

DRAFT FOR CONSULTATION

Crimes (Coward Punch Causing Injury or Death) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The aim of this Bill is to criminalise the specific action of striking a person's head or neck in circumstances where they are not able to defend themselves from a strike.

Currently in New Zealand, the penalty for this specific action is not sufficient, due to an inability to prove the intention element of the available offences. This Bill will amend the Crimes Act 1961 so that the offender need only have intended to strike the victim's head or neck, or been reckless as to whether that occurred, in order to be charged with this offence.

This Bill will also amend the definition of murder in the Crimes Act 1961 to include occurrence of death in the circumstances covered by this specific offence.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for this Bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 identifies the Crimes Act 1961 as the Act being amended by the Bill.

Clause 4 amends section 168 of the Act to include within the definition of murder, a death that occurs after an offender intentionally or recklessly strikes another person's head or neck in circumstances where the other person has limited or no opportunity to defend themselves.

Clause 5 inserts a *new section 188A* to provide for a new offence of striking a person's head or neck in circumstances where they are not able to defend themselves from a strike.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Crimes (Coward Punch Causing Injury or Death) Amendment Act **2024**.

2 Commencement

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

3 Principal Act

This Act amends the Crimes Act 1961.

4 New section 168 amended (Further definition of murder)

After section 168(1)(a), insert:

(ab) if he or she intentionally or recklessly strikes another person's head or neck in circumstances where the other person has limited or no oppor-

tunity to defend themselves, and death ensues from that strike (whether directly or indirectly):

5 New section 188A inserted (Strike to the head or neck)

After section 188, insert:

188A Strike to the head or neck

- (1) Every person commits an offence who intentionally or recklessly strikes another person's head or neck in circumstances where the other person has limited or no opportunity to defend themselves.
- (2) A person who commits an offence against **subsection (1)** is liable as follows:
 - (a) if the offence causes grievous bodily harm to any person (whether directly or indirectly), to a term of imprisonment not exceeding 14 years; or
 - (b) if the offence causes injury to any person (whether directly or indirectly), to a term of imprisonment not exceeding 7 years; or
 - (c) in any other case, to a term of imprisonment not exceeding 1 year.