

Crimes Amendment Bill

Government Bill

Explanatory note

General policy statement

The Crimes Amendment Bill (the **Bill**) aims to strengthen consequences for certain crimes and meet commitments in the National/New Zealand First coalition agreement.

The Bill enables better investigations and prosecutions of some serious offences. It makes improvements to protect Police undertaking covert operations regarding child exploitation. It makes the human trafficking and people smuggling provisions in the Crimes Act 1961 (the **Act**) more workable. The Bill also reforms the trafficking provisions to better align with article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the **Palermo Protocol**), supplementing the United Nations Convention against Transnational Organized Crime.

The Bill also gives effect to the National/New Zealand First coalition agreement by introducing specific offences for coward punches and for assaults on first responders and corrections officers, and by ensuring consequences for low-level crime like shoplifting. It also makes amendments relating to citizen's arrests, defence of property, and theft in response to recommendations from the Ministerial Advisory Group for the Victims of Retail Crime.

The Bill—

- amends the law regarding citizen's arrests and defence of property;
- increases the maximum penalties for the offences of dealing in slaves and dealing in people under 18, to align with the penalties for people smuggling and people trafficking;
- amends the offence of human trafficking to better align with Article 3 of the Palermo Protocol and provide additional protections for children;
- amends the people smuggling offence to enable prosecutions in cases involving genuine but unlawfully obtained immigration documents;

- provides a protection for Police engaged in covert operations while investigating the exploitation of children, by requiring the consent of the Attorney-General for prosecutions regarding actions taken in the course of those operations;
- creates new “coward punch” offences for strikes delivered to the head or neck of a victim who had limited or no opportunity to defend themselves;
- creates new offences for assaults on first responders and corrections officers;
- creates a new theft offence for theft that is carried out in an offensive, threatening, insulting, or disorderly manner;
- amends the monetary thresholds and penalties for theft.

Retailers, security guards, and the public have expressed uncertainty about what the law allows them to do when making an arrest or defending property. The Bill expands the protection for citizen’s arrests, so they can be carried out at any time of day and in relation to any offence under the Act. It also amends 3 defence of property provisions to permit striking or causing bodily harm to another person when defending property, as long as the force used is reasonable in the circumstances. The Bill clarifies that restraints can be used for a citizen’s arrest where reasonable. These strengthened arrest and defence provisions are balanced against a new safeguard that requires people to contact Police and follow Police instructions after a citizen’s arrest.

International groups and non-profit organisations have raised concerns about New Zealand’s people trafficking offence. The Bill’s reconstruction of this offence ensures that it is fit for purpose, that the required elements are easier to identify, and that it aligns with international best practice. The Bill clarifies that a person cannot consent to being trafficked and removes the requirement for a child to have been deceived or coerced. The Bill also increases the penalties for dealing in slaves (section 98 of the Act) and dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour (section 98AA of the Act), to a maximum penalty of 20 years’ imprisonment, or a fine not exceeding \$500,000 (or both).

The Bill closes a loophole in the law so that a person can be prosecuted for people smuggling if they smuggle an unauthorised migrant using legitimate documents to enter New Zealand that were unlawfully obtained (for example, by deception, fraud, forgery, or other unlawful means). This will ensure that the law is fit for purpose and captures a wider range of people smuggling methods.

Police routinely undertake covert child exploitation investigations. Section 98AA of the Act criminalises transporting, buying, selling, or confining a minor for the purposes of sexual exploitation, or agreeing to do any of those things. Police investigations may be affected by this section. For example, an undercover officer investigating this offence may need to make certain statements, with no intent to carry them out, in order to gain the trust of suspected offenders. To prevent the possibility of vexatious private prosecutions, the Bill requires the Attorney-General’s consent to be obtained to bring or continue a prosecution against an undercover officer.

A sudden strike to the head or neck of a victim who has limited or no opportunity to defend themselves, known as a coward punch, can result in severe injuries or death (directly or indirectly, for example, from a fall to the ground). The Bill introduces the following 3 new offences to recognise the potential for severe harm from such attacks:

- an offence of causing grievous bodily harm by strike to the head or neck, with intent to injure or reckless disregard, which has a maximum penalty of 8 years' imprisonment;
- an offence of causing grievous bodily harm by strike to the head or neck with intent to cause grievous bodily harm, with a maximum penalty of 15 years' imprisonment;
- an offence of manslaughter by strike to the head or neck, with a maximum penalty of life imprisonment.

These 3 offences are added to the Three Strikes regime to ensure that offenders serve mandatory sentences in line with that regime.

First responders and corrections officers run towards danger to help those who need urgent assistance at emergencies, either in the community or within prisons. The Bill makes the following 3 key changes to ensure that maximum penalties recognise the important role that first responders and corrections officers fulfil, and the heightened risks that assaulting them can pose:

- It expands the aggravated assault offence in section 192(2) of the Act to apply to all first responders and corrections officers and simplifies the offence.
- It creates a new offence of assaulting a first responder or corrections officer with intent to injure, increasing the applicable maximum penalty for this conduct from 3 years' to 5 years' imprisonment.
- It creates a new offence of injuring a first responder or corrections officer with intent to injure, increasing the maximum applicable penalty for this conduct from 5 years' to 7 years' imprisonment. This new offence is also added to the Three Strikes regime to ensure that offenders serve mandatory sentences in line with that regime.

A new theft offence provides another tool for prosecutors in charging offenders for retail crime, particularly when the threshold for robbery is not met but the theft is carried out in a disorderly manner. The new offence ensures that offenders are liable for appropriate penalties when they carry out theft in a manner that is offensive, threatening, insulting, or disorderly. It applies when the value of the property stolen does not exceed \$2,000. The maximum penalty is 2 years' imprisonment.

The Bill reduces the number of monetary thresholds for theft from 2 to 1, simplifying the application of penalties for theft offences depending on whether or not the value of the property is above \$2,000. If the value of property stolen is at or below the threshold, the maximum penalty is 1 year's imprisonment. For theft of property valued at over \$2,000, the maximum penalty will be 7 years' imprisonment.

Departmental disclosure statement

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2025&no=223>

Regulatory impact statement

The Ministry of Justice produced regulatory impact statements on 11 December 2024 and 28 May 2025 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- <https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides for this Bill to commence on the day after Royal assent.

Part 1

Amendments to Crimes Act 1961

Clause 3 provides that *Part 1* of the Bill amends the Crimes Act 1961 (the *Act*).

Subpart 1—Arrest and defence of property

Clause 4 amends section 35 of the *Act*, which provides a justification for arresting a person without a warrant. The amendment removes the requirements that the person being arrested must be either committing an offence against the *Act* that is punishable by at least 3 years' imprisonment or committing any offence under the *Act* by night. Instead, a person will be justified in arresting a person without a warrant if they find them committing any offence under the *Act*. *Clause 4* also amends section 35 to require a person who has arrested someone without a warrant to make contact with the Police as soon as practicable and to follow all directions given by the Police. The expectation is that the person will contact the Police's emergency numbers or the local Police station. Any person who, without reasonable excuse, does not do so will cease to be justified for the arrested person's continued detention.

Clauses 5, 6, and 7 amend sections 36, 37, and 38 of the *Act* to require a person to make contact with the Police as soon as practicable following the arrest of any person without warrant in circumstances to which those sections apply, and to follow any

direction the Police give them, in order to rely on the protection those sections provide from criminal responsibility (unless there is a reasonable excuse as to why they did not contact the Police or follow their directions). These provisions relate to the arrest of a person at night, after the commission of offences against the Act, and if a person is believed to be escaping after committing a crime.

Clauses 8 and 9 amend sections 39 and 40 of the Act to clarify that reasonable force in the circumstances may include the use of physical or mechanical restraints.

Clauses 10 to 12 amend sections 52, 53, and 56 of the Act to ensure that the justification and protection from criminal responsibility under those sections for using reasonable force to defend moveable property, land, or a building apply even if the force involves striking another person or doing them bodily harm.

Subpart 2—Slave dealing and human trafficking offences

Clauses 13 and 14 amend sections 98 and 98AA of the Act to increase the maximum penalty for dealing in slaves and dealing in people aged under 18 for sexual exploitation, removal of body parts, or engagement in forced labour from 14 years' imprisonment to 20 years' imprisonment, or a fine of up to \$500,000, or both. These amendments align the penalties under sections 98 and 98AA with the penalties for offences under sections 98C and 98D of the Act, which relate to smuggling migrants and trafficking in persons.

Clause 15 amends section 98B of the Act, which defines terms used in the sections of the Act related to smuggling and trafficking in people. The amendments—

- insert new definitions of exploitation and forced or exploitative labour or services. These definitions are non-exhaustive and demonstrate the types of conduct the provisions are intended to criminalise;
- redefine the term unauthorised migrant to clarify that a person who is in possession of all the documents required to lawfully enter a State may nonetheless be an unauthorised migrant if those documents were obtained by deception, fraud, forgery, or other unlawful means;
- make some minor and technical changes.

Clause 16 replaces section 98D of the Act to reconstruct the offence of trafficking in persons and align it with Article 3 of the Palermo Protocol. The amendments—

- clarify what acts amount to trafficking and the ways those acts can be done. A person commits an act of trafficking if they do, arrange, organise, or procure the recruitment, transportation, transfer, harbouring, or reception of a trafficked person. This redrafting better aligns with the Palermo Protocol. The amendments are not intended to limit the acts that may amount to trafficking from those listed in the current provision;
- widen the scope of the offence by requiring that the act that amounts to trafficking be achieved by means such as an abuse of power, an abuse of vulnerability, or through the giving or receiving of a payment or benefit. These changes align the provision with the Palermo Protocol;

- require the act of trafficking to be performed for the purpose of exploiting the trafficked person (or facilitating their exploitation), and for the act of trafficking to be achieved by one of the means listed in *new section 98D(1)(b)*. This amendment aligns with the Palermo Protocol;
- create a separate offence of trafficking a child, which has a lower threshold before an offence is committed. This offence requires a person to perform, arrange, organise, or procure an act of trafficking for the purposes of the exploitation of that child. Unlike the threshold for the offence of trafficking an adult, there is no requirement that the child be threatened or coerced in any way;
- make clear that it is irrelevant if the trafficked person was not actually exploited;
- provide that it is a defence to a charge that a person trafficked a child if they prove they believed on reasonable grounds that the child was aged 18 years or over. This is a defence that is available for other offences under the Act that have an age element. If a person uses this defence, this would not preclude a charge under the more general offence of trafficking a person;
- make clear that the consent of the trafficked person or child is not a defence to a charge under the section.

Clause 17 makes a technical change to section 98E(2) of the Act to remove the examples of exploitation from that provision. Those examples (with others) now form part of the definition of exploitation in section 98B. A further consequential change is made by repealing section 98E(3), which relates to those examples and is no longer necessary.

Subpart 3—Protection of undercover officers

Clause 18 amends section 98AA of the Act. The amendments require the leave of the Attorney-General before proceedings under that section may be brought against a constable in respect of any act they committed while acting as an undercover officer. This protection extends to other constables assisting or directing the undercover officer. The amendments also provide for a mechanism by which the Commissioner of Police may sign a certificate stating that the constable was acting as an undercover officer at a particular time and that certificate is conclusive evidence of that fact.

Subpart 4—Harm by strike to head or neck

Clause 19 inserts *new section 171A* into the Act. This new section provides that it is manslaughter for a person to kill a person by a strike to the head or neck in circumstances where the person had no or limited opportunity to defend themselves, and the killing occurs in circumstances that amount to culpable homicide but not murder or infanticide. *New section 171A* provides for a maximum penalty of life imprisonment. This new offence is intended to be additional to manslaughter and is not intended to alter the interpretation of the more general manslaughter offence in section 171. Any

reference in the Act or other Acts to manslaughter should be read as manslaughter under section 171 or the new *section 171A*.

Clause 20 inserts *new section 188A* into the Act. This section creates 2 new offences relating to strikes to the head or neck—striking with intent to cause grievous bodily harm, and striking with intent to injure or with reckless disregard for the safety of others. Both offences apply when a person strikes another person in the head or neck in circumstances where they have no or little opportunity to defend themselves and in a manner that wounds, maims, disfigures, or causes grievous bodily harm to that person. The first offence carries a maximum penalty of 15 years' imprisonment. The second offence carries a maximum period of imprisonment of 8 years. These offences carry maximum sentences of imprisonment of 1 year more than the other wounding with intent offences in section 188 of the Act.

Subpart 5—Offences against first responders and corrections officers

Clause 21 inserts definitions of corrections officer and first responder into section 2 of the Act, the interpretation section. The definition of first responder is intended to capture those emergency service providers who are required by the nature of their role to attend emergencies. It includes constables and others such as members of ambulance or fire crews, including volunteers and students on educational placements.

Clause 22 inserts a third offence into section 189 of the Act. The new offence is committed if a person injures a first responder or corrections officer acting in the course of their duty, and does so with intent to injure or with reckless disregard for the safety of any first responder or corrections officer. The first responder does not need to be responding to an emergency at the time of the offence. A person who commits this offence is liable to up to 7 years' imprisonment. That is 2 years more than the maximum penalty for a person who commits an offence by injuring any person with intent to injure or reckless disregard for the safety of others.

Clause 23 replaces section 192(2) of the Act and inserts *new subsections (3) and (4)*. These amendments provide that a person who assaults a first responder or constable acting in the course of their duty, or any person acting in aid of any constable acting in the course of their duty, commits aggravated assault and is liable to imprisonment for up to 3 years. The purpose of the assault is no longer required to be the obstruction of the constable in the course of their duty as is the case under the current law. The amendments also extend the offence of aggravated assault to an assault on a corrections officer. The offence of assaulting any person in the lawful execution of any process with intent to obstruct that person in the execution of their duty has not been changed.

Clause 24 amends section 193 to provide that a person commits an offence if they, with intent to injure any first responder or corrections officer, assault any first responder or corrections officer acting in the course of their duty. This offence carries a maximum penalty of 5 years' imprisonment, a 2-year increase on the maximum penalty for assault with intent to injure any person.

Subpart 6—Theft

Clause 25 inserts *new section 219A* of the Act, which sets out the new offence of theft in an offensive, threatening, insulting, or disorderly manner. This language reflects the description of disorderly behaviour in the Summary Offences Act 1981. The offence only applies to theft of property with a value not exceeding \$2,000 and carries a maximum penalty of 2 years' imprisonment.

Clause 26 amends section 223 of the Act. That section sets out the penalties for various types of theft. The amendments exclude the new offence of theft in an offensive, threatening, insulting, or disorderly manner as the penalty for committing that offence is contained in *new section 219A*. The amendments also simplify the penalty structure for theft offences. For theft of property of a value exceeding \$2,000, the penalty is up to 7 years' imprisonment. If the value of the property does not exceed \$2,000, the penalty is up to 1 year's imprisonment.

Clauses 27 and 28 amend sections 241 and 247 of the Act to align the penalties for obtaining by deception or causing loss by deception and receiving property that is stolen or obtained by any other imprisonable offence with the new penalty structure in section 223.

Part 2

Amendments to other legislation

Subpart 1—Amendment to Summary Offences Act 1981

Clause 29 provides that *subpart 1* amends the Summary Offences Act 1981.

Clause 30 repeals section 10 of the Summary Offences Act 1981. That offence is no longer required in that Act as its elements are now captured by the *new section 192(2)* of the Crimes Act 1961.

Subpart 2—Consequential amendments to legislation

Clause 31 and the *Schedule* set out consequential amendments to other legislation. In particular, the amendments add manslaughter by strike to the head or neck to the list of category 4 offences in Schedule 1 of the Criminal Procedure Act 2011. They also amend Schedule 1AB of the Sentencing Act 2002 to add the following new offences against the Crimes Act 1961 to the list of qualifying offences for the purposes of the Three Strikes regime:

- manslaughter by strike to the head or neck (*new section 171A*):
- wounding with intent to cause grievous bodily harm by strike to the head or neck (*new section 188A(1)*):
- wounding with intent to injure by strike to the head or neck (*new section 188A(3)*):
- injuring with intent to injure any first responder or corrections officer (*new section 189(3)*).

Hon Paul Goldsmith

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Part 2

Amendments to other legislation

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Schedule

Consequential amendments to legislation

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Crimes Amendment Act **2025**.

2 Commencement

This Act comes into force on the day after Royal assent.

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Part 1
Amendments to Crimes Act 1961

3 Principal Act

This Part amends the Crimes Act 1961.

Subpart 1—Arrest and defence of property 10

4 Section 35 amended (Arrest of persons found committing certain crimes)

(1) In the heading to section 35, replace “certain crimes” with “offences against this Act”.

(2) In section 35(a), delete “for which the maximum punishment is not less than 3 years’ imprisonment”.

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(3) Repeal section 35(b).

(4) In section 35, insert as subsections (2) and (3):

(2) A person, other than a constable, who arrests a person as contemplated in **subsection (1)** must, as soon as practicable, make contact with the Police and follow all directions given by the Police in relation to the arrested person, including any direction to—

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(a) release the arrested person;

(b) hand over the arrested person into a constable’s custody.

(3) A person who, without reasonable excuse, breaches **subsection (2)** in relation to an arrested person ceases to be justified under **subsection (1)** in holding that person under arrest.

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5 Section 36 amended (Arrest of person believed to be committing crime by night)

In section 36, insert as subsections (2) and (3):

(2) A person, other than a constable, who arrests a person as contemplated in **subsection (1)** must, as soon as practicable, make contact with the Police and follow all directions given by the Police in relation to the arrested person, including any direction to—

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(a) release the arrested person;

(b) hand over the arrested person into a constable's custody.

(3) A person who, without reasonable excuse, breaches **subsection (2)** in relation to an arrested person ceases to be protected from criminal responsibility under **subsection (1)** for holding that person under arrest.

6 Section 37 amended (Arrest after commission of certain crimes)

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In section 37, insert as subsections (2) and (3):

(2) A person, other than a constable, who arrests a person as contemplated in **subsection (1)** must, as soon as practicable, make contact with the Police and follow all directions given by the Police in relation to the arrested person, including any direction to—

(a) release the arrested person;

(b) hand over the arrested person into a constable's custody.

(3) A person who, without reasonable excuse, breaches **subsection (2)** in relation to an arrested person ceases to be protected from criminal responsibility under **subsection (1)** for holding that person under arrest.

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7 Section 38 amended (Arrest during flight)

After section 38(2), insert:

(3) A person, other than a constable, who arrests a person as contemplated in subsection (1) must, as soon as practicable, make contact with the Police and follow all directions given by the Police in relation to the arrested person, including any direction to—

(a) release the arrested person;

(b) hand over the arrested person into a constable's custody.

(4) A person who, without reasonable excuse, breaches **subsection (3)** in relation to an arrested person ceases to be protected from criminal responsibility under subsection (1) for holding that person under arrest.

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8 Section 39 amended (Force used in executing process or in arrest)

In section 39, after "such force", insert "(for example, the use of physical or mechanical restraints)".

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9 Section 40 amended (Preventing escape or rescue)

In section 40(1) and (2), after "such force", insert "(for example, the use of physical or mechanical restraints)".

10 Section 52 amended (Defence of movable property against trespasser)

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In section 52(1), delete ", if in either case he or she does not strike or do bodily harm to the trespasser".

11	Section 53 amended (Defence of movable property with claim of right)	
	In section 53(1), delete “, if he or she does not strike or do bodily harm to the other person”.	
12	Section 56 amended (Defence of land or building)	
	In section 56(1), delete “, if he or she does not strike or do bodily harm to that person”.	5
	Subpart 2—Slave dealing and human trafficking offences	
13	Section 98 amended (Dealing in slaves)	
	In section 98(1), replace “14 years” with “20 years or a fine not exceeding \$500,000 (or both)”.	10
14	Section 98AA amended (Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour)	
	In section 98AA(1), replace “14 years” with “20 years or a fine not exceeding \$500,000 (or both)”.	
15	Section 98B amended (Terms used in sections 98C to 98F)	15
(1)	In section 98B, insert in their appropriate alphabetical order:	
	exploitation includes—	
(a)	sexual exploitation (including exploitative prostitution):	
(b)	exploitative removal of body parts:	
(c)	slavery or similar practices, servitude, and forced or exploitative labour or services:	20
(d)	forced criminality or forced unlawful behaviour:	
(e)	forced or coerced marriage or civil union	
	forced or exploitative labour or services includes work or a service provided by a person that—	25
(a)	is exacted from the person under the threat of, or by causing, harm (including harm to another person); or	
(b)	is provided in circumstances that could reasonably be expected to cause the person to believe that they or another person would be likely to suffer harm if the person failed to provide or offer to provide the work or service; or	30
(c)	involves a serious violation of—	
(i)	the person’s minimum employment rights, including the right to minimum wage, rest breaks, or annual leave or other leave entitlements:	
(ii)	health and safety obligations in respect of the person	35

(2) In section 98B, definition of **act of coercion against the person**,—

- delete “**against the person**”; and
- before “includes”, insert “, in relation to a person.”.

(3) In section 98B, replace the definition of **unauthorised migrant** with:

unauthorised migrant, in relation to a State, means a person who is not a citizen of the State and who is—

- not in possession of all the documents required by the law of the State for the person’s lawful entry into the State; or
- in possession of all the documents required by the law of the State for the person’s lawful entry into the State, but 1 or more of those documents was obtained by deception, fraud, forgery, or other unlawful means.

16 Section 98D replaced (Trafficking in persons)

Replace section 98D with:

98D Trafficking in persons

(1) A person commits an offence if—

- the person does, arranges, organises, or procures 1 or more of the following acts in relation to another person who is in or outside New Zealand (the **trafficked person**):

 - the recruitment of the trafficked person;
 - the transportation of the trafficked person;
 - the transfer of the trafficked person;
 - the harbouring of the trafficked person;
 - the reception of the trafficked person; and

- the person carries out that conduct knowing that it involves, or will involve, 1 or more of the following:

 - an act of coercion against the trafficked person;
 - an act of deception against the trafficked person;
 - the abuse of power over the trafficked person;
 - the abuse of the trafficked person’s position of vulnerability;
 - the giving or receiving of a payment or benefit for the purposes of enabling any person to exercise control over the trafficked person; and

- the person carries out that conduct for the purposes of the exploitation of, or facilitating the exploitation of, the trafficked person (whether or not the conduct is also carried out for any other purpose).

(2) For the purposes of **subsection (1)**, the conduct described in **paragraphs (a) and (b)** does not need to occur at the same time or place.

(3) A person commits an offence if—

- (a) the person does, arranges, organises, or procures 1 or more of the following acts in relation to a person under the age of 18 years who is in or outside New Zealand (the **trafficked child**):
 - (i) the recruitment of the trafficked child;
 - (ii) the transportation of the trafficked child;
 - (iii) the transfer of the trafficked child;
 - (iv) the harbouring of the trafficked child;
 - (v) the reception of the trafficked child; and
- (b) the person carries out that conduct for the purposes of the exploitation of, or facilitating the exploitation of, the trafficked child (whether or not the conduct is also carried out for any other purpose).

(4) It is a defence to a charge under **subsection (3)** if the person charged proves that, at the time they carried out the conduct concerned, they believed on reasonable grounds that the trafficked child was aged 18 years or over.

(5) A person who commits an offence against this section is liable on conviction to imprisonment for a term not exceeding 20 years or a fine not exceeding \$500,000 (or both).

(6) It is not a defence to a charge under this section that—

- (a) the trafficked person or child consented to any conduct constituting any element of the offence; or
- (b) the trafficked person or child was not in fact exploited; or
- (c) any act described in **subsection (1)(a) or (3)(a)** that is alleged to have been arranged, organised, or procured by a person was not in fact done.

17 Section 98E amended (Aggravating factors)

(1) In section 98E(2)(a), delete “(for example, sexual exploitation, a requirement to undertake forced labour, or the removal of organs)”.

(2) Repeal section 98E(3).

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Subpart 3—Protection of undercover officers

18 Section 98AA amended (Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour)

After section 98AA(7), insert:

(7A) Proceedings under this section must not be brought or continued against any constable in respect of any act committed by them at a time or during a period

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when they are acting as an undercover officer, except with the leave of the Attorney-General.

(7B) In **subsection (7A), undercover officer**—

- (a) means a constable whose identity is for the time being concealed for the purposes of a particular investigation or operation in connection with this section; and
- (b) includes any other constable who is for the time being directing or assisting that constable in the course of that investigation or operation.

(7C) A certificate signed by the Commissioner of Police to the effect that, at any specified time or during any specified period, the constable named in the certificate was acting as an undercover officer is, for the purposes of **subsection (7A)**, conclusive evidence of that fact.

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Subpart 4—Harm by strike to head or neck

19 New section 171A inserted (Manslaughter by strike to head or neck)

After section 171, insert:

171A Manslaughter by strike to head or neck

- (1) Except as provided in section 178, culpable homicide not amounting to murder is manslaughter if it consists in the killing of a person by a strike to their head or neck in circumstances where they had limited or no opportunity to defend themselves.
- (2) Manslaughter is punishable by imprisonment for life in accordance with section 177.
- (3) This section does not affect or limit the application of section 171 in relation to—
 - (a) culpable homicide to which this section applies;
 - (b) any other culpable homicide.

20 New section 188A inserted (Wounding with intent by strike to head or neck)

After section 188, insert:

188A Wounding with intent by strike to head or neck

Striking with intent to cause grievous bodily harm

- (1) A person commits an offence if they strike any other person—
 - (a) in the head or neck; and
 - (b) in circumstances where the other person has no or limited opportunity to defend themselves; and

- (c) in a manner that wounds, maims, disfigures, or causes grievous bodily harm to the other person; and
- (d) with intent to cause grievous bodily harm to any person.

(2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 15 years. 5

Striking with intent to injure or with reckless disregard

(3) A person commits an offence if they strike any other person—

- (a) in the head or neck; and
- (b) in circumstances where the other person has no or limited opportunity to defend themselves; and
- (c) in a manner that wounds, maims, disfigures, or causes grievous bodily harm to the other person; and
- (d) either—
 - (i) with intent to injure any person; or
 - (ii) with reckless disregard for the safety of others.

(4) A person who commits an offence against **subsection (3)** is liable on conviction to imprisonment for a term not exceeding 8 years. 15

Subpart 5—Offences against first responders and corrections officers

21 Section 2 amended (Interpretation)

In section 2(1), insert in their appropriate alphabetical order: 20

corrections officer has the same meaning as the meaning given to officer in section 3(1) of the Corrections Act 2004

first responder means any of the following:

- (a) a constable;
- (b) an authorised officer (as defined in section 4 of the Policing Act 2008);
- (c) a person who has a legal duty (under any enactment, employment agreement, other binding agreement or arrangement, or other source) to, at the scene of an emergency, provide services that are—
 - (i) ambulance services, first aid, or medical or paramedical care; or
 - (ii) designated services (as defined in section 6 of the Fire and Emergency New Zealand Act 2017)

22 Section 189 amended (Injuring with intent)

After section 189(2), insert:

(3) A person commits an offence if—

- (a) the person injures—

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- (i) any first responder acting in the course of their duty; or
- (ii) any corrections officer acting in the course of their duty; and

(b) the person does so—

- (i) with intent to injure any first responder or corrections officer; or
- (ii) with reckless disregard for the safety of any first responder or corrections officer.

(4) A person who commits an offence against **subsection (3)** is liable on conviction to imprisonment for a term not exceeding 7 years.

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23 Section 192 amended (Aggravated assault)

Replace section 192(2) with:

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(2) A person commits an offence if the person assaults—

- (a) any first responder acting in the course of their duty; or
- (b) any corrections officer acting in the course of their duty.

(3) A person commits an offence if the person assaults—

- (a) any person acting in aid of any constable while the constable is acting in the course of their duty; or
- (b) any person in the lawful execution of any process, with intent to obstruct that person in the execution of their duty.

(4) A person who commits an offence against **subsection (2) or (3)** is liable on conviction to imprisonment for a term not exceeding 3 years.

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24 Section 193 amended (Assault with intent to injure)

In section 193, insert as subsections (2) and (3):

(2) A person commits an offence if—

- (a) the person assaults—
 - (i) any first responder acting in the course of their duty; or
 - (ii) any corrections officer acting in the course of their duty; and
- (b) the person does so with intent to injure any first responder or corrections officer.

(3) A person who commits an offence against **subsection (2)** is liable on conviction to imprisonment for a term not exceeding 5 years.

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Subpart 6—Theft

25 New section 219A inserted (Theft in offensive, threatening, insulting, or disorderly manner)

After section 219, insert:

219A Theft in offensive, threatening, insulting, or disorderly manner

(1) A person commits an offence if—

- (a) the person commits theft in an offensive, threatening, insulting, or disorderly manner; and
- (b) the value of the property stolen does not exceed \$2,000.

(2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 2 years.

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26 Section 223 amended (Punishment of theft)

(1) In section 223, after “except under section”, insert “**219A** or”.

(2) In section 223(b), replace “\$1,000” with “\$2,000”. 10

(3) Repeal section 223(c).

(4) In section 223(d),—

- (a) replace “\$500” with “\$2,000”; and
- (b) replace “3 months” with “1 year”.

27 Section 241 amended (Punishment of obtaining by deception or causing loss by deception) 15

(1) In section 241(a), replace “\$1,000” with “\$2,000”.

(2) Repeal section 241(b).

(3) In section 241(c),—

- (a) replace “\$500” with “\$2,000”; and
- (b) replace “3 months” with “1 year”. 20

28 Section 247 amended (Punishment of receiving)

(1) In section 247(a), replace “\$1,000” with “\$2,000”.

(2) Repeal section 247(b).

(3) In section 247(c),—

- (a) replace “\$500” with “\$2,000”; and
- (b) replace “3 months” with “1 year”. 25

Part 2
Amendments to other legislation

Subpart 1—Amendment to Summary Offences Act 1981 30**29 Principal Act**

This subpart amends the Summary Offences Act 1981.

*Protection of first responders and corrections officers***30 Section 10 repealed (Assault on Police, prison, or traffic officer)**

Repeal section 10.

Subpart 2—Consequential amendments to legislation

31 Consequential amendments to legislation

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Amend the legislation specified in the **Schedule** as set out in that schedule.

Schedule

Consequential amendments to legislation

s 31

Part 1

Amendments to Acts

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Aviation Crimes Act 1972 (1972 No 137)

In section 2(1), definition of **act of violence**, paragraph (b), after “188,”, insert **“188A”**.

In section 5A(3)(b), replace “and 171” with “171, and **171A**”.

Bail Act 2000 (2000 No 38)

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After section 10(2)(f), insert:

(fa) **section 171A** (manslaughter by strike to head or neck):

After section 10(2)(h), insert:

(ha) **section 188A** (wounding with intent by strike to head or neck):

Children’s Act 2014 (2014 No 40)

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In Schedule 2, after clause 1(22), insert:

(22A) **section 171A** (manslaughter by strike to head or neck):

In Schedule 2, after clause 1(28), insert:

(28A) **section 188A** (wounding with intent by strike to head or neck):

Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980 (1980 No 44)

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In Schedule 1, insert in their appropriate numerical order:

171A Manslaughter by strike to head or neck

188A Wounding with intent by strike to head or neck

Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)

In Schedule 1, Part 1, insert in their appropriate numerical order:

Manslaughter by strike to head or neck **section 171A**

Wounding with intent by strike to head or neck **section 188A**

Injuring with intent to injure any first responder or corrections officer **section 189(3)**

Criminal Procedure Act 2011 (2011 No 81)

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In Schedule 1, Part 1, after the item relating to section 103, insert:

Section 171A Manslaughter by strike to head or neck

Land Transport Act 1998 (1998 No 110)

In section 29A(4), definition of **specified serious offence**, after paragraph (c)(v), insert:

(va) **section 188A** (wounding with intent by strike to head or neck):

Maritime Crimes Act 1999 (1999 No 56)

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In section 2, definition of **act of violence**, paragraph (b), after “sections 188,”, insert “**188A**.”.

After section 6(1)(a)(ii), insert:

(iii) manslaughter by strike to head or neck under **section 171A** of the Crimes Act 1961; or

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After section 7(1)(b), insert:

(c) against **section 6(1)(a)(iii)** must be sentenced as if the person had been convicted of manslaughter by strike to head or neck under the Crimes Act 1961.

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Mutual Assistance in Criminal Matters Act 1992 (1992 No 86)

In Schedule 1, item 2, second column (which relates to the Crimes Act 1961), insert in their appropriate numerical order:

171A

Manslaughter by strike to head or neck

188A

Wounding with intent by strike to head or neck

189(3)

Injuring with intent to injure any first responder or corrections officer

Oranga Tamariki Act 1989 (1989 No 24)

In Schedule 1A, after the item relating to wounding with intent to cause grievous bodily harm, insert:

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Wounding with intent to cause grievous bodily harm by strike to head or neck Crimes Act 1961, **section 188A(1)**

Parole Act 2002 (2002 No 10)

Before section 107B(2A)(a), insert:

(aaa) **section 171A** (manslaughter by strike to head or neck):

After section 107B(2A)(f), insert:

(fa) **section 188A** (wounding with intent by strike to head or neck):

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Public Safety (Public Protection Orders) Act 2014 (2014 No 68)

In section 3, definition of **serious sexual or violent offence**, paragraph (a)(ii), after “188,”, insert “**188A**.”.

Sentencing Act 2002 (2002 No 9)

In section 87(5)(b),—

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Sentencing Act 2002 (2002 No 9)—continued

- (a) after “sections 171,”, insert “**171A**,”; and
- (b) after “188,”, insert “**188A**.”.

In Schedule 1AB, insert in their appropriate numerical order:

s 171A	Manslaughter by strike to head or neck
s 188A(1)	Wounding with intent to cause grievous bodily harm by strike to head or neck
s 188A(3)	Wounding with intent to injure by strike to head or neck
s 189(3)	Injuring with intent to injure any first responder or corrections officer

Summary Offences Act 1981 (1981 No 113)

In Schedule 3, Part 1, insert in their appropriate numerical order:

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171A	Manslaughter by strike to head or neck
188A	Wounding with intent by strike to head or neck
189(3)	Injuring with intent to injure any first responder or corrections officer

Victims' Orders Against Violent Offenders Act 2014 (2014 No 45)

In section 4, definition of **specified violent offence**, after paragraph (16), insert:

(16A) **section 171A** (manslaughter by strike to head or neck):

In section 4, definition of **specified violent offence**, after paragraph (23), insert:

(23A) **section 188A** (wounding with intent by strike to head or neck):

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Part 2

Amendment to secondary legislation

Residential Care and Disability Support Services Regulations 2018 (LI 2018/203)

In Schedule 2, after the item relating to section 188 of the Crimes Act 1961, insert:

188A Wounding with intent by strike to head or neck