



Crimes Amendment Act 2009

Public Act 2009 No 47
Date of assent 2 November 2009
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- Title**
This Act is the Crimes Amendment Act 2009.
- Commencement**
This Act comes into force on 1 December 2009.

3 Crimes Act 1961 amended

This Act amends the Crimes Act 1961.

4 Extraterritorial jurisdiction in respect of certain offences with transnational aspects

Section 7A(1)(d) is amended by inserting “with or” after “people”.

5 Participation in organised criminal group

- (1) Section 98A is amended by repealing subsection (1) and substituting the following subsection:

“(1) Every person commits an offence and is liable to imprisonment for a term not exceeding 10 years who participates in an organised criminal group—

“(a) knowing that 3 or more people share any 1 or more of the objectives (the **particular objective or particular objectives**) described in paragraphs (a) to (d) of subsection (2) (whether or not the person himself or herself shares the particular objective or particular objectives); and

“(b) either knowing that his or her conduct contributes, or being reckless as to whether his or her conduct may contribute, to the occurrence of any criminal activity; and

“(c) either knowing that the criminal activity contributes, or being reckless as to whether the criminal activity may contribute, to achieving the particular objective or particular objectives of the organised criminal group.”

- (2) Section 98A(2) is amended by omitting “that are punishable by imprisonment for a term of 10 years or more” in each place where it appears.

6 Interpretation

- (1) Paragraph (a) of the definition of **specified offence** in section 312A(1) is amended by omitting “10” and substituting “7”.

- (2) The definition of **specified offence** in section 312A(1) is amended by repealing paragraphs (b) to (f) and substituting the following paragraphs:

- “(b) an offence against section 243(3) (which relates to certain money laundering offences):
- “(c) an offence punishable under section 247(b) or (c) (which relate to certain offences in respect of receiving property dishonestly obtained)”.

7 Application by Police for warrant to intercept private communications

- (1) Section 312B(1) is amended by repealing subsection (1) and substituting the following subsection:

“(1) An application may be made in accordance with this section to a Judge of the High Court for a warrant for any Police employee to intercept a private communication by means of an interception device in any case where there are reasonable grounds for believing—

“(a) either that—

“(i) a person has committed, or is committing, an offence under section 98A(1); or

“(ii) a member of an organised criminal enterprise is planning, participating in, or committing, or has planned, participated in, or committed, criminal offences of which at least 1 is a specified offence, as part of a continuing course of criminal conduct planned, organised, or undertaken by members of the enterprise; and

“(b) it is unlikely that the Police investigation of the case could be brought to a successful conclusion without the grant of the warrant.”

- (2) Section 312B(2) is amended by repealing paragraph (a) and substituting the following paragraph:

“(a) the facts relied upon to show that there are reasonable grounds for believing either—

“(i) that a person has committed, or is committing, an offence under section 98A(1); or

“(ii) that—

“(A) there is an organised criminal enterprise; and

“(B) a member of the organised criminal enterprise is planning, participating in, or com-

mitting, or has planned, participated in, or committed, criminal offences of which at least 1 is a specified offence, as part of a continuing course of criminal conduct planned, organised, or undertaken by members of the enterprise; and”.

- (3) Section 312B(2)(c) is amended by inserting “or by the person who is believed to have committed, or be committing, an offence under section 98A(1) (as the case may be)” after “organised criminal enterprise”.

8 Matters on which Judge must be satisfied in respect of applications

Section 312C(1) is amended by repealing paragraph (a) and substituting the following paragraph:

- “(a) there are reasonable grounds for believing either—
- “(i) that a person has committed, or is committing, an offence under section 98A(1); or
 - “(ii) that—
 - “(A) there is an organised criminal enterprise; and
 - “(B) a member of the organised criminal enterprise is planning, participating in, or committing, or has planned, participated in, or committed, criminal offences of which at least 1 is a specified offence, as part of a continuing course of criminal conduct planned, organised, or undertaken by members of the enterprise; and”.

9 Contents and term of warrant

Section 312D(1)(b)(i) is amended by inserting “or by the person who is believed to have committed, or be committing, an offence under section 98A(1) (as the case may be)” after “organised criminal enterprise”.

Legislative history

27 October 2009

Divided from Gangs and Organised Crime Bill
(Bill 10–2) by committee of the whole House, third
reading

2 November 2009

Royal assent

This Act is administered by the Ministry of Justice.
