

A BILL

i n t i t u l e d

An Act to amend the Offenders Compulsory Attendance Act 1954.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Offenders Compulsory Attendance (Amendment) Act 2025.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 5

2. The Offenders Compulsory Attendance Act 1954 [*Act 461*], which is referred to as the “principal Act” in this Act, is amended in section 5—

(a) by substituting for subsection (1) the following subsection:

“(1) Subject to subsections (1A) and (1B), where a person who resides within the prescribed distance from a Centre—

(a) has been convicted of an offence for which he is liable to be sentenced to imprisonment for a term of not more than ten years; or

(b) is liable to be sentenced to imprisonment for failure to pay a fine or debt,

the Court may consider such person to be ordered Compulsory Attendance Order in lieu of such sentence.”;

(b) by substituting for subsection (1A) the following subsection:

“(1A) The Court shall only make the Compulsory Attendance Order under subsection (1) if the Court is of the opinion that—

(a) such person would have been adequately punished by a sentence of imprisonment for a period not exceeding three years; and

(b) it is inexpedient to sentence such person to imprisonment having regard to—

(i) the character of such person;

(ii) the nature and seriousness of the offence;

(iii) the circumstances of such person’s failure to pay, as the case may be; or

(iv) any other circumstances of the case.”;
and

(c) by inserting after subsection (1A) the following subsections:

“(1B) The Court shall specify in the Compulsory Attendance Order under subsection (1), requiring such person—

(a) to attend daily at a Centre; and

(b) to undertake compulsory work—

(i) for a period not exceeding twelve months; and

(ii) for the number of hours each day not exceeding four hours.

(1c) The Court may, for further ensuring due compliance with such Compulsory Attendance Order, require the offender to execute a bond with or without sureties.”.

Amendment of section 8

3. Section 8 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsections:

“(1A) Upon receiving a report under subsection (1), the Court shall cause the offender to be brought before it and the Court may issue—

(a) a summon requiring the offender to appear at the place and time as specified in the summons; or

(b) a warrant for his arrest.

(1B) An offender when arrested under paragraph (2)(b) may, if not brought immediately before the Court under subsection (2)—

(a) be detained in a place of detention until such time as he can be brought before the Court; or

(b) be released on bail, with or without sureties.”; and

(b) in subsection (2), by substituting for the words “On receipt of such report the Court shall cause the offender to be brought before it, and if satisfied as to the truth of such allegations, may pass” the words “If the Court is satisfied that such allegation is true, the Court may pass”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Compulsory Attendance Act 1954 (“Act 461”).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 5 of Act 461.

Subclause 2(a) seeks to amend subsection 5(1) of Act 461 to empower the Court to order any offender who has been convicted of any offence for which he is liable to be sentenced to imprisonment for a term of not more than ten years to undergo Compulsory Attendance Order in lieu of imprisonment. Currently, the Compulsory Attendance Order shall only be granted to any offender who has been convicted of any offence for which he is liable to be sentenced to imprisonment for a period not exceeding three years. With this amendment, the Compulsory Attendance Order may be granted to any offender who has been convicted of any offence for which he is liable to be sentenced to imprisonment for a term of not more than ten years without regard to the three years limitation period.

Subclause 2(b) seeks to amend subsection 5(1A) of Act 461 to provide for the deliberation that need to be considered by the Court before granting Compulsory Attendance Order.

Subclause 2(c) seeks to introduce a new subsection 5(1B) into Act 461 to empower the Court to specify the obligation that need to be fulfilled by the offender in the Compulsory Attendance Order. This *clause* also seeks to empower the Court to require the offender to execute a bond with or without sureties to ensure due compliance to the Compulsory Attendance Order by such offender.

4. *Clause 3* seeks to amend section 8 of Act 461 by introducing new subsections (1A) and (1B) into Act 461 to widen the power of the Court in dealing with the offender who violates the Compulsory Attendance Order.

The proposed subsection (1A) seeks to empower the Court to issue a summon or warrant of arrest to compel the offender to appear before the court after receiving a report from the Commissioner General under subsection 8(1).

The proposed subsection (1B) seeks to empower the Court to order the offender to be detained in a place of detention until such time as he can be brought before the Court or be released on bail.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

[PN(U2)3366]