

A BILL

i n t i t u l e d

An Act to amend the Prison Act 1995.

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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 Prison (Amendment) Act 2026.

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

Amendment of section 2

2. The Prison Act 1995 [*Act 537*], which is referred to as the “principal Act” in this Act, is amended in subsection 2(1)—

- (a) in the definition of “prisoner”, by inserting after the words “released on parole” the words “or on licence”;
- (b) in the definition of “Junior Prison Officer”, by substituting for the words “Prison Sub Inspector” the words “Chief Prison Sub Inspector”;
- (c) in the definition of “Officer in Charge”, by inserting after the words “who is in charge of a prison” the words “and prison officer training centre”; and

(d) in the definition of “registered medical practitioner” —

- (i) by deleting the words “provisionally registered under section 12 or”; and
- (ii) by deleting the words “, as the case may be”.

Amendment of section 13

3. Paragraph 13(2)(a) of the principal Act is amended by inserting after the words “any prison” the words “and prison officer training centre”.

Amendment of section 25

4. Subsection 25(1) of the principal Act is amended by substituting for the words “in accordance with regulations made by the Minister” the words “in any manner as may be determined by the Minister”.

Amendment of section 46B

5. Section 46B of the principal Act is amended by inserting after subsection (3) the following subsection:

“(3A) A member of a Parole Board shall be paid such allowances according to such rates as may be determined by the Minister after consultation with the Minister of Finance.”.

New Part IVAA

6. The principal Act is amended by inserting after Part IVA the following part:

“PART IVAA

ELECTRONIC MONITORING DEVICE

Attachment of electronic monitoring device

460A. (1) The Commissioner General may, by order in writing, direct that an electronic monitoring device to be attached to

any prisoner who is confined in a prison, in the custody or under the control of a prison officer, released on licence under section 43 or released on parole under section 46H.

(2) Where the Commissioner General makes an order under subsection (1), the Commissioner General shall determine the terms and conditions relating to the attachment, use, operation, maintenance and removal of the electronic monitoring device.

(3) Where an electronic monitoring device is directed to be attached to a prisoner under subsection (1), the Officer in Charge shall explain the terms and conditions for the attachment, use, operation, maintenance and removal of the electronic monitoring device to the prisoner, and the electronic monitoring device shall be attached to the prisoner by the Officer in Charge.

(4) Any person who fails to comply with any terms and conditions relating to the attachment, use, operation, maintenance and removal of an electronic monitoring device shall be guilty of an offence.

(5) Any person who tampers with, damages, destroys or loses an electronic monitoring device commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years, and such person shall be liable to pay for any damage or loss of the electronic monitoring device, and the court may direct that in default of payment for the damage or loss, the person shall suffer imprisonment for a term not exceeding three years.”.

Amendment of section 47

7. Subparagraph 47(1)(b)(i) of the principal Act is amended by inserting before the words “in association” the words “individually or”.

Amendment of section 59

8. Section 59 of the principal Act is amended—

(a) by substituting for the words “five hundred ringgit” the words “five thousand ringgit”; and

(b) by substituting for the words “six months” the words “one year”.

Amendment of section 60

9. Subsection 60(2) of the principal Act is amended by substituting for paragraph (d) the following paragraph:

“(d) all moneys—

- (i) confiscated or the ownership of which is unknown and found, in the course of a search in a prison; or
- (ii) obtained from the disposal of any property confiscated or the ownership of which is unknown and found, in the course of a search in a prison.”.

New section 63A

10. The principal Act is amended by inserting after section 63 the following section:

“Protection against suit and legal proceedings

63A. No action, suit, prosecution or other proceedings shall be brought, instituted or maintained in any court against—

- (a) any prison officer; and
- (b) any other person for or on account of or in respect of any act done or purported to be done by him under the order, direction or instruction of the Commissioner General,

if the act, neglect or default was done or committed by him in good faith and in a reasonable belief that it was necessary for the purpose intended to be served by it and for the carrying into effect the provisions of this Act.”.

New section 66A

11. The principal Act is amended by inserting after section 66 the following section:

“Volunteer

66A. (1) The Commissioner General may appoint such number of volunteers as may be necessary to assist a prison officer to carry out any rehabilitation programme under this Act.

(2) A volunteer is subject to the direction, order and control of the Commissioner General.

(3) A volunteer—

(a) may be paid such allowances as determined by the Minister after consultation with the Minister of Finance; and

(b) shall not be entitled to any remuneration.

(4) A volunteer in exercising any duty under this Act shall be deemed to be a public servant within the meaning of the Penal Code.”.

Amendment of First Schedule

12. The First Schedule to the principal Act is amended—

(a) under the heading “Senior Prison Officers”, by inserting after item “Deputy Superintendent of Prison” the following item:

“Chief Assistant Superintendent of Prison”; and

(b) under the heading “Junior Prison Officers”, by inserting before item “Prison Sub Inspector” the following item:

“Chief Prison Sub Inspector”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Prison Act 1995 (“Act 537”).

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

3. *Clause 2* seeks to amend section 2 of Act 537.

Subclause 2(a) seeks to amend the definition of “prisoner” to extend the definition to also include a prisoner released on licence under section 43 of Act 537.

Subclause 2(b) seeks to amend the definition of “Junior Prison Officer” to substitute the rank of Prison Sub Inspector with the new rank of Chief Prison Sub Inspector as the highest rank for Junior Prison Officer. This amendment is consequential to the amendment of the First Schedule to Act 537 which introduces a new rank of Chief Prison Sub Inspector.

Subclause 2(c) seeks to amend the definition of “Officer in Charge” to extend the definition to also include a prison officer who is in charge of a prison officer training centre which is declared to be a prison under section 3 of Act 537.

Subclause 2(d) seeks to amend the definition of “registered medical practitioner” to exclude a provisionally registered medical practitioner under section 12 of the Medical Act 1971 [Act 50] from the definition, hence, a provisionally registered medical practitioner under section 12 of Act 50 may not be appointed to be the Medical Officer or Dental Officer of any particular prison.

4. *Clause 3* seeks to amend paragraph 13(2)(a) of Act 537 to provide that the Officer in Charge shall, subject to the orders of the Commissioner General, supervise and control all matters in connection with prison officer training centre. Currently, the duties of the Officer in Charge are to supervise and control all matters in connection with prison only.

5. *Clause 4* seeks to amend section 25 of Act 537 to provide that the association for the prison officers established under section 25 of Act 537 shall operate and be administered in the manner as may be determined by the Minister. Currently, section 25 of Act 537 provides that the association for the prison officers shall operate and be administered in accordance with the regulations made by the Minister.

6. *Clause 5* seeks to amend section 46B of Act 537 to empower the Minister to determine the rates of allowances for the members of a Parole Board after consultation with the Minister of Finance.

7. *Clause 6* seeks to introduce new Part IVA^{AA} into Act 537.

The proposed new Part IVA^{AA} seeks to introduce provisions relating to electronic monitoring device under new section 46O^A. The new section 46O^A empowers the Commissioner General to make an order that an electronic

monitoring device to be attached to any prisoner who is confined in a prison, in the custody or under the control of a prison officer, released on licence under section 43 or released on parole under section 46H, subject to terms and conditions as determined by the Commissioner General. The electronic monitoring device is attached to a prisoner to supervise the prisoner when he is inside the prison or beyond the limits of the prison. The new section 46OA also seeks to provide for the offence of non-compliance with the terms and conditions of an electronic monitoring device, and the offence and penalty for tampering with, damaging, destroying or losing the electronic monitoring device.

8. *Clause 7* seeks to amend section 47 of Act 537 to provide that a sentence of imprisonment passed or to be passed upon a prisoner shall subject the prisoner, during the term of his sentence, to work at such labour as may be directed by the Officer in Charge and such labour shall take place individually or in association. Currently, such labour shall only take place in association.

9. *Clause 8* seeks to amend section 59 of Act 537 to increase the general penalty for the offences under Act 537 or regulations made under Act 537 for which no penalty is expressly provided, from a fine of not exceeding five hundred ringgit to a fine not exceeding five thousand ringgit and from imprisonment for a term not exceeding six months to imprisonment for a term not exceeding one year.

10. *Clause 9* seeks to amend paragraph 60(2)(d) of Act 537 to provide that the Prison Officers' Reward Fund shall also consists of all moneys obtained from the disposal of any property confiscated or the ownership of which is unknown and found in the course of a search in a prison. Currently, paragraph 60(2)(d) of Act 537 provides that only moneys which is confiscated or the ownership of which is unknown and found in the course of a search in a prison can be deposited into the Prison Officers' Reward Fund.

11. *Clause 10* seeks to introduce a new section 63A into Act 537.

The proposed new section 63A seeks to give protection to any prison officer or any other person for or on account of or in respect of any act done or purported to be done by him under the order, directions or instruction of the Commissioner General from any action, suit, prosecution or other proceedings in any court if the act, neglect or default was done or committed in good faith and in a reasonable belief that it was necessary for the purpose intended to be served by it and for the carrying into effect the provisions of Act 537.

12. *Clause 11* seeks to introduce a new section 66A into Act 537.

The proposed new section 66A seeks to empower the Commissioner General to appoint such number of volunteers as may be necessary to assist the prison officers to carry out any rehabilitation programme under Act 537.

13. *Clause 12* seeks to amend the First Schedule to Act 537 to introduce a new rank of Chief Assistant Superintendent of Prison and Chief Prison Sub Inspector.

FINANCIAL IMPLICATIONS

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

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