



New South Wales

# Crimes Legislation Amendment (Youth Crime) Bill 2025

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Bail Act 2013* (*the Act*) and the *Crimes (Sentencing Procedure) Act 1999* to provide that a person 14 years of age or more and less than 18 years of age (a *relevant young person*) who has committed a serious indictable offence must not be granted bail unless—

- (a) a police officer, an authorised justice or a court (a *bail authority*) has a high degree of confidence the relevant young person will not commit a serious indictable offence, and
- (b) certain bail conditions are imposed in relation to curfews and electronic monitoring.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## Schedule 1 Amendment of Bail Act 2013 No 26

**Schedule 1[1] and [3]** provide that a bail authority must not grant bail to a relevant young person alleged to have committed a motor theft offence, serious breaking and entering offence, or another serious indictable offence (a *relevant offence*) while on bail for another relevant offence, unless—

- (a) the bail authority has a high degree of confidence the relevant young person will not commit a relevant offence while on bail, and

(b) the bail conditions include imposing a curfew and electronic monitoring.

**Schedule 1[4]** provides the circumstances in which a bail authority may vary a bail condition imposing a curfew under the Act, section 22C.

The bail authority must not grant bail subject to a bail condition imposing electronic monitoring to a relevant young person unless the bail authority is satisfied the relevant young person will be appropriately supported, including by having regard to the following—

- (a) the relevant young person's capacity to understand the condition,
- (b) whether the relevant young person is likely to comply with the condition,
- (c) whether a parent or other person has indicated a willingness to support the relevant young person with the relevant young person's bail conditions.

If bail is granted for a relevant young person under the Act, section 22C the bail authority must consider making an order that the relevant young person be detained in custody until the electronic monitoring device is fitted to the young person and may impose any other condition to facilitate the operation of the electronic monitoring device.

**Schedule 1[2]** sets out the circumstances in which a relevant young person's bail is revoked while subject to bail conditions under the Act, section 22C and provides that if the bail is revoked, the person cannot be granted bail for the same offence, except in certain circumstances.

**Schedule 1[5]** inserts a savings and transitional provision.

## **Schedule 2      Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

**Schedule 2[1]–[3]** provide that for an offence being dealt with by the Supreme Court, District Court or Children's Court that is the second or subsequent relevant offence committed by a relevant young person, a victim impact statement may be considered by the court before sentencing and in determining the punishment of a relevant young person.

**Schedule 2[4]** inserts a savings and transitional provision.