

A BILL

*i n t i t u l e d*

An Act to amend the Criminal Procedure Code.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

**1.** (1) This Act may be cited as the Criminal Procedure Code (Amendment) (No. 3) Act 2022.

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

**Amendment of section 15**

**2.** The Criminal Procedure Code [*Act 593*], which is referred to as the “Code” in this Act, is amended in subsection 15(3) by inserting after the words “punishable with death” the words “or with imprisonment for natural life”.

**Amendment of section 388**

**3.** Subsection 388(1) of the Code is amended by inserting after the words “an offence punishable with death” the words “or imprisonment for natural life”.

**Amendment of First Schedule****4.** The First Schedule to the Code is amended—

- (a) in the item relating to section 115 of the Penal Code, in column (2), by inserting after the words “punishable with death” the words “or imprisonment for natural life”;
- (b) in the item relating to section 118 of the Penal Code, in column (2), by inserting after the words “punishable with death” the words “or imprisonment for natural life”;
- (c) in the item relating to section 119 of the Penal Code, in column (2), by inserting after the words “punishable with death” the words “or imprisonment for natural life”;
- (d) in the item relating to section 121 of the Penal Code, in column (7), by substituting for the words “Death; or imprisonment for life, and fine” the words “Death; or imprisonment for natural life and if not sentenced to death, shall also be punished with whipping of not less than fifteen strokes”;
- (e) in the item relating to section 121A of the Penal Code, in column (7), by substituting for the words “Death, and fine” the words “Death; or imprisonment for natural life and if not sentenced to death, shall also be punished with whipping of not less than twelve strokes”;
- (f) in the item relating to section 121B of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;
- (g) in the item relating to section 122 of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;
- (h) in the item relating to section 124K of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;
- (i) in the item relating to section 124M of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;

- (j) in the item relating to section 125 of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;
- (k) in the item relating to section 125A of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;
- (l) in the item relating to section 128 of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;
- (m) in the item relating to section 130 of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;
- (n) in the item relating to section 130c of the Penal Code, in column (7), by substituting for the words “Death; or imprisonment for not less than seven years but not exceeding thirty years, and fine” the words “Death or imprisonment for natural life and if not sentenced to death, shall also be punished with whipping of not less than twelve strokes; or imprisonment for not less than seven years but not exceeding thirty years, and whipping”;
- (o) in the item relating to section 130D of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;
- (p) in the item relating to section 130i of the Penal Code, in column (7), by substituting for the words “Death; or imprisonment for not less than seven years but not exceeding thirty years, and fine” the words “Death or imprisonment for natural life and if not sentenced to death, shall also be punished with whipping of not less than twelve strokes; or imprisonment for not less than seven years but not exceeding thirty years, and whipping”;
- (q) in the item relating to section 130j of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;

- (r) in the item relating to section 130K of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;
- (s) in the item relating to section 130KA of the Penal Code, in column (7), by substituting for the words “Imprisonment for life” the words “Imprisonment for natural life”;
- (t) in the item relating to section 130N of the Penal Code, in column (7), by substituting for the words “Death; or imprisonment for not less than seven years but not exceeding thirty years, and fine” the words “Death or imprisonment for natural life and if not sentenced to death, shall also be punished with whipping of not less than twelve strokes; or imprisonment for not less than seven years but not exceeding thirty years, and whipping”;
- (u) in the item relating to section 130O of the Penal Code, in column (7), by substituting for the words “Death; or imprisonment for not less than seven years but not exceeding thirty years, and fine” the words “Death or imprisonment for natural life and if not sentenced to death, shall also be punished with whipping of not less than twelve strokes; or imprisonment for not less than seven years but not exceeding thirty years, and whipping”;
- (v) in the item relating to section 130QA of the Penal Code, in column (7), by substituting for the words “If the act results in death, with death, in any other case, imprisonment for not less than seven years but not exceeding thirty years, and fine” the words “Death or imprisonment for natural life and if not sentenced to death, shall also be punished with whipping of not less than twelve strokes; or imprisonment for not less than seven years but not exceeding thirty years, and whipping”;
- (w) in the item relating to section 130ZB of the Penal Code, in column (7), by substituting for the words “If the act results in death, with death, in any other case, imprisonment for not less than seven years but not exceeding thirty

years, and fine” the words “Death or imprisonment for natural life and if not sentenced to death, shall also be punished with whipping of not less than twelve strokes; or imprisonment for not less than seven years but not exceeding thirty years, and whipping”;

- (x) in the item relating to section 195 of the Penal Code, in column (2), by inserting after the words “punishable with” the words “imprisonment for natural life,”;
- (y) in the item relating to section 201 of the Penal Code, in column (2), by substituting for the words “If punishable with imprisonment for life” the words “If punishable with imprisonment for natural life, imprisonment for life or”;
- (z) in the item relating to section 211 of the Penal Code, in column (2), by inserting after the words “punishable with death,” the words “imprisonment for natural life,”;
- (aa) in the item relating to section 212 of the Penal Code, in column (2), by substituting for the words “If punishable with imprisonment for life, or” the words “If punishable with imprisonment for natural life, imprisonment for life or”;
- (bb) in the item relating to section 213 of the Penal Code, in column (2), by substituting for the words “If punishable with imprisonment for life, or” the words “If punishable with imprisonment for natural life, imprisonment for life or”;
- (cc) in the item relating to section 214 of the Penal Code, in column (2), by substituting for the words “If punishable with imprisonment for life, or” the words “If punishable with imprisonment for natural life, imprisonment for life or”;
- (dd) in the item relating to section 216 of the Penal Code, in column (2), by substituting for the words “If punishable with imprisonment for life, or” the words “If punishable with imprisonment for natural life, imprisonment for life or”;

- (*ee*) in the item relating to section 221 of the Penal Code, in column (2), by substituting for the words “If punishable with imprisonment for life, or” the words “If punishable with imprisonment for natural life, imprisonment for life or”;
- (*ff*) in the item relating to section 302 of the Penal Code, in column (7), by inserting after the word “Death” the words “or imprisonment for natural life and if not sentenced to death, shall also be punished with whipping”;
- (*gg*) in the item relating to section 304 of the Penal Code, in column (7), by substituting for the words “Imprisonment for thirty years, and fine” the words “Imprisonment for thirty years, and whipping”;
- (*hh*) in relation to section 307 of the Penal Code, by deleting the item “Attempt by life convict to murder, if hurt is caused” and particulars relating to it;
- (*ii*) in the item relating to section 364 of the Penal Code, in column (7), by substituting for the words “Death, or imprisonment for thirty years, and whipping” the words “Imprisonment for a term of not more than thirty years and shall also be punished with whipping of not less than twelve strokes”;
- (*jj*) in the item relating to section 374A of the Penal Code, in column (7), by substituting for the words “Death; or imprisonment for not less than seven years but not exceeding thirty years, and fine” the words “Death or imprisonment for natural life and if not sentenced to death, shall also be punished with whipping; or imprisonment for not less than seven years but not exceeding thirty years, and whipping”;
- (*kk*) in the item relating to section 450 of the Penal Code, in column (2), by inserting after the words “punishable with” the words “imprisonment for natural life or”.

EXPLANATORY STATEMENT

The Criminal Procedure Code (Amendment) (No. 3) Bill (“the proposed Act”) seeks to amend the Criminal Procedure Code (“Act 593”) consequential to the amendments made to the Penal Code [Act 574] to, among others, abolish the mandatory death penalty.

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

3. *Clause 2* seeks to amend subsection 15(3) of Act 593 to provide that nothing in section 15 of Act 593 gives the right, to a police officer or any other person, when making an arrest to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for natural life or with imprisonment for life.

4. *Clause 3* seeks to amend subsection 388(1) of Act 593 to also provide that if an Officer in charge of a Police District or a Court has reasonable grounds for believing that a person who is accused of any non-bailable offence is arrested or detained without warrant has committed an offence which is punishable with imprisonment for natural life, that person cannot be released on bail unless the Court is satisfied that the person is under the age of sixteen years old, is a woman, is sick or is an infirm person.

5. *Clause 4* seeks to amend the First Schedule to Act 593 as a consequence of amendments made to the Penal Code.

*FINANCIAL IMPLICATIONS*

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U2)3135]