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Sentencing Act 2002

Part 2 s 86A

- (a) two-thirds of the full term of the sentence, or
(b) 10 years.
- (5) For the purposes of Part 4 of the Summary Proceedings Act 1957 and Part 13 of the Crimes Act 1961, an order under this section is a sentence.

Section 86(2): substituted, on 7 July 2004, by section 7 of the Sentencing Amendment Act 2004 (2004 No 58).

Section 86(3): repealed, on 7 July 2004, by section 7 of the Sentencing Amendment Act 2004 (2004 No 58).

*Additional consequences for repeated serious
violent offending*

Heading inserted, on 1 June 2010, by section 6(1) of the Sentencing and Parole Reform Act 2010 (2010 No 33).

86A Interpretation

In this section and in sections 86B to 86I, unless the context otherwise requires,—

record of final warning, in relation to an offender, means a record of a warning that the offender has under section 86C(3) or 86E(8)

record of first warning, in relation to an offender, means a record of a warning that the offender has under section 86B(3)

serious violent offence means an offence against any of the following provisions of the Crimes Act 1961:

- (1) section 128B (sexual violation):
- (2) section 129 (attempted sexual violation and assault with intent to commit sexual violation):
- (3) section 129A(1) (sexual connection with consent induced by threat):
- (4) section 131(1) (sexual connection with dependent family member under 18 years):
- (5) section 131(2) (attempted sexual connection with dependent family member under 18 years):
- (6) section 132(1) (sexual connection with child):
- (7) section 132(2) (attempted sexual connection with child):
- (8) section 132(3) (indecent act on child):
- (9) section 134(1) (sexual connection with young person):

- (10) section 134(2) (attempted sexual connection with young person):
- (11) section 134(3) (indecent act on young person):
- (12) section 135 (indecent assault):
- (13) section 138(1) (exploitative sexual connection with person with significant impairment):
- (14) section 138(2) (attempted exploitative sexual connection with person with significant impairment):
- (15) section 142A (compelling indecent act with animal):
- (16) section 144A (sexual conduct with children and young people outside New Zealand):
- (17) section 172 (murder):
- (18) section 173 (attempted murder):
- (19) section 174 (counselling or attempting to procure murder):
- (20) section 175 (conspiracy to murder):
- (21) section 177 (manslaughter):
- (22) section 188(1) (wounding with intent to cause grievous bodily harm):
- (23) section 188(2) (wounding with intent to injure):
- (24) section 189(1) (injuring with intent to cause grievous bodily harm):
- (25) section 191(1) (aggravated wounding):
- (26) section 191(2) (aggravated injury):
- (27) section 198(1) (discharging firearm or doing dangerous act with intent to do grievous bodily harm):
- (28) section 198(2) (discharging firearm or doing dangerous act with intent to injure):
- (29) section 198A(1) (using firearm against law enforcement officer, etc):
- (30) section 198A(2) (using firearm with intent to resist arrest or detention):
- (31) section 198B (commission of crime with firearm):
- (32) section 200(1) (poisoning with intent to cause grievous bodily harm):
- (33) section 201 (infecting with disease):
- (34) section 208 (abduction for purposes of marriage or sexual connection):
- (35) section 209 (kidnapping):

- (36) section 232(1) (aggravated burglary):
- (37) section 234 (robbery):
- (38) section 235 (aggravated robbery):
- (39) section 236(1) (causing grievous bodily harm with intent to rob or assault with intent to rob in specified circumstances):
- (40) section 236(2) (assault with intent to rob)

stage-1 offence means an offence that—

- (a) is a serious violent offence; and
- (b) was committed by an offender at a time when the offender—
 - (i) did not have a record of first warning given under section 86B; and
 - (ii) was 18 years of age or over

stage-2 offence means an offence that—

- (a) is a serious violent offence; and
- (b) was committed by an offender at a time when the offender had a record of first warning (in relation to 1 or more offences) but did not have a record of final warning

stage-3 offence means an offence that—

- (a) is a serious violent offence; and
- (b) was committed by an offender at a time when the offender had a record of final warning (in relation to 1 or more offences).

Section 86A: inserted, on 1 June 2010, by section 6(1) of the Sentencing and Parole Reform Act 2010 (2010 No 33).

86B Stage-1 offence: offender given first warning

- (1) When a court, on any occasion, convicts an offender of 1 or more stage-1 offences, the court must at the same time—
 - (a) warn the offender of the consequences if the offender is convicted of any serious violent offence committed after that warning (whether or not that further serious violent offence is different in kind from any stage-1 offence for which the offender is being convicted); and
 - (b) record, in relation to each stage-1 offence, that the offender has been warned in accordance with paragraph (a).