

Life with no parole for worst killers

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The worst murderers can now be locked up for life with no parole even if they have no previous convictions under a little-known provision of the three strikes law.

Under the Sentencing and Parole Reform Act, passed last night, judges can order that murderers who have no history of violence never be freed if their crime is so heinous they should stay in jail for ever.

This will put them on the same footing as killers on their second or third chances after a series of violent offences under the new three strikes law.

The provision for first-time offenders is aimed at killers like Clayton Weatherston, whose 2008 murder of former girlfriend Sophie Elliott shocked the country.

Weatherston, who had no previous convictions, attacked the 22-year-old in her home, stabbing her 216 times and mutilating her body with a pair of scissors. He was sentenced to life with a minimum non-parole period of 18-years.

Before last night's law change, judges had to impose minimum terms for everyone jailed for life for murder.

But Police Minister Judith Collins, who steered through the three-strikes law, said special provision had now been made for the worst killers, no matter what their criminal history. "These offenders can be sentenced to life without parole, even if they did not have a record of previous violent offending."

The provision received little attention as the bill passed through Parliament as debate centred on the controversial three-strikes regime for repeat violent offenders. The regime introduces a graduated scale of sentencing for 40 serious violent offences.

A third conviction will bring the maximum sentence for that offence with no parole.

The bill caused a storm of controversy, with opposition from across the criminal justice sector. The Justice Ministry told Justice Minister Simon Power it would be unfair and potentially breach human rights, but officials were prevented from presenting evidence in person to the select committee hearing the bill.

The Law Society and conservative think-tank the Maxim Institute were also highly critical of the proposals.

Institute policy and research manager Alex Penk said yesterday the bill risked hugely varying sentences for the same crime by removing judicial discretion.

"There's no argument from us that serious offences deserve serious punishment. The question is are you going to have a well-constructed regime that allows proportionate punishment in response to the facts of each particular case?"

STRIKE ONE:

Offenders who commit one of 40 specified crimes are sentenced and eligible for parole according to normal criteria. First warning.

STRIKE TWO:

Offenders who later commit a second relevant offence sentenced as normal, but no parole. Final warning.

STRIKE THREE:

A "third strike" conviction will bring the maximum penalty for that crime with no parole, unless the judge rules that is manifestly unjust. There is an exception for manslaughter, where the judge must give the maximum life sentence, but order a minimum non-parole period of 20 years or, if manifestly unjust, 10 years.

THREE STRIKE OFFENCES:**OFFENCE MAXIMUM JAIL TIMES**

Murder Life

Manslaughter Life

Sexual violation 20 years

Sexual connection with consent induced by threat 14 years

Sexual connection with child 14 years

Attempted murder 14 years

Wounding with intent to cause grievous bodily harm (GBH) 14 years

Compelling indecent act with animal 14 years

Using firearm against law enforcement officer 14 years

Aggravated wounding 14 years

Discharging firearm or dangerous act with intent to do GBH 14 years

Poisoning with intent to cause GBH 14 years

Infecting with disease 14 years

Abduction for purposes of marriage or sexual connection 14 years

Kidnapping 14 years

Aggravated burglary 14 years

Aggravated robbery 14 years

GBH or assault with intent to rob in specified circumstances 14 years

Attempted sexual violation and assault with intent to commit sexual violation 10 years

Attempted sexual connection with child 10 years

Indecent act on child 10 years

Sexual connection with young person 10 years

Attempted sexual connection with young person 10 years

Exploitative sexual connection with person with significant impairment 10 years

Attempted exploitative sexual connection with person with significant impairment 10 years

Counselling or attempting to procure murder 10 years

Conspiracy to murder 10 years

Injuring with intent to cause GBH 10 years

Using firearm with intent to resist arrest or detention 10 years

Commission of crime with firearm 10 years

Robbery 10 years

Sexual conduct with children and young people outside New Zealand 7 to 14 years

Sexual connection with dependent family member under 18 7 years

Attempted sexual connection with dependent family member under 18 7 years

Indecent act on young person 7 years

Indecent assault 7 years

Wounding with intent to injure 7 years

Aggravated injury 7 years

Discharging firearm or dangerous act with intent to injure 7 years

Assault with intent to rob 7 years.