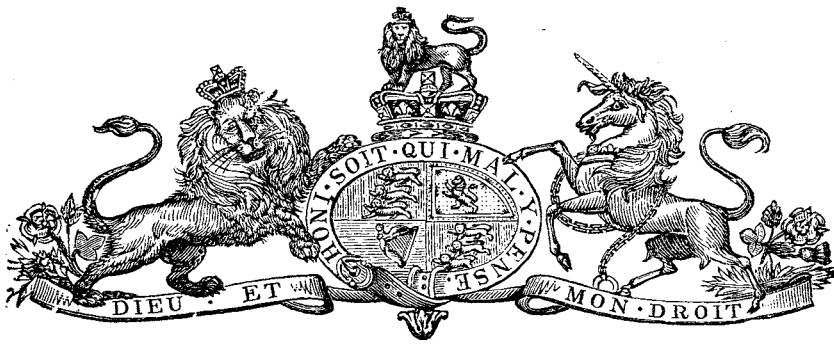


T A S M A N I A.



1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 20.

\*\*\*\*\*

AN ACT to amend the Criminal Law so far as regards the punishment of persons convicted of First Offences, and persons undergoing Imprisonment.

A.D. 1898.

[7 October, 1898.]

WHEREAS there is reason to believe that many offenders might be induced to reform if, instead of being committed to prison on their first conviction, an opportunity of reformation were afforded them, and it is expedient to amend the Law so far as to allow of such opportunity being afforded :

PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as the “ First Offenders Probation Act, 1898.”

2 In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively (that is to say) —

Interpretation.

“ Court ”—The Supreme Court, or any Justice or Justices by or before whom a person is convicted :

“ Offence ”—(a) Any offence punishable on summary conviction before any Justice or Justices, with or without the consent of the accused person, which, in the opinion of such Justice or Justices, is one to which the provisions of this Act should be applied :

*First Offenders Probation.*

A.D. 1898.

(b) Any offence of whatever nature, which, in the opinion of the Judge of the Supreme Court before whom the offender is convicted, is one to which the provisions of this Act should be applied :

“Offender”—A person convicted of an offence.

Suspension of punishment on first conviction.

3 When a person is convicted of an offence, not having been previously convicted in *Tasmania*, or elsewhere, in so far as is known to the Court, of any felony or misdemeanor, and is sentenced upon such conviction to imprisonment, the following provisions shall have effect :—

- I. The Court shall proceed to pass sentence upon the offender in the usual form :
- II. The Court may, if it thinks fit, suspend the execution of the sentence upon the offender entering into a recognizance with or without sureties in such amount as the Court directs, such recognizance being conditioned that the offender shall be of good behaviour for a period from the date of the sentence equal to the term of the sentence, or if the term of the sentence is less than twelve months, then for the period of twelve months, and shall not during the like period do or omit to do any act whereby the recognizance would become liable to be forfeited under the provisions hereinafter contained :
- III. When such recognizance is entered into the offender may be removed to such gaol or other place as the Court may determine, and there forthwith submitted to the examination customary for securing future identification. But detention for this purpose shall not exceed the term of Forty-eight hours, and the offender shall thereupon be discharged from custody, but shall be liable to be arrested by any Police Officer or Constable, and to be committed to prison, under a warrant issued for that purpose by any Court or Justice of the Peace, to perform his sentence, if during the period specified in the recognizance any of the conditions hereinafter specified happens with respect to him, and written notice shall upon his discharge be given to the offender, signed by the Clerk or other officer of the Court, specifying the conditions under which the offender will become liable to be so committed to prison :
- IV. When an offender is so committed to prison, the sentence shall begin to run from the date of such committal, but the term of the sentence shall not extend beyond the period specified in the recognizance, and at the expiration of that period the offender shall be entitled to be discharged.

Order for restitution or payment of compensation to be made by Court.

4 If the offence of which a person is convicted has relation to property or is an offence against the person, the Court may, if it thinks fit, upon suspending the execution of the sentence as hereinbefore provided, order the offender to make restitution of the property in respect of which the offence was committed, or to pay compensation for the injury done to such property, or compensation for the injury done to the person injured, as the case may be, and may assess the amount to be paid by the offender in any such case, and may direct

*First Offenders Probation.*

when and to whom and in what instalments the amount ordered to be paid shall be paid. Every such order may be enforced by any Justice in the same manner as orders made by Justices upon summary convictions. The Court may also, if it thinks fit, require the offender to give security for the performance of any such order, and may make the discharge of the offender from custody conditional upon such security being given.

A.D. 1898.

**5** If, during the period specified in the recognizance an offender so discharged,—

Conditions under  
which defendant  
may be arrested.

- i. On his being charged by an Officer of Police with getting his livelihood by dishonest means, and, being brought before any Justice, it appears to such Justice that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or
  - ii. On being charged with any felony or misdemeanor punishable on information filed in the Supreme Court or on summary conviction, and on being required by the Justice or Justices before whom he is charged to give his name and address he refuses to do so, or gives a false name or a false address,
- then and in any of such cases the Justice or Justices before whom such proof is given or before whom the offender is so charged or convicted, may forfeit the recognizance and direct him to be committed to prison to perform his sentence as aforesaid, or so much thereof as remains to be performed under the provisions hereinbefore contained, and he shall be so committed accordingly; and the Justice or Justices may grant any necessary warrant for his committal. But if, during the period aforesaid, none of the aforesaid events happens, he shall be discharged from the sentence, and the conviction on which the sentence was imposed shall not on any subsequent conviction against him be deemed to be a previous conviction for the purposes of any Act under which a greater punishment may be inflicted upon a person who has been previously convicted.

