



TASMANIA

CRIMINAL CODE AMENDMENT ACT 2022

No. 13 of 2022

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CRIMINAL CODE AMENDMENT ACT 2022

No. 13 of 2022

An Act to amend the *Criminal Code Act 1924*

[Royal Assent 6 June 2022]

Be it enacted by Her 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. Short title

This Act may be cited as the *Criminal Code Amendment Act 2022*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

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3. Principal Act

In this Act, the *Criminal Code Act 1924** is referred to as the Principal Act.

4. Schedule 1 amended (*Criminal Code*)

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (2) in section 2A:

(2A) Without limiting the application of subsection (2) to an act of sexual intercourse, a person does not freely agree to an act of sexual intercourse with another person if the person says or does anything to communicate to the other person that a condom must be used for that sexual intercourse and the other person intentionally –

- (a) does not use a condom; or
- (b) tampers with the condom;
or
- (c) removes the condom –

before or during the sexual intercourse.

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- (b) by inserting the following section after section 170A:

170B. Strangulation, &c.

A person who intentionally and unlawfully chokes, suffocates or strangles another person is guilty of a crime.

Charge: Strangulation.

- (c) by inserting the following section after section 333:

333A. Attempted murder

Upon an indictment for attempting to commit murder the accused person may be convicted of –

- (a) an unlawful act intended to cause bodily harm; or
- (b) strangulation.

- (d) by inserting the following section after section 334:

334AA. Strangulation

Upon an indictment for strangulation the accused person may be convicted of assault.

- (e) by inserting the following paragraph after paragraph (a) in section 334A(1):

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- (ab) strangulation; or
- (f) by inserting in section 334A(2) “or strangulation” after “assault”;
- (g) by inserting the following paragraph after paragraph (g) in section 337A(1):
 - (ga) strangulation;
- (h) by inserting in Appendix A after
Persistent family violence.

the following item:

Strangulation.

5. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

*[Second reading presentation speech made in:–
House of Assembly on 10 March 2022
Legislative Council on 25 May 2022]*