

Service 173 — January 2020

Hall's Sentencing (NZ)

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Note: For content included in this service click here.

Legislation

Corrections Act

The Corrections Act 2004 has been amended by the Corrections Amendment Act 2019 (2019 No 57), effective 29 October 2019.

Commentary

Introduction: Principles of Sentencing

Commentary has been updated in the following paragraphs:

- Introduction: see [I.Intro].
- Appellate guidance: see [I.2.2], [I.2.2(c)], [I.2.3(b)], [I.2.3(h)], [I.2.3(i)(1)], [I.2.3(i)(a)(i)]–[I.2.3(i)(ab)], [I.2.4(b)(i)] and [I.2.4(l)].
- The aims and objectives of sentencing: see [I.3.2], [I.3.3(a)], [I.3.3(c)] and [I.3.3(h)].
- The nature and gravity of the offence: see [I.5.1], [I.5.6(b)], [I.5.7(a)]–[I.5.7(b)], [I.5.7(d)], [I.5.7(g)], [I.5.9(a)], [I.5.11(a)]–[I.5.11(b)] and [I.5.14].
- Circumstances of the offender: see [I.6.1(c)], [I.6.11], [I.6.11(a)(i)] and [I.6.12].
- Behaviour or circumstances of the offender subsequent to the offence: see [I.7.3(a)].
- Factors not to be considered by the court as aggravating: see [I.8.7].

Sentencing Act

Commentary has been updated in the following paragraphs:

- Purposes and principles of sentencing: see [SA8.2]–[SA8.3].
- Additional aggravating factors in cases involving violence against, or neglect of, child under 14 years: see [SA9A.1]–[SA9A.2].
- Imprisonment: see [SA81.3], [SA81.13(b)], [SA81.13(d)], [SA86.4(f)] and [SA86C.1(aa)].
- Sentencing for murder: see [SA102.1(a)], [SA102.2(d)], [SA103.2(c)] and [SA104.2]–[SA104.2A].
- Discharge and miscellaneous orders: see [SA129.1].

Corrections Act

Commentary has been updated in the following paragraphs:

- Part 2, subpart 2 — Establishment and operation of community work centres: see [CA30.1(a)]–[CA30.1(c)].

Criminal Procedure Act

Commentary has been updated in the following paragraphs:

- Part 5, subpart 3 — Public access and restrictions on reporting: see [CPA200.1], [CPA200.1(ac)], [CPA201.1], [CPA203.1] and [CPA211.1].

Criminal Procedure (Mentally Impaired Persons) Act

Commentary has been updated in the following paragraphs:

- Part 2, subpart 4 — Detention, treatment, and care of defendants who are convicted: see [CPMIPA.34.1], [CPMIPA.34.3], [CPMIPA.36.1] and [CPMIPA.37.1].

Appendix II — Appeals Against Sentence

Commentary has been updated in the following paragraphs:

- APPII.1 — Introduction: see [APPII.1.2].
- APPII.4 — Procedure on appeal: see [APPII.4.6] and [APPII.4.8(c)].
- APPII.5 — Powers of appellate (appeal) courts to interfere with sentence: see [APPII.5(d)], [APPII.5.3(b)], [APPII.5.5] and [APPII.5.9].
- APPII.6 — Disparity of sentence between co-offenders: see [APPII.6.2].

Appendix VI — Bail

Commentary has been updated in the following paragraphs:

- Part 1 — General provisions regarding bail: see [APPVI.12.8(a)]–[APPVI.12.8(b)].
- Part 3 — Court bail: see [APPVI.33.6].

Appendix IX – Sentencing Levels

Commentary has been updated in the following topics:

- How to use this appendix and Maximum penalties.
- BURGLARY.
- DRUG: Importing/exporting of controlled drug, Sale/supply of controlled drug, Manufacture of controlled drug and Possession of controlled drug for supply/sale.
- FRAUD.
- HOMICIDE: Accessory after the fact to murder.
- JUSTICE: Accessory after the fact.
- KIDNAP.
- MONEY: Engaging in money laundering transaction.
- ROBBERY: Demanding with intent to steal.
- SEX: Sexual violation, Sexual violation by unlawful sexual connection, Incest and Sexual connection with a young person.
- THREAT: Threatening to kill or cause grievous bodily harm.
- ACTS:HASAWA: Offences against the Health and Safety at Work Act 2015.