



The Emergency Crime Provisions Act 2952

2952 c. 2

An Act to provide temporary measures for the maintenance of law and order within the jurisdiction of Stanton; to establish a framework for addressing criminal offenses pending the enactment of dedicated legislation; to ensure public safety and security; for the fair administration of justice; for the protection of personal and property rights; for the prevention and deterrence of unlawful conduct; and for connected purposes.

Be it enacted in aim of furthering the Emperor's most excellent majesty, by and with the omitted consent of the UEE Advocacy and citizens of Stanton, in this present judiciary assembled, and by the authority of the same, as follows:

Sch I	Interpretation
Part I	Felony Offenses
Part II	Misdemeanor Offenses
Part III	Due Process
Part IV	Supplementary



Schedule I Interpretation

Definitions

In this Act—

"Act" means the Emergency Crime Provisions Act 2952, including any amendments or modifications thereto.

"UEE" means the United Empire of Earth, the governing legal authority within Stanton.

"Stanton" means the system comprising the four planetary jurisdictions of Hurston, Crusader, ArcCorp and microTech within the wider jurisdiction of the UEE.

"Person" means any individual human or corporate organization registered with spectrum.

"Ship" means any vehicle, vessel or craft that is capable of flying, hovering, driving or some other means of traversing terrains or distances.

"Property" means any tangible or intangible asset, including money, goods, land, intellectual property, ships or other rights or interests capable of being owned or controlled.

"Criminal offense" means any act or omission that is prohibited by law and punishable under the provisions of this Act.

"Felony" means a serious criminal offense that is punishable by any penalty as prescribed by law in this Act or any superseding acts thereafter.

"Misdemeanor" means a less serious criminal offense that is punishable by any penalty as prescribed by law in this Act or any superseding acts thereafter.

"Unlawful" means that a lawful defense does not apply to the specific act in relation to the charge against the defendant before the court.

"Intention" means a state of mind in which a person consciously aims or purposefully desires a particular result or consequence of their actions. It involves a deliberate decision to bring about that result or to engage in certain conduct, knowing that it will likely lead to the desired outcome.

"Recklessness" pertains to a mental state in which a person knowingly takes unjustifiable risks or disregards a substantial and unjustifiable risk that their conduct may cause a prohibited outcome or harm. It involves an awareness of the risks involved but proceeds with the conduct regardless of the potential consequences, denoting a conscious deviation from the standard of care that a reasonable person would exercise in the same circumstances.



"SPD" means the Stanton Police Department, the law enforcement arm of the Stanton Justice Assembly, responsible for maintaining peace and order within Stanton.

"Prosecutor" means the authorized legal representative responsible for reviewing crime reports, filing charges, and conducting prosecution proceedings.

"Defendant" means an individual accused of committing a criminal offense and subject to prosecution under the provisions of this Act.

"Court" means the Stanton Citizen's Court, the judicial and legislative arm of the Stanton Justice Assembly responsible for adjudicating criminal cases and administering justice within Stanton.

"Evidence" includes any tangible or intangible information, materials, documents, statements, or exhibits presented or relied upon in the course of legal proceedings.

"Restitution" means the compensation, reimbursement, or redress awarded to a victim for the losses, damages, or harm suffered as a result of a criminal offense.

"Penalties" means the punishments or sanctions imposed by the Court upon finding a Defendant guilty of a criminal offense, as ascribed by this Act.

"Warrant" means an authorisation from the court for the SPD to carry out an arrest.

"SET" means Standard Earth Time, referring to the standardized date and time model adopted within UEE systems.

Gender and Number

Words importing the singular number shall include the plural, and vice versa, unless the context otherwise requires. Words importing any gender shall include all genders, unless the context otherwise requires.

Cross-References

References to other sections, provisions, or acts shall be construed as references to those sections, provisions, or acts as amended, modified, or re-enacted from time to time. Headings and titles within the Act are for convenience and reference purposes only and shall not affect the interpretation or construction of the provisions.

Other

All other words and phrases not given a specified meaning under this schedule are to be read using ordinary common meaning and in the event of any discussion or disagreement over the meaning of words or phrases, will be for the Court to determine during proceedings.



Part I

Felony Offenses

1 Murder

(1) Any person who unlawfully kills another person with malice aforethought to cause death or serious injury, without a lawful defense shall be guilty of murder.

(2) For the purposes of subsection (1)—

- a) “Cause” means the defendant's actions must have directly led to the death of the victim;
- b) “Death” means that the victim in their current form at the time of the alleged offense has passed away as a result of the killing regardless as to whether their imprint is retained, and a new body produced;
- c) “Malice aforethought” means the defendant must have had the intention to cause death or serious injury;
 - i. intention may also be implied by virtue of a severe recklessness by the defendant where the consequences of death or serious harm would be a natural and probable consequence of the defendant's actions.
 - ii. the intention of malice may be transferred between individuals, making it irrelevant who the intended victim is, to a charge of murder under subsection (1).

(3) The lawful defenses which may apply for a defendant when answering a charge of murder are—

- a) Self-defense;
 - i. if they believed that the force used was necessary to protect themselves or another person from an immediate threat of death or serious injury; and
 - ii. the force used must have been reasonable in the circumstances as the accused believed them to be.
- b) Diminished responsibility;
 - i. if at the time of the killing, they were suffering from an abnormality of functioning that substantially impaired their ability to understand the nature of their conduct or to form a rational judgment; and
 - ii. that would have provided an explanation for the killing had it been present at the time.



- c) Duress;
 - i. if the person accused can establish that they were compelled to engage in the murder due to a reasonable fear of immediate and serious harm to themselves or others; and
 - ii. that there were no reasonable alternatives available to them at the time.
 - d) Accident;
 - i. if the killing was the result of a lawful act done in a lawful manner; and
 - ii. without any intention to cause death or serious injury.
 - e) Lawful execution of duties;
 - i. if they were acting in the course of their duties; and
 - ii. the killing was necessary and proportionate to the performance of those duties.
- (4) Where the court is satisfied of either self-defense or diminished responsibility under subsections (3)(a) and (3)(b) respectively, as a lawful defense for the defendant's actions—
- a) This will only lower the charge of murder against the defendant to automatic conviction of voluntary manslaughter.
- (5) Where the court is satisfied of either duress, accident or lawful execution of duties under subsections (3)(c), (d) and (e) respectively, as a lawful defense for the defendant's actions—
- a) This will exonerate the defendant of all criminal wrongdoing on the charge of murder against him.
- (6) Any person who is found guilty of murder under subsection (1) shall be liable to a fine, the amount of which and means of paying shall be determined by the court by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.
- (7) An offense under this section may be superseded at any time by future acts citing this section as repealed.

2 Manslaughter

- (1) A person commits manslaughter if they kill another person without intention but they either—
- a) Act with gross negligence; or
 - b) Commit an unlawful act that carries the risk of some harm.



- (2) A person commits a gross negligence manslaughter under subsection (1)(a) if they—
- a) Owe a duty of care towards the victim; and
 - b) Breach that duty in a way that causes the victim's death; and
 - c) Their conduct falls far below what would be expected of a reasonably competent and careful person in those circumstances; and
 - d) Is without a lawful defense.
- (3) A person commits an unlawful act manslaughter under subsection (1)(b) if they—
- a) Commit an unlawful act; and
 - b) The act carries the risk of some harm to another person; and
 - c) The harm caused is a direct result of the unlawful act; and
 - d) That harm causes the victim's death; and
 - e) Is without a lawful defense.
- (4) The lawful defenses which may apply for a defendant when answering a charge of manslaughter are—
- a) Diminished Responsibility;
 - i. if a person can establish that they were suffering from an abnormality of functioning at the time of the offense; and
 - ii. the abnormality of functioning must substantially impair the person's ability to understand the nature of their conduct, exercise self-control, or form a rational judgment.
 - b) Accident;
 - i. if the person can establish that the death was the result of a genuine accident; and
 - ii. the person must demonstrate that they did not have any unlawful or negligent intent or conduct that caused the death.
 - c) Lawful act;
 - i. not available to a gross negligence charge; and
 - ii. only applies if the person can establish that they were acting in a lawful way consistent with a defense available for the unlawful act in question.
- (5) Any person who is found guilty of manslaughter under subsection (1) shall be liable to a fine, the amount of which and means of paying shall be determined



by the court by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.

(6) An offense under this section may be superseded at any time by future acts citing this section as repealed.

3 False Imprisonment

(1) Any person who intentionally or recklessly, unlawfully imprisons another person without a lawful defense, shall be guilty of false imprisonment.

(2) For the purposes of subsection (1), A person falsely imprisons another if they cause them to remain in a particular place against their will, regardless of whether the person used physical restraint or not which includes but is not limited to—

- a) Confinement in a closed space without any means of leaving; or
- b) Through threat of harm if the victim attempts to leave.

(3) The lawful defenses which may apply for a defendant when answering a charge of false imprisonment are that—

- a) Lawful execution of duties;
 - i. if they were acting in the course of their duties; and
 - ii. the imprisonment was necessary and proportionate to the performance of those duties.
- b) Consent;
 - i. if the person accused can establish that the victim consented to the act or conduct that resulted in the false imprisonment.
- c) Duress;
 - i. if the person accused can establish that they were compelled to engage in the false imprisonment due to a reasonable fear of immediate and serious harm to themselves or others; and
 - ii. that there were no reasonable alternatives available to them at the time.

(4) Any person guilty of false imprisonment under subsection (1) shall be liable to a fine, the amount of which and means of paying shall be determined by the court by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.

(5) An offense under this section may be superseded at any time by future acts citing this section as repealed.



4 Trafficking a Controlled Substance

- (1) Any person who intentionally engages in the sell, supply or distribution of any of the following controlled substances without a lawful defense shall be guilty of an offense of trafficking a controlled substance—
- a) Maze;
 - b) SLAM;
 - c) WiDoW;
 - d) Neon; or
 - e) E'tam;
- (2) For the purposes of subsection (1), “sell, supply or distribution” refers to the act of facilitating, transferring or delivering a controlled substance to others, whether by sale, exchange, gift, or any other means, including the general movement of a controlled substance.
- (3) The lawful defenses which may apply for a defendant when answering a charge of trafficking a controlled substance are—
- b) Duress;
 - i. if the person accused can establish that they were compelled to engage in trafficking a controlled substance due to a reasonable fear of immediate and serious harm to themselves or others; and
 - ii. that there were no reasonable alternatives available to them at the time.
 - c) Lawful execution of duties;
 - i. if they were acting in the course of their duties; and
 - ii. the trafficking was necessary and proportionate to the performance of those duties.
- (4) Any person charged with an offense of trafficking a controlled substance under subsection (1) shall be liable to a fine, the amount of which and means of paying shall be determined by the court by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.
- (5) An offense under this section may be superseded at any time by future acts citing this section as repealed.

5 Theft

- (1) Any person who dishonestly appropriates property belonging to another with the intention to permanently deprive, without a lawful defense shall be guilty of theft.



(2) For the purposes of subsection (1)—

- a) "Dishonestly appropriates" means taking possession, control, or ownership of the property without the owner's consent and without a lawful excuse or belief in a lawful right to do so.
- b) "Belonging to another" encompasses property that is owned, possessed, controlled, or entrusted to another person.
- c) "Permanently deprive" means to deprive the owner of their rights and interests in the property, whether by disposing of it, using it in a manner inconsistent with the owner's rights, or treating it as if it were one's own, thereby removing the owner's ability to freely exercise control and enjoyment over the property.

(3) The lawful defenses which may apply for a defendant when answering a charge of theft are—

- a) Mistake;
 - i. if the accused made an honest mistake regarding their belief in the ownership or permission to use the property.
- b) Duress;
 - i. if the person accused can establish that they were compelled to engage in the theft due to a reasonable fear of immediate and serious harm to themselves or others; and
 - ii. that there were no reasonable alternatives available to them at the time.
- c) Lawful execution of duties;
 - i. if they were acting in the course of their duties; and
 - ii. the theft was necessary and proportionate to the performance of those duties.

(4) Where a police officer has reasonable grounds to believe that an offense under this section has been committed and that the value of the theft does not exceed 10,000 aUEC then the officer may issue a fixed fine citation of an amount matching the value of the theft; and

- a) If the suspect agrees to pay the citation within a specified period, they shall be deemed to have accepted liability for the offense, and no further legal proceedings will be pursued in relation to the matter.
- b) However, if the suspect chooses to refuse the citation or fails to pay it within the specified period, the matter will be referred to the court for adjudication.



- c) If found guilty by the court, the suspect may be liable to pay the original fine amount specified in subsection (4) in addition to any further restitution or penalties deemed appropriate by the court, the amount of which and means of paying shall be determined by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.
- (5) Any theft exceeding a value of 10,000 aUEC must be charged as a felony offense, and if found guilty of theft under subsection (1) will be liable to a fine, the amount of which and means of paying shall be determined by the court by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.
- (6) An offense under this section may be superseded at any time by future acts citing this section as repealed.

6 Robbery

- (1) Any person who commits theft, as defined in Section 5, and in doing so, uses force, or the threat of force, without a lawful defense shall be guilty of robbery.
- (2) For the purposes of subsection (1)—
 - a) “Uses force” means the act of employing physical violence, coercion, or compulsion against another person during the commission of theft;
 - b) “Threat of force” means the communication or indication, either explicitly or implicitly, of an intention to cause harm or employ physical violence against another person during the commission of theft; including
 - i. gestures, verbal statements, or any actions that create a reasonable apprehension or fear of immediate harm or injury to the victim.
- (3) The lawful defenses which may apply for a defendant when answering a charge of robbery are those set out at section 5(3) of this Act, pertaining to the theft requirement of a robbery charge; and
 - a) No defense is required for the use of force or threat of force as a finding by the court that no such circumstances apply will result in a charge of robbery being amended to that of theft under section 5.
- (4) Any person who commits a robbery will be dealt with under the full-court procedure of felony offenses regardless of the value of the requisite theft.
- (5) Any person guilty of robbery under subsection (1) shall be liable to a fine, the amount of which and means of paying shall be determined by the court by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.
- (6) An offense under this section may be superseded at any time by future acts citing this section as repealed.



7 Criminal Damage

- (1) Any person who intentionally or recklessly destroys or damages property belonging to another without a lawful defense shall be guilty of criminal damage.
- (2) For the purposes of subsection (1)—
 - a) "Destroys" refers to causing such severe damage to property that it is rendered completely useless, inoperable, or irreparable;
 - b) "Damages" encompasses causing any harm, impairment, or loss to the property, including but not limited to defacement, alteration, or reduction in value or usefulness.
 - c) "Belonging to another" encompasses property that is owned, possessed, controlled, or entrusted to another person.
- (3) The lawful defenses which may apply for a defendant when answering a charge of criminal damage are—
 - a) Self-defense;
 - i. the accused damaged the property as a necessary and reasonable response to an imminent and unlawful threat to their personal safety or the safety of others.
 - b) Protecting property;
 - i. the accused damaged the property to prevent or minimize immediate and unlawful damage or loss to their own property or the property of others.
 - c) Acting under a legal duty;
 - i. the accused damaged the property in the course of carrying out a lawful duty or authority, such as law enforcement officers or emergency responders acting within their lawful powers.
 - d) Duress;
 - i. if the person accused can establish that they were compelled to engage in the criminal damage due to a reasonable fear of immediate and serious harm to themselves or others; and
 - ii. that there were no reasonable alternatives available to them at the time.
- (4) Where a police officer has reasonable grounds to believe that an offense under this section has been committed and that the value of the damage does not exceed 10,000 aUEC then the officer may issue a fixed fine citation of an amount matching the value of the damage; and



- a) If the suspect agrees to pay the citation within a specified period, they shall be deemed to have accepted liability for the offense, and no further legal proceedings will be pursued in relation to the matter.
 - b) However, if the suspect chooses to refuse the citation or fails to pay it within the specified period, the matter will be referred to the court for adjudication.
 - c) If found guilty by the court, the suspect may be liable to pay the original fine amount specified in subsection (4) in addition to any further restitution or penalties deemed appropriate by the court, the amount of which and means of paying shall be determined by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.
- (5) Any damage exceeding a value of 10,000 aUEC must be charged as a felony offense, and if found guilty of criminal damage under subsection (1) will be liable to a fine, the amount of which and means of paying shall be determined by the court by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.
- (6) An offense under this section may be superseded at any time by future acts citing this section as repealed.

8 Piracy

- (1) Any person who intentionally commits a combined act of robbery and criminal damage against a ship belonging to another, without a lawful defense shall be guilty of piracy.
- (2) For the purposes of subsection (1)—
- a) The requisite elements for an act of robbery are set out at section 6 of this Act; and
 - b) The requisite elements for an act of criminal damage are set out at section 7 of this Act; and
 - i. any person who commits piracy will be dealt with under the full-court procedure of felony offenses regardless of the value of the requisite damage or robbed amount.
- (3) There are no specific lawful defenses available to a charge of piracy as a combined offense relying on the existence of robbery and criminal damage, the usual lawful defenses for each respective element will apply instead.
- (4) Any person guilty of piracy under subsection (1) shall be liable to a fine, the amount of which and means of paying shall be determined by the court by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.



(5) An offense under this section may be superseded at any time by future acts citing this section as repealed.

9 Obstruction of Justice

(1) Any person who intentionally engages in conduct that obstructs, hinders, or interferes with the administration or course of justice, without a lawful defense shall be guilty of obstruction of justice.

(2) For the purposes of subsection (1), conduct that constitutes obstruction includes, but is not limited to—

- a) Knowingly providing false information or making false statements to the police, investigators, or the court in connection with an ongoing investigation or legal proceeding;
- b) Tampering with, altering, destroying, or concealing evidence that is relevant to an ongoing investigation or legal proceeding;
- c) Influencing or attempting to influence witnesses, law enforcement or judges through intimidation, coercion, bribery, or any other means;
- d) Failing to comply with court orders and directions or deliberately evading arrest or prosecution, known as “contempt of court”.

(3) The lawful defenses which may apply for a defendant when answering a charge of obstruction are—

- a) Duress;
 - iii. if the person accused can establish that they were compelled to engage in the obstruction due to a reasonable fear of immediate and serious harm to themselves or others; and
 - iv. that there were no reasonable alternatives available to them at the time.

- a) Protection of constitutional or legal rights;
 - i. If the person reasonably believed that their constitutional or legal rights were being violated; and
 - ii. their obstructive actions were a proportionate response to address the perceived infringement.

(4) Any person guilty of obstruction under subsection (1) shall be liable to a fine, the amount of which and means of paying shall be determined by the court by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.

(5) An offense under this section may be superseded at any time by future acts citing this section as repealed.



Part II Misdemeanor Offenses

10 Assault

- (1) Any person who intentionally or recklessly causes another person to apprehend the immediate use of unlawful violence, without a lawful defense shall be guilty of assault.
- (2) For the purposes of subsection (1)—
 - a) "Apprehend" refers to the perception or awareness by the victim that they are about to be subjected to violence, whether presumed or actual.
 - b) "Immediate" means directly to the victim without delay or hesitation.
 - c) "Unlawful violence" encompasses any act or conduct that is not legally justified or authorized, including physical harm, injury, or the use of force or the threat of force.
- (3) The lawful defenses which may apply for a defendant when answering a charge of assault are—
 - a) Consent;
 - i. if the person can establish that the victim consented to the act or conduct that caused the apprehension of violence.
 - b) Self-defense;
 - i. if the person can establish that their actions were necessary to defend themselves or others from imminent harm or danger; and
 - ii. the degree of force used must be reasonable and based on the circumstances as perceived by the person at the time.
 - c) Prevention of crime or lawful arrest;
 - i. if the person can establish that their actions were necessary to prevent the commission of a crime; or
 - ii. to effect a lawful arrest; and
 - iii. the use of force must be reasonable and in accordance with the powers and authorities conferred by law.
- (4) Where an SPD officer has reasonable grounds to believe that an offense under this section has been committed and that the circumstances warrant a summary disposal, the officer may offer the suspect the option of resolving the matter by way of a fixed fine citation not exceeding 10,000 aUEC; and
 - a) If the suspect agrees to pay the citation within a specified period, they shall be deemed to have accepted liability for the offense, and no further legal proceedings will be pursued in relation to the matter.



- b) However, if the suspect chooses to refuse the citation or fails to pay it within the specified period, the matter will be referred to the court for adjudication.
 - c) If found guilty by the court, the suspect may be liable to pay the original fine amount specified in subsection (4) in addition to any further restitution or penalties deemed appropriate by the court, the amount of which and means of paying shall be determined by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.
- (5) An offense under this section may be superseded at any time by future acts citing this section as repealed.

11 Trespass

- (1) Any person who enters or remains upon the property of another without their consent or reason to believe that their consent is given and does so without a lawful defense shall be guilty of trespass.
- (2) For the purposes of subsection (1), "enters or remains" refers to the act of physically crossing the boundary or threshold of the property;
- (3) The lawful defenses which may apply for a defendant when answering a charge of trespass are—
- a) Consent;
 - i. if the person accused can establish that they had the consent or permission, actual or presumed, of the lawful occupier or owner of the property to enter or remain on it.
 - b) Prevention of crime or lawful arrest;
 - i. if the person can establish that the trespass were necessary to prevent the commission of a crime; or
 - ii. to effect a lawful arrest; and
 - iii. the trespass must be reasonable and in accordance with the powers and authorities conferred by law.
 - c) Duress;
 - i. if the person accused can establish that they were compelled to engage in the trespass due to a reasonable fear of immediate and serious harm to themselves or others; and
 - ii. that there were no reasonable alternatives available to them at the time.
- (5) Where a police officer has reasonable grounds to believe that an offense under this section has been committed and that the circumstances warrant a summary



disposal, the officer may offer the suspect the option of resolving the matter by way of a fixed fine citation not exceeding 10,000 aUEC; and

- a) If the suspect agrees to pay the citation within a specified period, they shall be deemed to have accepted liability for the offense, and no further legal proceedings will be pursued in relation to the matter.
 - b) However, if the suspect chooses to refuse the citation or fails to pay it within the specified period, the matter will be referred to the court for adjudication.
 - c) If found guilty by the court, the suspect may be liable to pay the original fine amount specified in subsection (4) in addition to any further restitution or penalties deemed appropriate by the court, the amount of which and means of paying shall be determined by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.
- (5) An offense under this section may be superseded at any time by future acts citing this section as repealed.

12 Harassment

- (1) Any person who engages in a course of conduct that amounts to harassment without a lawful defense shall be guilty of the offense of harassment.
- (2) For the purposes of subsection (1)—
- a) "Course of conduct" refers to a series of actions, communications, or behaviours, whether direct or indirect, that occur on at least two occasions.
 - b) "Harassment" means causing distress, alarm, or fear to another person through unwanted actions, communications, or behaviours, which may include but are not limited to:
 - i. pursuing a course of conduct that involves unwanted contact, messages, or communications;
 - ii. monitoring, observing, or spying on a person;
 - iii. loitering near a person's property;
 - iv. making threats, abusive remarks, or derogatory statements towards a person;
 - v. publishing or circulating private or sensitive information about a person without consent; and
 - vi. any other act or behaviour that causes distress, alarm, or fear.
- (3) The lawful defenses which may apply for a defendant when answering a charge of harassment are—



- a) Consent;
 - i. if the person accused can establish that the alleged victim consented to the course of conduct; or
 - ii. that they had a reasonable belief in the existence of such consent.
- b) Legitimate purpose;
 - i. if the person accused can establish that their actions, communications, or behaviours were undertaken for a genuine cause or reason.
- c) Publication in the public interest;
 - i. if the person accused can establish that their actions, communications, or behaviours, including the publication or disclosure of information, were reasonable; and
 - ii. in the public interest.
- d) Freedom of expression;
 - i. if the person accused can establish that their actions, communications, or behaviours were protected by the right to freedom of expression, as guaranteed by the Justice Assembly Constitution Act 2952; and
 - ii. that such expression was made in a lawful and proportionate manner.

(4) Where a police officer has reasonable grounds to believe that an offense under this section has been committed and that the circumstances warrant a summary disposal, the officer may offer the suspect the option of resolving the matter by way of a fixed fine citation not exceeding 10,000 aUEC; and

- a) If the suspect agrees to pay the citation within a specified period, they shall be deemed to have accepted liability for the offense, and no further legal proceedings will be pursued in relation to the matter.
- b) However, if the suspect chooses to refuse the citation or fails to pay it within the specified period, the matter will be referred to the court for adjudication.
- c) If found guilty by the court, the suspect may be liable to pay the original fine amount specified in subsection (4) in addition to any further restitution or penalties deemed appropriate by the court, the amount of which and means of paying shall be determined by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.

(5) An offense under this section may be superseded at any time by future acts citing this section as repealed.



13 Possessing a Controlled Substance

- (1) Any person who knowingly possesses any of the following controlled substances without a lawful defense shall be guilty of an offense of possessing a controlled substance:
 - a) Maze;
 - b) SLAM;
 - c) WiDoW;
 - d) Neon; or
 - e) E'tam.
- (2) For the purposes of subsection (1) "possesses" refers to actual possession, constructive possession, and joint possession namely—
 - a) "Actual possession" is where the controlled substance is in the physical custody or control of the person. This includes when the substance is in the person's hand, pocket, or elsewhere on their person.
 - b) "Constructive possession" is where the controlled substance is not in the immediate physical custody of the person but is located in a place under their control, such as their ship.
 - c) "Joint possession" is where two or more persons share actual or constructive possession of the controlled substance, where the controlled substance may belong to either person, but which cannot be determined at the time of the offense.
- (3) The lawful defenses which may apply for a defendant when answering a charge of possessing a controlled substance are—
 - a) Lawful authority:
 - i. the person accused can establish that they had the authority to possess a controlled substance by virtue of any Stanton megacorporation or by their work as a police officer; and
 - ii. the possession must be for purposes associated with that authority.
 - b) Duress;
 - i. if the person accused can establish that they were compelled to possess a controlled substance due to a reasonable fear of immediate and serious harm to themselves or others; and
 - ii. that there were no reasonable alternatives available to them at the time.



c) Mistake;

- i. the person accused can satisfy the court that they were not knowingly in possession of a controlled substance.

(4) Where a police officer has reasonable grounds to believe that an offense under this section has been committed and that the circumstances warrant a summary disposal, the officer may offer the suspect the option of resolving the matter by way of a fixed fine citation not exceeding 10,000 aUEC; and

- a) If the suspect agrees to pay the citation within a specified period, they shall be deemed to have accepted liability for the offense, and no further legal proceedings will be pursued in relation to the matter.
- b) However, if the suspect chooses to refuse the citation or fails to pay it within the specified period, the matter will be referred to the court for adjudication.
- c) If found guilty by the court, the suspect may be liable to pay the original fine amount specified in subsection (4) in addition to any further restitution or penalties deemed appropriate by the court, the amount of which and means of paying shall be determined by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.

(5) An offense under this section may be superseded at any time by future acts citing this section as repealed.

14 Reckless Operating

(1) Any person who operates a ship in a manner that is dangerous and falls below the standard of care expected of a competent and prudent operator, thereby causing a risk of harm to others, without a lawful defense shall be guilty of the offense of reckless operating.

(2) For the purposes of subsection (1)—

- a) "Dangerous" refers to the manner of operation that creates a risk of harm to the safety of persons or property, taking into account all the circumstances; including
- i. the nature, condition, and use of the vehicle; and
- ii. the amount and character of proximate traffic.
- b) "Standard of care" denotes the level of caution, skill, and attention that would be exercised by a competent and prudent operator in similar circumstances.

(3) The lawful defenses which may apply for a defendant when answering a charge of reckless operating are—



- a) Mechanical failure;
 - i. the person accused can establish that the dangerous operation of the vehicle was solely caused by a sudden and unforeseeable mechanical failure or defect; and
 - ii. the person accused could not have reasonably anticipated or prevented the failure.
 - b) Duress;
 - i. if the person accused can establish that they were compelled to engage in the dangerous operation of the vehicle due to a reasonable fear of immediate and serious harm to themselves or others; and
 - ii. that there were no reasonable alternatives available to them at the time.
- (6) Where a police officer has reasonable grounds to believe that an offense under this section has been committed and that the circumstances warrant a summary disposal, the officer may offer the suspect the option of resolving the matter by way of a fixed fine citation not exceeding 10,000 aUEC; and
- a) If the suspect agrees to pay the citation within a specified period, they shall be deemed to have accepted liability for the offense, and no further legal proceedings will be pursued in relation to the matter.
 - b) However, if the suspect chooses to refuse the citation or fails to pay it within the specified period, the matter will be referred to the court for adjudication.
 - c) If found guilty by the court, the suspect may be liable to pay the original fine amount specified in subsection (5) in addition to any further restitution or penalties deemed appropriate by the court, the amount of which and means of paying shall be determined by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.
- (6) An offense under this section may be superseded at any time by future acts citing this section as repealed.

15 Operating Under Influence

- (1) Any person who operates a ship while impaired by alcohol, drugs, or any other substance that affects their ability to safely control the ship, without a lawful defense shall be guilty of the offense of operating under influence.
- (2) For the purposes of subsection (1)—
- a) "Impaired" refers to a state where a person's mental or physical capabilities are significantly affected by alcohol, drugs, or any other



substance to an extent that their ability to safely operate a ship is diminished.

- b) "Alcohol" refers to any intoxicating substance, including spirits, wine, beer, or any other alcoholic beverage consumed orally.
- c) "Drugs" includes both illegal substances set out under sections 4 and 13 of this Act and legal drugs or medications that, when consumed, impair a person's ability to safely operate a vehicle.

(3) The lawful defense which may apply for a defendant when answering a charge of operating under influence is—

- a) Duress;
 - i. if the person can establish that they were compelled to operate the ship under the influence due to a reasonable fear of immediate and serious harm to themselves or others; and
 - ii. that there were no reasonable alternatives available to them at the time.

(4) Where a police officer has reasonable grounds to believe that an offense under this section has been committed and that the circumstances warrant a summary disposal, the officer may offer the suspect the option of resolving the matter by way of a fixed fine citation not exceeding 10,000 aUEC; and

- a) If the suspect agrees to pay the citation within a specified period, they shall be deemed to have accepted liability for the offense, and no further legal proceedings will be pursued in relation to the matter.
- b) However, if the suspect chooses to refuse the citation or fails to pay it within the specified period, the matter will be referred to the court for adjudication.
- c) If found guilty by the court, the suspect may be liable to pay the original fine amount specified in subsection (4) in addition to any further restitution or penalties deemed appropriate by the court, the amount of which and means of paying shall be determined by having regard to the Emergency Crime Provisions (Sentencing Guidelines) Regulations 2952.

(5) An offense under this section may be superseded at any time by future acts citing this section as repealed.



Part III

Due Process

16 Powers of Arrest: No Warrant

- (1) Any police officer of the SPD or person duly authorized by the SPD in writing may, without prejudice to the powers set out in the Justice Assembly Constitution Act 2952—
 - a) if they have reasonable suspicion that an offense under this Act has taken or is taking place, arrest any citizen without a warrant.
- (2) Upon arresting a citizen, the authorized person shall inform the suspect immediately of the following rights—
 - a) The right to remain silent;
 - b) The right to have legal representation;
 - c) The caution that anything they say or do may be used in evidence against them in court.

17 Powers of Surveillance: With Warrant

- (1) In cases where the police seek to commence and perform long-term ongoing surveillance of an individual, organization or group of individuals to protect the public either;
 - a) Where the police have a reasonable belief that an offense under this Act is to occur;
 - b) Where the police have a reasonable belief that offenses are being committed repeatedly.

the police shall make an application to the court and seek leave to acquire a warrant for such surveillance.
- (2) The application shall be heard in closed court proceedings, and the court shall consider the grounds presented by the police to determine whether there are, for the purposes of safeguarding public safety, reasonable grounds to believe that the ongoing surveillance is necessary for—
 - a) Preventing offenses from being committed under this Act, or
 - b) Gathering evidence of offenses being committed under this Act.
- (3) If the court grants leave and issues a warrant, the police shall—
 - a) Be authorized to proceed with the ongoing surveillance as specified in the warrant; and
 - b) Must ensure the requirements of section 16(2) are complied with upon the carrying out of an arrest under this section.



18 Aiding and Abetting

- (1) Where it is clear to the SPD or prosecutors in any of the offenses described in Part I and Part II of this Act that there are secondary suspects who had a role, or some involvement in the commission of the offense committed by a prime suspect then each may be arrested and charged for that same offense.
- (2) Secondary suspects will be jointly convicted of the prime suspect's crime, if the court is satisfied that the secondary suspect foresaw that the prime suspect was likely to commit that crime.

19 Arrest Warrants

- (1) A judge may exercise the power in subsection (3) if they are satisfied—
 - a) That for the purpose of the proper investigation and apprehension of a person suspected of committing a criminal offence under the Act, there are reasonable grounds to issue a warrant for arrest; and
 - b) Of either or both of the matters mentioned in subsection (2).
- (2) The matters are—
 - a) That the person to be arrested has evaded or is likely to evade apprehension, and that notice of a charge or charges submitted against them under this Act has been given to the individual,
 - b) The giving of such notice would defeat the object of the arrest, or that the individual is not currently reachable, or that the individual is temporarily absent, and it might defeat the object of the arrest to await them.
- (3) The judge may, by warrant signed by them, authorize any authorized law enforcement officer to effect the arrest, if need be, by reasonable force.
- (4) Such a warrant continues in force until the person to be arrested has been arrested.

20 Default Judgments

- (1) Any person who has an arrest warrant issued against them under section 19 may also have a judgment made against them in default.
- (2) A default judgment made under this section shall be at the full discretion of the court and may not apply in all cases.

21 Failures of Duty or Responsibility

- (1) All persons authorized by the SPD to carry out police duties under this act are bound by all duties upon the police.
- (2) In the event that an authorized person fails to adhere to the duties and responsibilities during the arrest process, set out in—
 - a) This Act; or



b) The Justice Assembly Constitution Act 2952

the police shall be solely responsible for any damages assessed by the court as causing said breach.

(3) The authorized person shall be subject to disciplinary actions and penalties as determined by the police authority.

22 Full-Court Procedure

(1) All felony offenses under Part I of this Act shall be heard under the full-court procedure, which consists of a presiding judge to determine matters of law and a jury of three as deciders of fact.

(2) For the purposes of subsection (1), the presiding judge shall have the authority to—

a) Direct the jury on matters of law; and

b) Provide guidance and instructions regarding the legal principles and rules applicable to the case.

c) Administer sentences, restitution or other legally permitted penalties in accordance with this Act.

d) In exceptional circumstances, disregard the jury's decision if it is evident that no other reasonable jury would have reached the same conclusion.

i. the presiding judge shall exercise the power to disregard a jury decision sparingly and only in cases where it is necessary to prevent a miscarriage of justice or to uphold the integrity of the legal process.

(3) For the purposes of subsection (1) the jury shall be responsible for—

a) Determining the facts of the case based on the evidence presented; and

b) Applying the relevant law as directed by the presiding judge.

(4) Cases that would typically fall within the remit of the single-justice procedure under section 23 may be referred to the full court procedure under this section—

a) On appeal following conviction for a misdemeanor offense under Part II of this Act.

(5) Where a jury cannot be assembled, the court may decide it necessary to proceed under the single-justice procedure at section 23 to ensure that proceedings can continue.

23 Single-Justice Procedure

(1) All misdemeanor offenses under Part II of this Act shall be heard under the single-justice procedure, which consists of a presiding judge to determine matters of law and fact.



- (2) For the purposes of subsection (1) the presiding judge shall have the authority to—
- a) Determine the facts of the case based on the evidence presented.
 - b) Apply the relevant law and make decisions on matters of law.
 - c) Administer sentences, restitution or other legally permitted penalties in accordance with this Act.
- (3) Upon conviction of a misdemeanor offense under the Single-Justice Procedure, the convicted person shall have the right to request an appeal to be heard under the Full Court Procedure set out in section 22(4).



Part IV
Supplementary

24 Title, Commencement and Application

- (1) This Act may be cited as the Emergency Crime Provisions Act 2952 (ECPA).
- (2) All sections shall come into effect on the date which this Act becomes law under subsection(3).
- (3) This Act shall become law on the SET date of 21st December 2952.

