

A BILL

*i n t i t u l e d*

An Act to amend the Kidnapping Act 1961.

[ ]

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

**Short title and commencement**

**1.** (1) This Act may be cited as the Kidnapping (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 3**

**2.** The Kidnapping Act 1961 [*Act 365*], which is referred to as the “principal Act” in this Act, is amended in subsection 3(1) by substituting for the words “with death or imprisonment for life and shall, if he is not sentenced to death, also be liable to whipping” the words “with imprisonment for life and with whipping of not less than twelve strokes”.

**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 3 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 Kidnapping Act 1961 (“Act 365”).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.
3. *Clause 2* seeks to amend section 3 of Act 365 to vary the penalty for the offence of abduction, wrongful restraint or wrongful confinement for ransom by, among others, abolishing the death penalty.
4. *Clause 3* seeks to provide for transitional provision relating to any person who has committed an offence under section 3 of Act 365 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]