appeal against sentence under the Criminal Procedure Act 2011: see [APPII.3.10] and [APPII.3.11].
- Procedure on appeal: see [APPII.4.4(a)].
- Powers of appellate (appeal) courts to interfere with sentence: see [APPII.5.1(f)], [APPII.5.2(b)], [APPII.5.12] and [APPII.5.13(a)].

Appendix III — Proceeds of Crime

The Proceeds of Crime Act 1991 has been removed, and is now available on Lexis Advance under the Archive tab within Hall's Sentencing.

Appendix VI — Bail

Commentary has been updated in the following paragraphs:

- Part 1 — General provisions regarding bail: see [APPVI.7.4] and [APPVI.15.1].
- Part 3 — Court bail: see [APPVI.30A.2] and [APPVI.42.4(a)]–[APPVI.42.5].

Appendix VII — Traffic Offences

Commentary has been updated in the following paragraphs:

- Sentencing principles applicable to traffic offences: see [APPVII.2.3(b)] and [APPVII.2.4(a)].
- Sentencing practice: selected offences against the Land Transport Act 1998: see [APPVII.3.4(b)(ii)].
- Principal penal provisions of the Land Transport Act 1998 — Licence supervision, vehicle impoundment and disqualification from driving: see [APPVII.4.4(ab)], [APPVII.4.5] and [APPVII.4.8(d)].

Appendix IX — Sentencing Levels

Commentary has been updated in the following paragraphs:

— [HOMICIDE-1.1 001], [SEX-1.1 002], [ACTS-COMM 001] and [ACTS-RMA-1.1 001].

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