



Queensland

Bail and Penalties and Sentences Amendment Bill 2007



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2007

A Bill

for

An Act to amend the *Bail Act 1980* and the *Penalties and Sentences Act 1992* to add a relevant consideration to bail and sentencing decisions

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Bail and Penalties and Sentences Amendment Bill 2007*. 4
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Part 2 Amendment of Bail Act 1980 6

Clause 2 Act amended in pt 2 7

This part amends the *Bail Act 1980*. 8

Clause 3 Amendment of s 16 (Refusal of bail) 9

(1) Section 16(2)(c)— 10

omit, insert— 11

‘(c) the history of any previous grants of bail to the defendant, including— 12
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(i) whether the defendant committed, or is alleged to have committed, another offence during a previous grant of bail; and 14
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(ii) whether the defendant failed to appear and surrender into custody in relation to a previous grant of bail;’. 17
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(2) Section 16(3)— 20

omit, insert— 21

‘(3) If the defendant is charged with an offence against an Act (other than this Act) for which the maximum penalty is at 22
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least 2 years imprisonment or with an offence against this Act—	1 2
(a) the court or police officer must refuse to grant bail unless the defendant shows cause why the defendant's detention in custody is not justified; and	3 4 5
(b) if bail is granted or the defendant is released under section 11A, ¹ the court or police officer must include in the order a statement of the reasons for granting bail or releasing the defendant.'	6 7 8 9

Part 3	Amendment of Penalties and Sentences Act 1992	10 11
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Clause 4	Act amended in pt 3	12
	This part amends the <i>Penalties and Sentences Act 1992</i> .	13

Clause 5	Amendment of s 9 (Sentencing guidelines)	14
	Section 9(2)—	15
	<i>insert—</i>	16
	'(ia) if bail had been granted to the offender—the offender's compliance with the terms and conditions of the bail; and'	17 18 19

1 Section 11A (Release of intellectually impaired person)