



- 4.2 it results in sentences that are excessive and disproportionate to the crimes committed;
- 4.3 there is no clear indication that the law deters individuals from committing qualifying offences;
- 4.4 the Court of Appeal has found sentences imposed under the law contravene the New Zealand Bill of Rights Act 1990 (Bill of Rights Act);
- 4.5 the Courts have the power to impose sentences equivalent to those imposed under the law; and
- 4.6 it disproportionately impacts Māori.<sup>2</sup>

5 The three strikes law introduced the term “serious violent offence” into the Sentencing Act. This term has since been referred to in other statutes so will be preserved after the repeal takes effect.

6 The repeal will apply from enactment to all relevant active criminal proceedings, except those where conviction and sentencing have been completed before the Bill comes into force. This will prevent offenders from filing appeals to bring themselves within the ambit of the repeal legislation.

7 The Bill excludes any entitlement to compensation relating to the impacts of the three strikes law. Compensation would go beyond the purpose of the repeal of the three strikes law, which is to prevent the ongoing imposition of the excessive and disproportionate sentences it requires judges to impose.

*Need for legislation*

8 Legislation is required to repeal the provisions that, collectively, create the three strikes law.

*Outstanding policy issue: Application of the Bill to current strike offenders*

9 The Bill does not address the impacts on those already sentenced under the three strikes law. It therefore does not provide retrospective arrangements for those individuals who are serving a sentence of imprisonment for a strike offence at the time the repeal legislation comes into effect.

10 Cabinet considered several approaches to this issue [CAB-21-MIN-0230]. Government intervention (or empowering the courts to intervene) would be required to adjust the sentences already imposed out under the three strikes law.

11 Any option for intervening would significantly affect the victims of those offenders. This would require including resentencing or other corrective

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<sup>2</sup> As at 30 June 2020, 50% percent of those who have received a first strike and 63% of those who have received a second strike are Māori.







