

A BILL

*i n t i t u l e d*

An Act to amend the Dangerous Drugs Act 1952.

[ ]

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

**Short title and commencement**

**1.** (1) This Act may be cited as the Dangerous Drugs (Amendment) 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 39B**

**2.** The Dangerous Drugs Act 1952 [*Act 234*], which is referred to as the “principal Act” in this Act, is amended in section 39B—

(a) in subsection (2), by substituting for the words “be punished with whipping of not less than fifteen strokes” the words “be punished with whipping of not less than twelve strokes”; and

(b) by deleting subsections (2A) and (2B).

**Transitional**

3. Upon the coming into operation of this Act, if a person is convicted by any court for the commission of an offence under section 39B of the principal Act, the person, whether at a trial or on an appeal, shall be sentenced in accordance with the provisions of the principal Act as amended by this Act even though the offence was committed before the date of coming into operation of this Act.

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**EXPLANATORY STATEMENT**

This Bill seeks to amend the Dangerous Drugs Act 1952 (“Act 234”).

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

3. *Clause 2* seeks to amend section 39B of Act 234.

*Subclause 2(a)* seeks to vary the penalty for trafficking in dangerous drugs in subsection (2) by reducing the number of whipping from fifteen strokes to twelve strokes if the death sentence is not imposed.

*Subclause 2(b)* seeks to delete subsections (2A) and (2B) in order to give a judge the discretion whether or not to impose the death penalty without having regard to the circumstances in subsection (2A) read together with subsection (2B).

4. *Clause 3* seeks to provide for transitional provision relating to any person who has committed an offence under section 39B of Act 234 before the date of coming into operation of this Act.

**FINANCIAL IMPLICATIONS**

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

[PN(U2)3135]