



Queensland

Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill 2010



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2010

A Bill

for

**An Act to amend the Criminal Code to provide for mandatory
sentencing for serious assaults on police officers and
particular other persons**

The Parliament of Queensland enacts—

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Clause 1 Short title

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This Act may be cited as the *Criminal Code (Serious Assaults
on Police and Particular Other Persons) Amendment Act
2010*.

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Clause 2 Act amended

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This Act amends the Criminal Code.

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Clause 3 Amendment of s 340 (Serious assaults)

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(1) After section 340(2A)—

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insert—

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‘(2B) Subsection (2C) applies if a person is convicted of an offence
against subsection (1)(b) or (2AA), and the offence involves
circumstances in which the person—

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(a) does bodily harm to a prescribed person; or

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(b) bites, spits on or throws a bodily fluid or faeces at a
prescribed person.

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‘(2C) The court sentencing the person—

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(a) must sentence the person to a term of imprisonment of
at least 3 months; and

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(b) if the sentence is 3 months—may not, despite the
Penalties and Sentences Act 1992, section 144, order
that the whole or part of the term of imprisonment be
suspended; and

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(c) if the sentence is more than 3 months—may not, despite
the *Penalties and Sentences Act 1992*, section 144, order
that the whole or part of the first 3 months of the term of
imprisonment be suspended.

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- ‘(2D) However, if the person is convicted as a child under the *Juvenile Justice Act 1992*, subsection (2C) does not apply if the court is satisfied exceptional circumstances exist. 1
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- ‘(2E) Subsections (2B) to (2D) apply despite any other Act or law.’. 4
- (2) Section 340(3)— 5
insert— 6
‘prescribed person means— 7
- (a) a police officer; or 8
- (b) a public officer who is a member, officer or employee of 9
the Queensland Ambulance Service or the Queensland 10
Fire and Rescue Service; or 11
- (c) a member of a rural fire brigade. 12
- rural fire brigade*** means a rural fire brigade registered under 13
the *Fire and Rescue Service Act 1990*, section 79.’. 14