

Western Australia

**Criminal Code Amendment (Home Invasion)
Act 2000**

As at 17 Nov 2000

No. 45 of 2000

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Criminal Code Amendment (Home Invasion) Act 2000

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Criminal Code Amendment (Home Invasion) Act 2000

No. 45 of 2000

An Act to amend *The Criminal Code*.

[Assented to 17 November 2000]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Criminal Code Amendment (Home Invasion) Act 2000*.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Criminal Code amended

The amendment in this Act is to *The Criminal Code**.

[* *Reprinted as at 2 October 1999 as the Schedule to the Criminal Code Act 1913 appearing in Appendix B to the Criminal Code Compilation Act 1913.*
For subsequent amendments see 1999 Index to Legislation of Western Australia, Table 1, p. 60, and Act No. 17 of 2000 .]

4. Section 244 replaced

Section 244 is repealed and the following section is inserted instead —

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244. Defence against home invasion

- (1) It is lawful for a person (“**the occupant**”) who is in peaceable possession of a dwelling to use any force or do anything else that the occupant believes, on reasonable grounds, to be necessary —
 - (a) to prevent a home invader from wrongfully entering the dwelling or an associated place;
 - (b) to cause a home invader who is wrongfully in the dwelling or on or in an associated place to leave the dwelling or place;
 - (c) to make effectual defence against violence used or threatened in relation to a person by a home invader who is —
 - (i) attempting to wrongfully enter the dwelling or an associated place; or

- (ii) wrongfully in the dwelling or on or in an associated place;
 - or
 - (d) to prevent a home invader from committing, or make a home invader stop committing, an offence in the dwelling or on or in an associated place.
- (2) A person is a **“home invader”** for the purposes of subsection (1) if the occupant believes, on reasonable grounds, that the person —
- (a) intends to commit an offence; or
 - (b) is committing or has committed an offence,
- in the dwelling or on or in an associated place.
- (3) The authorisation conferred by subsection (1)(a), (b) or (d) extends to a person assisting the occupant or acting by the occupant’s authority.
- (4) Section 250 applies to the authorisation conferred by subsection (1)(c).
- (5) This section has effect even if the conduct it authorises would not otherwise be authorised under this Chapter.
- (6) In this section —
- “associated place”** means —
- (a) any place that is used exclusively in connection with, or for purposes ancillary to, the occupation of the dwelling; and
 - (b) if the dwelling is one of 2 or more dwellings in one building or group of buildings, a place that occupants of the dwellings use in common with one another;
- “offence”** means an offence in addition to any wrongful entry;

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“place” means any land, building or structure, or a part
of any land, building or structure.

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