



## ANALYSIS

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1986, No. 71

**An Act to amend the Crimes Act 1961**

[30 September 1986

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Crimes Amendment Act (No. 2) 1986, and shall be read together with and deemed part of the Crimes Act 1961 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after it receives the Governor-General's assent.

**2. Interpretation**—Section 2 (1) of the principal Act is hereby amended by inserting, before the definition of the term “foreign ship”, the following definition:

“‘Firearm’ has the same meaning as in the Arms Act 1983:”.

**3. Two new sections (relating to firearms) inserted**—The principal Act is hereby amended by inserting, after section 198, the following sections:

“198A. **Using any firearm against law enforcement officer, etc.**—(1) Every one is liable to imprisonment for a term not exceeding 14 years who uses any firearm in any

manner whatever against any member of the Police, or any traffic officer, or any prison officer, acting in the course of his or her duty knowing that, or being reckless whether or not, that person is a member of the Police or a traffic officer or a prison officer so acting.

“(2) Every one is liable to imprisonment for a term not exceeding 10 years who uses any firearm in any manner whatever with intent to resist the lawful arrest or detention of himself or herself or of any other person.

“198B. **Commission of crime with firearm**—Every one is liable to imprisonment for a term not exceeding 10 years who,—

“(a) In committing any crime, uses any firearm; or

“(b) While committing any crime, has any firearm with him or her in circumstances that prima facie show an intention to use it in connection with that crime.”

**4. Possession of offensive weapons or disabling substances**—Section 202A of the principal Act (as inserted by section 48 (1) of the Summary Offences Act 1981) is hereby amended by omitting from subsection (4) the expression “1 year”, and substituting the expression “2 years”.

**5. Assault with weapon**—The principal Act is hereby amended by inserting, after section 202B (as inserted by section 48 (1) of the Summary Offences Act 1981), the following section:

“202C. Every one is liable to imprisonment for a term not exceeding 5 years who,—

“(a) In assaulting any person, uses any thing as a weapon; or

“(b) While assaulting any person, has any thing with him or her in circumstances that prima facie show an intention to use it as a weapon.”

**6. Aggravated burglary**—The principal Act is hereby amended by inserting, before section 241, the following section:

“240A. Every one is guilty of aggravated burglary and is liable to imprisonment for a term not exceeding 14 years who,—

“(a) While breaking and entering, or otherwise unlawfully entering, any building or ship with intent to commit a crime therein, has any weapon with him or her; or

- “(b) Having broken and entered, or otherwise unlawfully entered, any building or ship, or having entered any building or ship with intent to commit a crime therein, while still in the building or ship—
- “(i) Has any weapon with him or her; or
  - “(ii) Uses any thing as a weapon; or
- “(c) While breaking out of any building or ship either after committing a crime therein or having entered with intent to commit a crime therein, has any weapon with him or her.”

**7. Arms Act 1983 consequentially amended—**  
Section 54 (1) of the Arms Act 1983 is hereby amended by omitting the words “firearm, airgun, pistol,”.

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This Act is administered in the Department of Justice.

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