



UNDANG-UNDANG MALAYSIA

Akta A1484

AKTA PENCEGAHAN JENAYAH (PINDAAN) 2015

Tarikh Perkenan Diraja 28 Mei 2015

Tarikh penyiaran dalam *Warta* ... 4 Jun 2015

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada **Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik)**.

UNDANG-UNDANG MALAYSIA

Akta A1484

AKTA PENCEGAHAN JENAYAH (PINDAAN) 2015

Suatu Akta untuk meminda Akta Pencegahan Jenayah 1959.

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DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Pencegahan Jenayah (Pindaan) 2015.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*.

Pindaan tajuk panjang

2. Akta Pencegahan Jenayah 1959 [*Akta 297*], yang disebut “Akta ibu” dalam Akta ini, dipinda dalam tajuk panjang dengan memasukkan selepas perkataan “secret societies” perkataan “, terrorists”.

Pindaan seksyen 2

3. Subseksyen 2(1) Akta ibu dipinda dengan memasukkan selepas takrif “Registrar” takrif yang berikut:

‘ “terrorist” has the same meaning assigned to it by the Penal Code [*Act 574*].’.

Pindaan seksyen 3

4. Seksyen 3 Akta ibu dipinda dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(1A) When a person is arrested under subsection (1), the case shall be referred by the police officer to the Public Prosecutor for direction not later than seven days from the date of arrest.”.

Pindaan seksyen 4

5. Seksyen 4 Akta ibu dipinda—

- (a) dalam subperenggan (2)(a)(i), dengan memotong perkataan “or a Deputy Public Prosecutor”;
- (b) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

“(2A) No person shall be arrested and detained under this section solely for his political belief or political activity.”; dan

- (c) dengan memasukkan selepas subseksyen (3) subseksyen yang berikut:

“(4) The Public Prosecutor may appear in any application made under this section.

(5) For the purpose of this section, “political belief or political activity” means engaging in a lawful activity through—

- (a) the expression of an opinion or the pursuit of a course of action made according to the tenets of a political party that is at the relevant time registered under the Societies Act 1966 [Act 335] as evidenced by—
 - (i) membership of or contribution to that party; or
 - (ii) open and active participation in the affairs of that party;

- (b) the expression of an opinion directed towards any government in Malaysia; or
- (c) the pursuit of a course of action directed towards any government in Malaysia.”.

Penggantian seksyen 7B

6. (1) Akta ibu dipinda dengan menggantikan seksyen 7B dengan seksyen yang berikut:

“Prevention of Crime Board

7B. (1) A Prevention of Crime Board is established which shall consist of the following members to be appointed by the Yang di-Pertuan Agong:

- (a) a Chairman, who shall be a legally qualified person with at least fifteen years experience in the legal field;
- (b) a Deputy Chairman; and
- (c) not less than three and not more than six other members.

(2) Every member of the Board shall, unless he sooner resigns, hold office for a period not exceeding three years and is eligible for re-appointment once for another period of three years.

(3) Every member of the Board may at any time resign his office by giving notice in writing to the Yang di-Pertuan Agong.

(4) The appointment of any member of the Board may at any time be revoked by the Yang di-Pertuan Agong.

(5) The quorum for any sitting of the Board shall be three members.

(6) Subject to this Act, the Board shall determine its own procedure.

(7) Every member of the Board shall be deemed to be a public servant within the meaning of the Penal Code.”.

(2) Walau apa pun subseksyen (1), anggota Lembaga yang memegang jawatan sebaik sebelum permulaan kuat kuasa seksyen ini hendaklah disifatkan telah dilantik di bawah seksyen 7B yang dipinda, hendaklah terus memegang jawatan sehingga tempoh pelantikan yang sedia ada habis tempoh dan hendaklah layak untuk dilantik semula mengikut subseksyen 7B(2) yang dipinda.

Pindaan seksyen 9

7. Seksyen 9 Akta ibu dipinda—

- (a) dalam subseksyen (6), dengan memotong perkataan “or a Deputy Public Prosecutor”; dan
- (b) dengan memasukkan selepas subseksyen (6) subseksyen yang berikut:

“(7) The Minister may by regulations prescribe the allowances to be paid to witnesses summoned under subsection (3).”.

Pindaan seksyen 15

8. Seksyen 15 Akta ibu dipinda—

- (a) dalam subseksyen (2), dengan memasukkan selepas perkataan “the following restrictions” perkataan “and conditions”;
- (b) dalam subseksyen (3)—
 - (i) dengan memotong perkataan “from time to time,”; dan
 - (ii) dengan memasukkan selepas perkataan “restrictions” perkataan “and conditions”;
- (c) dalam subseksyen (4), dengan memasukkan selepas perkataan “restriction” perkataan “or condition”; dan
- (d) dalam subseksyen (5), dengan menggantikan perkataan “conditions” dengan perkataan “restriction or condition”.

Pindaan seksyen 15A

9. Seksyen 15A Akta ibu dipinda—

- (a) dalam subseksyen (1), dengan memotong perkataan “or finding”; dan
- (b) dalam subseksyen (2)—
 - (i) dengan memotong perkataan “or” yang terdapat di akhir perenggan (b); dan
 - (ii) dengan memasukkan selepas perenggan (b) perenggan yang berikut:

“(ba) a writ of *habeas corpus*; and”.

Pindaan seksyen 19A

10. Seksyen 19A Akta ibu dipinda dengan memasukkan selepas subseksyen (3) subseksyen yang berikut:

“(4) A copy of every detention order made by the Board under subsection (1) shall as soon as may be after the making of the order be served on the person to whom it relates, and every such person shall be entitled to make representations to an Advisory Board constituted under Clause (2) of Article 151 of the Federal Constitution in accordance with the prescribed procedures.”.

Pindaan seksyen 19c

11. Seksyen 19c Akta ibu dipinda—

- (a) dalam subseksyen (2), dengan menggantikan perkataan “subsection 15(4)” dengan perkataan “subsection 15(3)”; dan
- (b) dalam subseksyen (4)—
 - (i) dengan menggantikan perkataan “subsection 15(4)” dengan perkataan “subsection 15(3)”; dan
 - (ii) dengan menggantikan perkataan “subsection 15(3)” dengan perkataan “subsection (3)”.

Penggantian seksyen 19E dan 19F

12. Akta ibu dipinda dengan menggantikan seksyen 19E dan 19F dengan seksyen yang berikut:

“Power to order removal

19E. (1) The Board may by order direct the removal from any place of detention to another place of detention to be specified in such order of any person detained under section 19A to be there detained for the whole or any part of such period for which it has been ordered that such person shall be detained.

(2) Any person who is in the course of removal under subsection (1) shall be deemed to be in lawful custody.

Power to order production of detained person

19F. (1) On proof to his satisfaction that the presence at any place of any person detained under section 19A, or lawfully in the custody of the police or confined in any prison whether under section 19A or under an order of any court or otherwise howsoever, and notwithstanding any order of any court or other authority whatsoever, is required in the interests of justice, or for the purpose of any public or other inquiry, or in the national interest, or in the interests of the person detained, in custody, or confined, the Commissioner General of Prison where the person is detained in a place of detention or prison, or the Inspector General of Police where the person is in the lawful custody of the police, may order that such person be taken to that place.

(2) Any person in the course of being taken to any place under subsection (1) and whilst at such place shall be kept in such custody as the Commissioner General of Prison or the Inspector General of Police, as the case may be, may direct and whilst in that custody shall be deemed to be in lawful custody.

(3) In this section, “Commissioner General of Prison” has the same meaning assigned to it by subsection 2(1) of the Prison Act 1995 [*Act 537*].”.

Seksyen baru 19G

13. Akta ibu dipinda dengan memasukkan selepas seksyen 19F seksyen yang berikut:

“Saving in respect of prosecution of persons detained

19G. The detention of any person under this Part shall be without prejudice to the taking of any criminal proceeding against that person, whether during or after the period of his detention.”.

Pindaan seksyen 21

14. Seksyen 21 Akta ibu dipinda—

- (a) dalam nota bahu, dengan memotong perkataan “and destruction”; dan
- (b) dalam subseksyen (3), dengan memotong perkataan “; and if no such application is received within three months from the date of the release or removal the Registrar shall destroy the sheet and every such negative and photograph”.

Pindaan seksyen 23

15. Seksyen 23 Akta ibu dipinda—

- (a) dalam subseksyen (2), dengan memasukkan selepas perenggan (ba) perenggan yang berikut:
 - “(bb) provide for the administration and management of the Board, including provisions on training for the members of the Board;”; dan
- (b) dengan memotong subseksyen (3).