

Crimes Amendment Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Crimes Amendment Bill and recommends by majority that it be passed. We recommend all amendments unanimously, other than the amendments that add clauses 30A to 30E and the amendment to the Summary Proceedings Act 1957 in the Schedule, which the Green Party of Aotearoa New Zealand and the New Zealand Labour Party oppose.

About the bill as introduced

The Crimes Amendment Bill aims to strengthen consequences for certain crimes and meet commitments in the National–New Zealand First coalition agreement. It would do so by amending the Crimes Act 1961. The changes proposed by the bill include:

- extending provisions for citizen’s arrests so they apply to any offence under the Act
- clarifying that the force permitted in executing a lawful arrest may include the use of physical or mechanical restraints if it amounts to reasonable force
- increasing the maximum penalties for the offences of dealing in slaves and people under the age of 18
- amending the offences of human trafficking and people smuggling
- providing a protection for police involved in undercover operations while investigating child exploitation, by requiring the Attorney-General’s consent for prosecutions regarding actions taken during those operations
- creating new offences for strikes delivered to the head or neck where the victim had limited or no opportunity to defend themselves, assaults on first responders and corrections officers, and theft that is done in an offensive, threatening, insulting, or disorderly manner

- amending the monetary thresholds and penalties for theft.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Amendment Paper 436

The House also empowered us to consider the amendments set out in Amendment Paper (AP) 436. The AP would amend the Summary Offences Act 1981 to create an infringement offence for removing property from retail premises without payment (that is, shoplifting). It would also update the procedural provisions for infringement offences.

We understand that the shoplifting infringement offence is most appropriately dealt with in the Summary Offences Act, which already has an infringement regime and addresses more minor offending than the Crimes Act. The infringement offence has been progressed through an AP because the bill is not an omnibus bill.

We do not propose any changes to the AP. We recommend that it be incorporated into the bill.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Human trafficking offences

Definition of exploitation

Clause 15 would amend section 98B of the Act, which defines the terms related to the offences of smuggling and trafficking in people. The clause contains a definition of "exploitation", which includes the term "forced unlawful behaviour". We understand that this term is intended to capture forced and exploitative behaviour that is unlawful but does not reach the threshold of criminal offending. Examples include forcing commercial drivers to exceed legal limits on hours worked, selling cigarettes or alcohol to minors, or breaking other regulations, which are often workplace-related.

We consider that the term "forced unlawful act or omission" would more appropriately cover the type of exploitation that the offence intends to capture. We recommend amending the definition of "exploitation" to this effect.

Trafficking in persons

Clause 16 would replace section 98D of the Crimes Act, which contains the existing offence of trafficking in persons. New section 98D aligns the offence with Article 3 of the international treaty known as the Palermo Protocol.¹

New section 98D(1)(a) lists the acts that constitute an offence. A person would commit an offence if they did, arranged, organised, or procured the recruitment, transportation, transfer, harbouring, or reception of a trafficked person. New section 98D(1)(b) widens the scope of the offence so the person must have carried out the conduct knowing that it involves or will involve 1 or more of the things listed in subparagraphs (i) to (v). They relate to acts of coercion or deception, the abuse of power or of the trafficked person's vulnerability, and giving or receiving a payment or benefit.

We consider that proposed section 98D(2) as introduced is unclear. It states that the conduct described in paragraphs (a) and (b) does not need to occur at the same time or place. We note that it presumably refers more specifically to the conduct in subparagraphs (i) to (v) of section 98D(1)(b), as paragraph (b) itself relates to the mental element of the offence—that is, knowing that the types of conduct listed in the subparagraphs will occur. To ensure that the clause has the intended effect, we recommend amending section 98D(2) to specify that the conduct described in paragraphs (a) and (b)(i) to (v) does not need to occur at the same time or place.

Attorney-General consent for prosecutions

Section 98F of the Crimes Act stipulates that proceedings for an offence against sections 98C or 98D cannot be brought in a New Zealand court without the Attorney-General's consent. These sections relate to smuggling migrants and trafficking in persons. The purpose of the provision is to ensure that the Attorney-General is the decision maker when prosecuting offences that give New Zealand courts extraterritorial application and that may require the Attorney-General to consider international implications.

The Crimes Amendment Act 2015 expanded the scope of the trafficking offence to include domestic trafficking. The amendments to section 98D removed the requirement for the offending to involve movement across an international border. It also aligned New Zealand legislation with international norms, which recognise that the defining feature of trafficking is exploitation rather than border-crossing.

Despite these changes, section 98F was not amended to reflect that the trafficking offence now includes domestic trafficking. Consequently, the requirement to obtain the Attorney-General's consent also applies to domestic trafficking cases. We understand that the requirement is inconsistent with other serious criminal offences of similar complexity and severity.

We were advised that the operational agencies responsible for investigating and prosecuting cases involving trafficking in persons find the requirement a barrier to timely enforcement. Although it does not prevent an arrest being made, it is seen as an additional procedural step that can delay charging. Further, the operational agencies con-

¹ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

sider that the additional layer of approval should not be necessary because internal legal review and Crown Solicitor processes already involve rigorous assessments.

We acknowledge these concerns and recommend inserting clause 17A, which would amend section 98F, to remove the requirement for the Attorney-General's consent to prosecutions for trafficking cases where all elements required to be proven in relation to a charge under section 98D have occurred in New Zealand. Consent would still be needed for trafficking prosecutions where the offending had a transnational element.

Manslaughter by strike to the head or neck

Section 171 of the Crimes Act states that culpable homicide not amounting to murder is manslaughter, except as provided in section 178 (Infanticide). Section 177 provides that every person who commits manslaughter is liable to imprisonment for life.

A sudden strike to the head or neck of a victim who has limited or no opportunity to defend themselves can result in severe injuries or death. This is known as a “coward punch”. On 12 December 2025, the Minister of Justice wrote to us noting that a commitment in the National–New Zealand First coalition agreement was to introduce “coward punch” legislation. The legislation would create specific offences for anyone who injured or killed someone with this type of punch. This commitment has been addressed through clauses 19 and 20 of the bill.

Clause 20 would insert new section 188A, which creates two new offences relating to strikes to the head or neck that cause grievous bodily harm in circumstances where the person had no or little opportunity to defend themselves.

Clause 19 would insert new section 171A, which specifies that it is manslaughter 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. New section 171A provides for a maximum penalty of life imprisonment. The new offence is intended to be additional to the general manslaughter offence in section 171 and is not intended to alter its interpretation.

In his letter, the Minister explained that the Parliamentary Counsel Office and the Legislative Design and Advisory Committee identified numerous concerns with the new coward punch offence. In June 2025, Cabinet agreed that the Minister would write to us and request that we explicitly consider whether the proposed manslaughter by strike to head or neck offence should remain in the bill. Our consideration of the matter is set out below.

Submitters' views about the coward punch offence

We received a number of submissions on this provision, including from the friends and family of those who have died from one-punch attacks. We heard from the family of Daniel Nganeko, and members of the Walk Without Fear Trust, who were close friends and colleagues with Fau Vake. We thank submitters for sharing their difficult personal stories about the trauma of losing their loved ones.

Sentencing changes

Submitters expressed a sense of frustration at the sentences that offenders ultimately received, feeling that they did not adequately reflect the loss of life. Many submitters favoured mandatory minimum sentences and non-parole periods for manslaughter by a strike to the head or neck. They considered that this approach could result in longer prison sentences in some cases and be a way of further denouncing this behaviour.

We sought more detail about the sentences applied in 15 cases of manslaughter where the victim was struck to the head or the neck.² We were told that the wide range of sentences imposed reflects the different circumstances of each case, including where the perpetrator was a young person.

We note that this bill would primarily amend the Crimes Act, with only minor or consequential changes to other Acts. The Office of the Clerk advised that amending the bill to require a mandatory minimum sentence, as proposed by submitters, would be more than a consequential amendment to the Sentencing Act 2002. Such an amendment to the Sentencing Act would therefore be outside the legislative scope of the Crimes Amendment Bill.

Some submitters highlighted section 103 of the Sentencing Act, which imposes a minimum period of imprisonment of 10 years for murder in some situations. This differs from a mandatory minimum sentence. A minimum period of imprisonment sets the point at which a person is eligible for consideration for parole by the Parole Board. Other submitters considered that it would be beneficial to reform the Sentencing Act to address the entire sentencing system, including aggravating and mitigating factors.

We note that the Government has reinstated the three-strikes regime and reformed the Sentencing Act in this term of Parliament. Those amendments include capping the discounts that judges can apply to sentences, implementing a sliding scale for early guilty pleas, and preventing repeat discounts for youth and remorse. We understand that these reforms are leading to longer sentences but that it is still too early to assess their full effect.

Concerns about the effectiveness of the coward punch offence

Several submitters highlighted concerns about the effectiveness of the proposed new offence. They submitted that it contains additional elements that would be more difficult to prove than the regular manslaughter offence. For example, the prosecution would have to prove that the victim had limited or no opportunity to defend themselves. These submitters considered that the offence would have no additional benefit because it is entirely encompassed within the manslaughter offence and has the same maximum penalty.

² Further detail about those cases is available on pages 56 to 61 of the Ministry of Justice's departmental report.

Submitters also raised concerns about the similarities and overlap between the two manslaughter offences. The concerns included that the new offence would add unnecessary complexity and cause confusion and uncertainty, which could affect charging, consideration by juries, and sentencing by judges. A submitter suggested that juries would be confused by the manslaughter by a strike to the head or neck offence, due to its similarity to the manslaughter offence, and that the real risk of perverse outcomes (such as improper acquittals) outweighs any potential benefit. Further, it was suggested that a jury might not be able to reach a majority verdict in cases where a judge must put three options before the jury: murder, manslaughter, and manslaughter by a strike to the head or neck.

Under the proposed arrangement, prosecutors would have three charging options in the situation where someone was killed by a coward punch. The first option would be to pursue a murder charge. Alternatively, prosecutors could pursue the case under the current manslaughter charge, which carries a maximum sentence of life imprisonment. The bill provides for a third option, where the prosecutor could seek a manslaughter conviction under new section 171A (and which also carries a maximum sentence of life imprisonment). The issue with this last approach and the bill as introduced is that it gives rise to difficulties in prosecuting, as discussed above. In the case of a murder charge, section 110 of the Criminal Procedure Act 2011 allows a jury to instead convict a defendant for manslaughter if the elements of manslaughter were proved, but the jury was not satisfied beyond reasonable doubt that the defendant intended to kill the victim. Section 110 does not allow the current section 171 charge to be substituted if the proposed new section 171A charge were not proved, so there would be a risk that a prosecution that was brought under only new section 171A might be unsuccessful due to the additional elements in new section 171A. If an alternative charge was not brought under section 171, this would result in no conviction for the offender.

Our response to submitters' views about coward punches

We acknowledge the significant difficulties raised by submitters regarding the proposed offence of manslaughter by strike to the head or neck. We note submitters' concerns that the offence would be unlikely to be prosecuted because it would be harder to prove than the existing manslaughter offence and could create confusion and add complexity. Some of us share their concerns about the risk that juries might be unable to reach a majority verdict, undermining the ability to get convictions.

We were advised that New Zealand's culpable homicide regime is finely balanced, and the law is well settled. The proposed new offence risks interfering with the regime by undermining its intent and operation, and by creating unnecessary uncertainty in the law. For example, the additional elements of the new offence would make it more difficult to prove than regular manslaughter. Coward punch offending charged under the regular manslaughter offence might be treated less seriously at sentencing than offending charged under the new offence.

Given the matters raised above and on advice from officials, some of us recommend that the manslaughter by strike to head or neck offence be removed from the bill and recommended removing clause 19 accordingly.

Nevertheless, we consider that the status quo is not working well. We are very concerned that sentences for coward punch manslaughter cases do not reflect the seriousness of the offending. We share submitters' views that sentences in coward punch manslaughter cases should be longer to acknowledge the seriousness. Although this would not bring their loved ones back, we consider that it would go some way towards recognising the loss of life and harm inflicted, as well as denouncing the offending.

We spent considerable time exploring how the bill could be amended to achieve tougher sentences. The options included recommending targeted amendments to the Sentencing Act, introducing mandatory minimum sentences or minimum non-parole periods, and issuing formal sentencing guidelines for the offence.³

We observed that manslaughter does not have a starting point for sentencing that judges can work backwards from. This is because the manslaughter offence is so wide-ranging, encompassing behaviour ranging from unprovoked assaults to a parent accidentally running over their child in a driveway. We suggested that the idea of introducing degrees of manslaughter should be explored so that serious offending receives appropriate sentences while maintaining the need for sentencing flexibility for accidents.

We note that sentencing reforms in this Parliament have resulted in capping at 40 percent the discounts that judges can apply when considering personal mitigating factors. In the one coward punch case where the offending occurred after the legislation commenced, the judge capped the sentencing discounts at 40 percent. This resulted in a sentence of four years and two months' imprisonment. We firmly expect that the sentencing reforms will result in tougher sentences for the offence of manslaughter by strike to the head or neck.

We have also considered the issue of the enforceability of new clause 19, which may lead to a situation where a jury may have no choice to acquit the accused because the ingredients of the charge cannot be proven. In view of this, we have proposed inserting new clause 19A, new section 171B, which offers a jury the ability to make a finding of manslaughter in substitution of the coward punch charge. The proposed insertion is not considered by the committee to be the most appropriate means to achieve this outcome, but it is the one that meets the procedural requirements of the House. We intend to write to the Business Committee to seek approval during the committee of the whole House stage for the bill to be considered an omnibus bill, and as a result, substitute our proposed amendment with an amendment to the Criminal Procedure

³ Sentencing reforms cannot be included in this bill because the Crimes Act defines offences and sets their maximum penalty. The Sentencing Act is the primary vehicle for influencing sentence lengths.

Act 2011. This preferred approach is one that is more appropriate as such matters are normally covered under the Criminal Procedure Act.

We considered an amendment proposed by Todd Stephenson MP to clause 19 of the bill. The proposed amendment would provide for a minimum period of imprisonment of 8 years for the manslaughter by strike to the head offence (or 6 years in the case of a person who was 17 years or younger at the time of the offence).

We received advice that implementing mandatory minimum sentences or minimum periods of imprisonment for coward punch manslaughter would have significant system-wide implications and would require substantial policy work and consultation. Groups that the Ministry of Justice would need to consult include the Police, the Crown Law Office, the Department of Corrections, Oranga Tamariki, the public, and legal experts. Matters that would need to be considered are:

- the effect of a fundamental departure from current sentencing principles
- how to mitigate unintended consequences and address workability issues, including the potential to distort how murder cases and other manslaughter cases are sentenced
- human rights implications because restricting the courts' ability to consider the individual circumstances of each case is likely to engage the New Zealand Bill of Rights Act 1990
- the effect on children and the youth justice system, as minimum sentences that apply to them would be unprecedented and contradict the principles of youth justice in the Oranga Tamariki Act 1989.

Substantial amendments to other legislation might also be needed to make mandatory minimum sentences workable in the Crimes Act. These might include amendments to the Sentencing Act, Oranga Tamariki Act, Parole Act 2002, Bail Act 2000, and Criminal Procedure Act. However, as noted earlier in our commentary, this bill cannot be used to make substantive (that is, not merely consequential) amendments to other legislation. This is because the bill is a general amendment bill amending the Crimes Act so any amendments beyond that can only be consequential. Further, the bill is not an omnibus bill because it does not meet the relevant criteria under Standing Order 267. Specifically, the amendments do not deal with an interrelated topic that can be regarded as implementing a single broad policy.

Some of us would have very much liked to have been able to address the concerns about sentencing through this bill. We seriously considered how we could do so. However, given the system-wide implications and scope issues raised above, we acknowledge that this bill is not the appropriate vehicle for making changes. We also acknowledge the submitters who felt that the sentences were not appropriate. Some of us strongly recommend that a bespoke piece of legislation be introduced that addresses the issues that we have highlighted.

We also urge whatever Government undertakes the next sentencing reforms to consider amending the Sentencing Act to explicitly make a coward punch an aggravating factor.

Theft in an offensive, threatening, insulting, or disorderly manner

Clause 25 would insert new section 219A into the Act to create an offence of theft in an offensive, threatening, insulting, or disorderly manner. The offence would only apply if the value of the property did not exceed \$2,000. The maximum penalty would be 2 years' imprisonment.

Typically, offences are constructed in a way that avoids or minimises overlap so the offending behaviour is linked to the appropriate maximum punishment. Some submitters expressed concern that the new offence could overlap with robbery offences in the Act because it includes the word "threatening". To prevent overlap with the robbery offence under section 234, we recommend deleting the reference to "threatening" in new section 219A. We note that the other terms in the proposed offence (offensive, insulting, and disorderly) would still capture a range of behaviour. Any theft that reached the threshold necessary to constitute a threat could be charged under other applicable provisions in the Act. They include robbery and demanding with intent to steal (section 239).

Other matters that we wish to highlight

During our consideration of the bill we also explored several other matters. Although they have not resulted in recommended amendments, we consider that they should be brought to the attention of the House.

Definition of "first responder"

Subpart 5 of the bill deals with offences against first responders and corrections officers. The bill would:

- create a new offence of injuring a first responder or corrections officer with intent to injure (clause 22)
- expand the aggravated assault offence in section 192(2) of the Act to apply to all first responders and corrections officers (clause 23)
- create a new offence of assaulting a first responder or corrections officer with intent to injure (clause 24).

Clause 21 defines a "first responder" as a constable, an authorised officer, and those who have a legal duty to provide specified services at the scene of an emergency. The definition of "corrections officer" replicates the one used in the Corrections Act 2004.

We are concerned that the definition of "first responder" in the bill as introduced is quite narrow, and considered whether it should be broadened. We considered several examples that would not be covered under the bill, including doctors working at a prison and community patrols. We were particularly interested in Māori wardens and lifeguards, as both these roles entail contractual obligations. Māori wardens also have statutory powers in relation to intoxicated people under the Māori Community Development Act 1962. We also explored the aggravating factors that apply at sentencing for assaults on first responders.

Section 9(1)(fa) and (fb) of the Sentencing Act contains aggravating factors that relate to first responders or prison officers. It provides that a victim's occupation must be taken into account if they were a constable or prison officer acting in the course of their duty. The section also applies to an emergency health or fire services provider acting in the course of their duty at the scene of an emergency.

We were advised that any class of persons needs to be carefully defined in legislation. They also need to be clearly identifiable to the public, such as by a uniform, to fulfil the implied knowledge element from case law. If it cannot be fulfilled, more elements would need to be added to the offences, making them harder to prosecute. The main difficulty in adding more occupational groups to the definition of first responder is that drawing the line becomes harder to justify.

We discussed whether to include Māori wardens in the definition due to their clear mandate in legislation to work with people and that they are clearly identifiable. However, we consider that expanding the definition could open it up to other organisations that meet the threshold at some point. They may also have a statutory role and wear a uniform. We came to the view that considerable work would be needed to define which organisations might meet the criteria.

We also note that a judge can take into account anything they consider relevant, and vulnerability is explicitly provided for in the Sentencing Act. This could result in "doing one's job" being treated as an aggravating factor in appropriate circumstances.

Although we do not recommend broadening the definition, we consider that it is especially wrong to assault a person who is just doing their job. We would like to see further consideration given to expanding the occupations listed in aggravating factors under section 9 of the Sentencing Act.

Immunity from prosecution for victims of trafficking

Several submitters commented on the principle of non-punishment for victims of trafficking who were compelled to commit an unlawful act. One submitter recommended that the bill be amended to include a non-punishment provision. They noted that lack of a guaranteed defence is contrary to a core principle in international trafficking law—namely, that trafficked persons should not be penalised for offences they were forced to commit as a direct result of being trafficked. The submitter suggested that victims may hesitate to come forward if they fear punishment, which could lead to traffickers not being identified.

We note that the Palermo Protocol allows state parties to provide for the non-punishment principle in legislation, guidelines, regulations, preambles, or other instruments. We received advice that it is better for victims of trafficking to avoid prosecution, where appropriate, rather than relying on raising a defence at trial. This is achieved through the Solicitor-General's Prosecution Guidelines, which require prosecutors to make decisions that are fair and objective, while considering the relevant circumstances of each case. The guidelines include a test that must be satisfied before a prosecution can proceed. The test consists of two parts: whether sufficient evidence is available to establish the proposed charge beyond reasonable doubt, and whether the

public interest requires that a prosecution be brought. Decisions about whether to prosecute a victim of trafficking would fall within the scope of the public interest test. Existing legal safeguards also offer protection from criminal responsibility for individuals who may have breached the law as a direct result of their exploitation. For example, section 24 of the Crimes Act applies if a person was compelled to commit an offence due to threats of immediate death or grievous bodily harm from a person present when the offence was committed.

We acknowledge the prosecutorial discretion. We also recognise that prosecutors are unlikely to prosecute cases that may attract judicial criticism, like those involving individuals who are victims of trafficking. However, we note that the bill is trying to address the policy problem of trafficking victims not reporting the crime. We are concerned that having a discretion rather than immunity will discourage people from coming forward if there is a possibility that they may be prosecuted. Although we have not recommended any amendments to this provision, we wish to highlight this concern.

ACT New Zealand differing view

ACT is pleased to be part of a government which has prioritised law and order. This bill makes some important improvements including:

- Modernises the law around citizen’s arrest and defending property.
- Creates a new offence for theft that is carried out in an offensive, threatening, insulting, or disorderly manner.
- Makes improvements around the law related to dealing in slaves and human trafficking related to children.
- Creates a new offence related to assaults on first responders and corrections officers.
- Changes the monetary thresholds and penalties for theft.

The bill as introduced also included a new “coward punch” offence (section 171A). We heard directly from submitters who had loved ones killed by “coward punches”. It is a very serious, distressing, and senseless crime.

The committee received evidence which showed that currently for manslaughter cases involving a “coward punch”, that the average sentence is just 3 years and 4 months of imprisonment. There has also been a number of people only sentenced to home detention.

It became clear during our consideration of the bill that the offence as currently drafted would not actually increase non-parole (time in prison) sentences for a “coward punch”.

On 5 May 2026 I wrote to the committee proposing an amendment which would actually ensure a minimum non-parole sentence for an offence under the proposed section 171A. My amendment was subsequently drafted in a slip for consideration by the committee.

The committee decided not to adopt my amendment. ACT voted for the amendment as it was the only way to make the new proposed “coward punch” offence effective.

To achieve comprehensive sentencing reform, the Sentencing Act 2002 will need further amendment. ACT will continue to advocate for comprehensive reform of sentencing. New Zealanders expect prison sentences to reflect the seriousness of the crimes committed.

Green Party of Aotearoa New Zealand differing view

The Green Party of Aotearoa New Zealand does not support the Crimes Amendment Bill. While there are some parts of the bill that we could have supported in isolation, the addition of section 171A on manslaughter by strike to the head or neck, and changes to section 35 on citizen’s arrest are irresponsible and would not work in practice.

Citizen’s arrest

We acknowledge that too many retailers and their staff have been the victim of theft, property damage, and violent crime in their line of work. This is scary for those who work in the sector, and they are right to seek solutions to help them feel more empowered in the face of these crimes.

However, we take issue with the proposed approach to this problem. This part of the bill was opposed by legal experts, the Police, retailers, Business New Zealand—essentially anyone else other than those affiliated with the Ministerial Advisory Group for Victims of Retail Crime (MAG). Process-wise, major concerns were raised that this policy decision lacks proper consultation and rigorous legal input. Indeed, the MAG’s own report highlighted the lack of legal expertise during the development process of this policy.

Submitters have raised issues and concerns on the existing powers under section 35, where Police have been unable to attend all instances of citizen’s arrests. The expanded scope of section 35 would further exacerbate these issues. Not only would the new powers disproportionately target marginalised populations, especially Māori and Pasifika, but it lacks any safeguards for children and young people. The expanded scope also encompasses every crime under the Crimes Act, which would have unintended consequences, such as the ability to arrest employers if suspected of wage theft (e.g. Crimes Act section 220AA).

Businesses also raised concerns that this could lead to increased risks for employees and inconsistencies under the Health and Safety at Work Act, and there was insufficient time to further consult ACC on the impact this could have for claims. There was also limited time to consider the broader implications around legal liability for injuries caused by false arrest, harm, and abuse of children, as well as insurance cost.

One-punch attacks

We want to acknowledge the families and friends who have lost loved ones from one-punch attacks and other related crimes, and the frustration they expressed on the

length of sentence. We also acknowledge the submitters' concerns around repeat offending should an offender receive a presumed disproportionate sentence. It is important to highlight that such concerns, though valid, are primarily rehabilitation issues. However, we do not support the select committee's decision to reinstate clause 19 due to serious implementation concerns. Prosecution of manslaughter in the context of one-punch attack is already difficult to prove, and having a specific crime for manslaughter by strike to the head or neck offence would introduce unwieldy complexity into our culpable homicide regime.

We also do not support the proposal for a minimum term of imprisonment for manslaughter in which the person was struck to the head or neck. Currently, minimum periods of imprisonment are only required to be imposed in the limited contexts of life imprisonment for murder and preventative detention. Any further addition of minimum periods of imprisonment would require more rigorous policy development and consultation due to its unprecedented nature. Furthermore, any minimum term of imprisonment would be a blunt tool that could have the chilling effect of capturing instances where the incident was truly accidental or the offender being a child. The Government already introduced changes to the Sentencing Act last year, with limited examples of the impact that those changes had on this particular offence.

The Green Party is disappointed that the committee reinstated the clause last minute, by majority, without consultation despite already having taken it out in a previous draft. It also goes against the officials' advice on practicability and workability.

Retail theft infringement

While we have some operational concerns around retail theft infringement and the disproportional impact for Māori, Pasifika, and young people, our biggest concern with this part is the introduction of Amendment Paper 436. Under Standing Order 264(2), a bill must only relate to one subject area. To introduce an amendment that bypasses parliamentary processes is problematic. Furthermore, there was little information on how the Police would be resourced to undertake the expanded scope of infringement powers.

Exploitation offence

We support changes to offences of smuggling and trafficking in people. However, we share the same feedback as a number of submitters where the bill alone would not be enough to address the issue. There must be better protections for victims including non-punishment for crimes committed as a result of being trafficked, protection visas, and resourcing to access legal and specialist trafficking services and rehabilitation programmes. Together with better protection for victims, there is a need for a national strategy and plan, one that is resourced, to address the underlying drivers of vulnerability to trafficking such as poverty, housing insecurity, family violence, and a lack of access to education and opportunities which result in migration dependency.

Assault on first responders

While we agree with the intent of this section that no first responders should be at harm during the course of their duty or work, we were disappointed that the committee did not proceed with the inclusion of other groups such as Māori wardens and life-guards.

The Green Party firmly upholds that the most sensible way to address crime is at the root cause level. If we resource better public housing and ensure that everyone has access to appropriate education and health services, we will see a reduction in crime. It is unfair and dishonest, from the Government to the victims, to promise a solution where the evidence shows and experts say that it will only exacerbate the problem. Part of this bill was conceived by a MAG that had no expertise on crime at a system level, which could have unintended consequence of seeing more people harmed as a result. Having the Police, businesses, legal experts, community organisations all speak out against parts of this bill should prompt the Government to reconsider it.

New Zealand Labour Party differing view

Human trafficking offences

The New Zealand Labour Party supports the parts of the Crimes Amendment Bill 2026 that amend the definitions and in relation to smuggling and trafficking of people. These changes should be commended and indicate a significant step forward in modernising our legislation in relation to these exploitative practices. We support comments from submitters that would have strengthened protections for victims, and acknowledge there is more work to be done in this area to prevent modern slavery, including people smuggling and trafficking occurring in NZ.

Manslaughter by strike to the head or neck—coward punch

We acknowledge all families who have lost family members in violent assaults. We cannot imagine the pain of losing a loved family member in such a violent and upsetting way. Our desire is to prevent more families suffering similar violence. However, we do not consider the provision as drafted will achieved this aim.

In terms of the manslaughter provision, we support the removal of this provision due to compelling advice provided by Ministry of Justice officials that the provision as drafted is unworkable and may lead to confusion for Police, prosecutors, and juries. We also note that the committee was advised that this provision may result in fewer convictions for these types of crimes. We also do not support the amendment proposed by the ACT Party. We have received clear advice from officials that the Sentencing Act would be the appropriate statute for these changes and therefore we do not support the substantive provision or the proposed amendment. We accept advice from officials that this bill is not the best way to address issues raised by families in relation to the length of sentences and are concerned that by enacting this provision the bill may have the opposite effect than what has been advocated for and result in confusion, and fewer convictions. We are clear that the provision as drafted is not a sensible, practical, or logical addition to our crimes or sentencing framework and also

note that the committee has been extensively advised by officials in this area that the inclusion of this provision as drafted is not recommended.

First responder assault offence

Sentencing Judges can already take the role the person was undertaking into account in sentencing in assault cases, however, at select committee we sought to have the definition either extended to include other groups of people who may be injured while doing their jobs like mental health staff, Māori Wardens, and emergency response personnel like volunteer firefighters. There was no majority support for this change at the committee. We also sought advice on having a less prescriptive definition but were unable to find majority support for this.

Citizen's arrest powers

We acknowledge the impact of theft and petty crime on many large and small retail businesses throughout New Zealand, and the impact that these crimes have on staff, customers, and the bottom line. We recognise the intent of this provision is to address this issue, however there remain serious and widespread concerns about these proposals and their implementation. We have genuine concerns that these provisions may do more harm than that which they seek to prevent. There was a considerable amount of concern raised by submitters about these new citizen's arrest provisions and the use of force in this in these new powers. We also note that 41 out of the 63 submissions on this provision were opposed to these provisions.

The concerns that were raised by submitters included that the members of the public, retail staff, and alleged offenders may be at risk of harm through confrontation, escalation of violence, and vigilantism. They also raised the lack of training and publicly available guidance on this change. Serious concerns around the inconsistencies with existing obligations under the Health and Safety at Work Act 2015 were raised.

To be clear Labour does not support these changes, and on its own would not be supportive of this provision moving forward. We intend to move amendments to this Part at committee of the whole House stage in order to address these concerns.

Disproportionate impact on Māori and Pasifika

We acknowledge the primary objection to this bill was the disproportionate impact they may have on Māori and Pacific communities, we think there should have been greater consultation with these groups due to this projected impact and will be questioning the Minister about this at committee of the whole House stage. There were also concerns raised about the impact on some of these changes on children and young people. We also note issues in the Regulatory Impact Statement and policy development process.

New Zealand First differing view

Manslaughter by strike to head or neck also commonly known as "coward punch" is a horrendous crime. There has been wide range of sentences handed down to offenders, this was illustrated in the cases that were identified to the committee. The average

sentence is just 3 years and 4 months. There have also been several cases where home detention has been the sentence received by offenders. In our view those sentences do not represent the seriousness of the offending.

The New Zealand First coalition agreement with the National Party reads to “Introduce the Coward Punch legislation which will create a specific offence for anyone who injures or kills someone with a coward punch.”

The bill as introduced includes a new “coward punch” offence (section 171A) Manslaughter by strike to head or neck. Wounding with intent by strike to head or neck (section 188A) deals with intent to cause grievous bodily harm. Both clauses are retained in the bill.

During the hearing process and receiving advice from officials, it became apparent the offence as currently drafted would not actually increase sentences for a “coward punch”. The primary reason being the bill as drafted was not an omnibus bill, so the committee had no scope to make amendments to the Sentencing Act 2002. This oversight is extremely frustration as the foundation of this new offence was to be drafted from the previous New Zealand First’s member’s bill that dealt with the offence and sentencing aspects as one.

The Crimes Amendment Bill has named the offence but has failed to strengthen the sentencing for a fatal coward punch causing death. New Zealand First believes a minimum mandatory sentence of 8 years for the taking of a life, that was advocated by many submitters is appropriate for this type of offending. NZ First supported the proposed amendment to insert a minimum mandatory sentence in the Crimes bill. The Sentencing Act could have been the alternative consideration for the amendment to be inserted but as discussed above was not option open to the committee due to the design of the bill. The amendment was not supported by the majority of the committee.

We feel for the families and friends of victims that submitted to this process and now face a longer wait for sentencing reform. New Zealand First will continue to champion minimum mandatory sentence and recognition for tougher sentencing for coward punch offending that causes death.

Assaults on first responders and corrections officers

The coalition agreement reads “Introduce the protection for First Responders and Prison Officers legislation which will create a specific offence for assaults on first responders which includes minimum mandatory prison sentences”.

The bill introduces maximum penalties that recognise the important role that first responders and corrections officers fulfil and the risks assaulting them can pose. The bill however has no ability to set minimum mandatory sentence that we believe should be 6 months. Amendments to the Sentencing Act 2002 would be the only avenue to set minimum mandatory sentence.

New Zealand First intends to explore options to fulfil our coalition agreement on both these issues at the committee of the whole House stage and in future legislation proposals.

Appendix

Committee process

The Crimes Amendment Bill was referred to this committee on 9 December 2025. We called for submissions on the bill with a closing date of 16 February 2026. We received and considered submissions from 233 interested groups and individuals. We heard oral evidence from 31 submitters at hearings by videoconference and in Wellington.

Advice on the bill was provided by the Ministry of Justice. The Office of the Clerk provided advice on the bill's legislative quality and scope. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Hon Andrew Bayly (Chairperson)

Hon Ginny Andersen (until 25 March 2026)

Jamie Arbuckle

Carl Bates

Camilla Belich (from 25 March 2026)

Tākuta Ferris

Rima Nakhle

Dan Rosewarne (from 25 March 2026)

Tom Rutherford

Todd Stephenson

Vanushi Walters (until 25 March 2026)

Hon Dr Duncan Webb

Dr Lawrence Xu-Nan

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

text inserted unanimously

~~text deleted unanimously~~

Hon Paul Goldsmith

Crimes Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

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

2 Commencement

- (1) This Act comes into force on the day after Royal assent. 5
- (2) However, **sections 30A to 30E** come into force on a date set by Order in Council.
- (3) Any part of the Act that has not come into force 6 months after Royal assent comes into force then.
- (4) An Order in Council made under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements). 10

Part 1

Amendments to Crimes Act 1961

3 Principal Act

This Part amends the Crimes Act 1961.

15

Subpart 1—Arrest and defence of property

- 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”.
- (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—
- (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.
- 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—
- (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)**
- 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.
- 7 Section 38 amended (Arrest during flight)** 5
- 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: 10
- (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.
- 8 Section 39 amended (Force used in executing process or in arrest)** 15
- In section 39, after “such force”, insert “(for example, the use of physical or mechanical restraints)”.
- 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)” 20
- 10 Section 52 amended (Defence of movable property against trespasser)**
- 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” 25
- 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”.
- Subpart 2—Slave dealing and human trafficking offences 30
- 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)”.

- 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)** 5
- (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: 10
 - (d) forced criminality or forced unlawful ~~behaviour~~ acts or omissions:
 - (e) forced or coerced marriage or civil union
- forced or exploitative labour or services** includes work or a service provided by a person that— 15
- (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 20
 - (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: 25
 - (ii) health and safety obligations in respect of the person
- (2) In section 98B, definition of **act of coercion against the person**,—
- (a) delete “**against the person**”; and
 - (b) before “includes”, insert “, in relation to a person,”.
- (3) In section 98B, replace the definition of **unauthorised migrant** with: 30
- unauthorised migrant**, in relation to a State, means a person who is not a citizen of the State and who is—
- (a) not in possession of all the documents required by the law of the State for the person’s lawful entry into the State; or
 - (b) 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. 35

16 Section 98D replaced (Trafficking in persons)

Replace section 98D with:

98D Trafficking in persons

- (1) A person commits an offence if—
- (a) 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**):
 - (i) the recruitment of the trafficked person:
 - (ii) the transportation of the trafficked person:
 - (iii) the transfer of the trafficked person: 10
 - (iv) the harbouring of the trafficked person:
 - (v) the reception of the trafficked person; and
 - (b) the person carries out that conduct knowing that it involves, or will involve, 1 or more of the following:
 - (i) an act of coercion against the trafficked person: 15
 - (ii) an act of deception against the trafficked person:
 - (iii) the abuse of power over the trafficked person:
 - (iv) the abuse of the trafficked person's position of vulnerability:
 - (v) the giving or receiving of a payment or benefit for the purposes of enabling any person to exercise control over the trafficked person; and 20
 - (c) 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)~~ **subsection (1)(a) and (b)(i) to (v)** does not need to occur at the same time or place. 25
- (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: 30
 - (v) the reception of the trafficked child; and 35

- (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
- (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— 10
- (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. 15

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).

17A Section 98F amended (Attorney-General’s consent to prosecutions required) 20

After section 98F(1), insert:

- (1A) However, the Attorney-General’s consent is not required for proceedings to be brought in relation to an offence against **section 98D** if all the acts and omissions alleged to constitute the offence, and every event necessary to the completion of the alleged offence, occurred wholly inside New Zealand. 25

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: 30

- (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 when they are acting as an undercover officer, except with the leave of the Attorney-General.
- (7B) In **subsection (7A)**, **undercover officer**— 35

- (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. 5
- (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.

Subpart 4—Harm by strike to head or neck 10

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. 15
- (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— 20
- (a) culpable homicide to which this section applies:
- (b) any other culpable homicide.

19A New section 171B inserted (Alternative verdict of manslaughter)

After section 171, insert: 25

171B Alternative verdict of manslaughter

- (1) This section applies if a person is charged with an offence against section 171A.
- (2) If, on the trial of a person for an offence against section 171A, the trier of fact is not satisfied beyond reasonable doubt that the person is guilty of that offence, but is satisfied beyond reasonable doubt that the person is guilty of manslaughter, the person may be found not guilty of the offence charged but guilty of manslaughter. 30
- (3) A person may be convicted of manslaughter under subsection (2) whether or not manslaughter is expressly charged. 35
- (4) Nothing in this section limits section 143 of the Criminal Procedure Act 2011.

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 5

- (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 10
 - (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.

Striking with intent to injure or with reckless disregard 15

- (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 20
 - (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. 25

Subpart 5—Offences against first responders and corrections officers

21 Section 2 amended (Interpretation)

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

corrections officer has the same meaning as the meaning given to officer in section 3(1) of the Corrections Act 2004 30

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)

5

22 Section 189 amended (Injuring with intent)

After section 189(2), insert:

- (3) A person commits an offence if—
 - (a) the person injures—
 - (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

35

- (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.

5

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

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- (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”.
- (3) Repeal section 223(c).
- (4) In section 223(d),—
 - (a) replace “\$500” with “\$2,000”; and
 - (b) replace “3 months” with “1 year”.

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

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- (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”.

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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”.

Part 2

Amendments to other legislation

Subpart 1—~~Amendment~~ Amendments to Summary Offences Act 1981 5

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. 10

Removing property from retail premises without payment

30A New section 14AA inserted (Removing property from retail premises without payment)

After section 14, insert:

14AA Removing property from retail premises without payment 15

(1) A person commits an infringement offence if, without reasonable excuse, the person removes property from a retail premises without payment.

(2) A person who commits an infringement offence against this section is liable to a fine imposed by a court not exceeding—

(a) \$750 if the value of the property removed is equal to or less than \$500; 20
or

(b) \$1,500 if the value of the property removed is more than \$500.

(3) In this section, **retail premises** means a building, place, or part of a building or place, where goods are offered for sale to members of the public or a section of the public, but does not include a private home where any of the owner’s or occupier’s property is being sold. 25

30B Sections 38A to 38C replaced

Replace sections 38A to 38C with:

38A Interpretation

In **sections 38B** to 38E,— 30

infringement fee,—

(a) for an infringement offence under **section 14AA(1)**, means—

(i) \$500 if the value of the property removed is equal to or less than \$500; or

(ii) \$1,000 if the value of the property removed is more than \$500; and

(b) for an infringement offence under section 38(3), means \$200 5
infringement offence means an offence under **section 14AA(1)** or 38(3).

38B Infringement offences

(1) A person who is alleged to have committed an infringement offence may—

(a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or 10

(b) be issued with an infringement notice under **section 38C**.

(2) Proceedings commenced in the way described in **subsection (1)(a)** do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957.

(3) No person arrested under section 39 may be issued with an infringement notice under **section 38C**. 15

(4) See section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

38C When infringement notice may be issued

A constable may issue an infringement notice to a person if the constable believes on reasonable grounds that the person is committing, or has committed, an infringement offence. 20

38CA Revocation of infringement notice before payment made

(1) The Police may revoke an infringement notice before—

(a) the infringement fee is paid; or 25

(b) an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.

(2) The Police must take reasonable steps to ensure that the person to whom the notice was issued is made aware of the revocation of the notice.

(3) The revocation of an infringement notice before the infringement fee is paid is not a bar to any further action as described in **section 38B(1)(a) or (b)** against the person to whom the notice was issued in respect of the same matter. 30

38CB What infringement notice must contain

An infringement notice must be in the form prescribed in the regulations made under section 38E and must contain the following particulars: 35

(a) details of the alleged infringement offence that fairly inform a person of the time, place, and nature of the alleged offence:

- (b) the amount of the infringement fee;
- (c) the address of the place where the infringement fee may be paid;
- (d) how the infringement fee may be paid;
- (e) the time within which the infringement fee must be paid;
- (f) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; 5
- (g) a statement that the person served with the notice has a right to request a hearing;
- (h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; 10
- (i) any other matters prescribed in the regulations.

38CC How infringement notice may be served

- (1) An infringement notice may be served on the person who the constable who issued the infringement notice believes is committing or has committed the infringement offence by any constable— 15
 - (a) delivering it to the person or, if the person refuses to accept it, bringing it to the person's notice; or
 - (b) leaving it for the person at the person's last known place of residence with another person who appears to be of or over the age of 14 years; or
 - (c) leaving it for the person at the person's place of business or work with another person; or 20
 - (d) sending it to the person by prepaid post addressed to the person's last known place of residence or place of business or work or last known postal address; or
 - (e) sending it to the person by electronic means to an electronic address of the person. 25
- (2) Unless the contrary is shown,—
 - (a) an infringement notice (or a copy of it) sent by prepaid post to a person under **subsection (1)** is to be treated as having been served on that person on the fifth working day after the date on which it was posted; and 30
 - (b) an infringement notice sent to a valid electronic address is to be treated as having been served at the time the electronic communication first entered an information system that is outside the control of the Police.
- (3) In this section, unless the context otherwise requires, **electronic address**, in relation to a person, means— 35
 - (a) an electronic address that the person has given to the Police; or
 - (b) otherwise, the person's last known electronic address.

30C New section 38DA inserted (Service of reminder notices)

After section 38D, insert:

38DA Service of reminder notices

Despite section 24(1)(e) of the Summary Proceedings Act 1957, a reminder notice may be served on a person for the purposes of section 21(2) of that Act by serving the notice in accordance with **section 38CC(1)(d) or (e)** in addition to the other modes of service set out in section 24(1) of that Act and without otherwise limiting or affecting the operation of section 24 of that Act.

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30D Section 39 amended (Arrest)

(1) In section 39(1), replace “sections 17” with “**sections 14AA, 17**”.

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(2) In section 39(2), replace “sections 17” with “**sections 14AA, 17**”.

30E Section 40 amended (Jurisdiction)

In section 40(2), after “7,”, insert “**14AA,**”.

Subpart 2—Consequential amendments to legislation

31 Consequential amendments to legislation

15

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

5

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**”.

Replace section 5A(3)(b) with:

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- (b) in circumstances where the conduct concerned is the same as conduct described as—
- (i) manslaughter under sections 158, 160, and 171 of the Crimes Act 1961, is liable on conviction to imprisonment for life; or
- (ii) manslaughter by strike to head or neck under sections 158, 160, and **171A** of the Crimes Act 1961, is liable on conviction to imprisonment for life.

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Bail Act 2000 (2000 No 38)

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

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

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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)

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

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

25

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)

In Schedule 1, insert in their appropriate numerical order:

30

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:

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

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)

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

Section 171A	Manslaughter by strike to head or neck
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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):
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Maritime Crimes Act 1999 (1999 No 56)

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:

Wounding with intent to cause grievous bodily harm by strike to head or neck	Crimes Act 1961, section 188A(1)
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Parole Act 2002 (2002 No 10)

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

Parole Act 2002 (2002 No 10)—continued

(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):

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**,”. 5

Sentencing Act 2002 (2002 No 9)

In section 87(5)(b),—

(a) after “sections 171,”, insert “**171A**,”; and

(b) after “188,”, insert “**188A**,”. 10

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:

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

Summary Proceedings Act 1957 (1957 No 87)

In section 2(1), definition of **infringement notice**, after paragraph (jm), insert: 15

(jn) **section 38C** of the Summary Offences Act 1981; or

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: 20

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

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

Legislative history

3 December 2025
9 December 2025

Introduction (Bill 223–1)
First reading and referral to Justice Committee