



UNDANG-UNDANG MALAYSIA

Akta A1471

AKTA KANUN KESEKSAAN (PINDAAN) 2014

Tarikh Perkenan Diraja 24 Disember 2014

Tarikh penyiaran dalam *Warta* ... 30 Disember 2014

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 A1471

AKTA KANUN KESEKSAAN (PINDAAN) 2014

Suatu Akta untuk meminda Kanun Keseksaan.

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DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas

1. Akta ini bolehlah dinamakan Akta Kanun Keseksaan (Pindaan) 2014.

Seksyen baru 52A dan 52B

2. Kanun Keseksaan [*Akta 574*], yang disebut “Kanun” dalam Akta ini, dipinda dengan memasukkan selepas seksyen 52 seksyen yang berikut:

‘ **“Non-serious offence”**

52A. The words “non-serious offence” denote an offence punishable with imprisonment for a term of not more than ten years.

“Serious offence”

52B. The words “serious offence” denote an offence punishable with imprisonment for a term of ten years or more.’.

Seksyen baru 75A

3. Kanun dipinda dengan memasukkan selepas seksyen 75 seksyen yang berikut:

“Punishment of mandatory imprisonment for persons convicted of multiple serious offences

75A. Whoever, having been convicted at least two times of a serious offence and was punished with at least two years of imprisonment for each of those convictions, shall be punished with mandatory imprisonment for the third and subsequent offences and the term of imprisonment shall not be less than double the term of the longer term of imprisonment imposed for the previous convictions.”.

Pindaan seksyen 107

4. Kanun dipinda dalam seksyen 107 dengan memasukkan selepas Huraian 2 huraian dan misalan yang berikut:

“Explanation 3 - Whoever masterminds the doing of an act is said to command the doing of that act.

ILLUSTRATION

A, the head of an organized criminal group B, masterminds C and D to kidnap E. A is guilty of abetment.”.

Seksyen baru 130QA

5. Kanun dipinda dengan memasukkan selepas seksyen 130q seksyen yang berikut:

“Accepting gratification to facilitate or enable terrorist acts

130QA. Whoever accepts gratification to facilitate or enable the commission of any terrorist act shall be punished—

- (a) if the act results in death, with death; and
- (b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.”.

Pindaan seksyen 130u

6. Kanun dipinda dalam seksyen 130u dengan memotong takrif “serious offence”.

Pindaan seksyen 130v

7. Kanun dipinda dalam seksyen 130v—

- (a) dengan menomborkan semula seksyen yang sedia ada sebagai subseksyen (1);
- (b) dalam subseksyen (1), dengan menggantikan perkataan “which may extend to five years” dengan perkataan “of not less than five years and not more than twenty years”; dan
- (c) dengan memasukkan selepas subseksyen (1) yang dinomborkan semula subseksyen yang berikut:

“(2) Until the contrary is proved, a person shall be presumed to be a member of an organized criminal group where—

- (a) such person can be identified as belonging to an organized criminal group; or
- (b) such person is found with a scheduled weapon as specified under the Corrosive and Explosive Substances and Offensive Weapons Act 1958 [Act 357].”.

Seksyen baru 130x, 130y, 130z, 130ZA, 130ZB dan 130ZC

8. Kanun dipinda dengan memasukkan selepas seksyen 130w seksyen yang berikut:

“Harbouring member of an organized criminal group

130x. Whoever harbours, or prevents, hinders or interferes with the arrest of a member of an organized criminal group shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

Consorting with an organized criminal group

130y. Whoever without reasonable excuse, consorts with a member of an organized criminal group shall be punished with imprisonment for a term of not less than five years and not more than twenty years, and shall also be liable to fine.

Recruiting persons to be members of an organized criminal group

130z. Whoever knowingly recruits, or agrees to recruit, another person to be a member of an organized criminal group shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Participation in an organized criminal group

130zA. Whoever participates in an organized criminal group—

- (a) knowing or having reason to believe that it is an organized criminal group; and
- (b) knowing, or having reason to believe that, or being reckless as to whether, his participation in that group contributes to the occurrence of any criminal activity,

shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Accepting gratification to facilitate or enable organized criminal activity

130zB. Whoever accepts gratification to facilitate or enable any organized criminal activity shall be punished—

- (a) if the act results in death, with death; and
- (b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.

Enhanced penalties for offences committed by an organized criminal group or member of an organized criminal group

130zc. (1) Any organized criminal group or a member of an organized criminal group convicted of any serious offence under this Code or under any written law shall be punished with imprisonment for a term of twice as long as the maximum term for which he would have been liable on conviction for that offence, and shall also be liable to whipping.

(2) Any organized criminal group or a member of an organized criminal group convicted of any non-serious offence under this Code or under any written law shall be punished with imprisonment for a term of not less than two years and not more than twice as long as the maximum term for which he would have been liable on conviction for that offence, and shall also be liable to whipping.”.

Pindaan seksyen 176

9. Kanun dipinda dalam seksyen 176 dengan memasukkan selepas perkataan “may extend to two thousand ringgit or with both” perkataan “and in relation to offences under Chapter VIB, with imprisonment for a term which may extend to seven years, or with fine, or with both”.

Seksyen baru 203A

10. Kanun dipinda dengan memasukkan selepas seksyen 203 seksyen yang berikut:

“Disclosure of information

203A. (1) Whoever discloses any information or matter which has been obtained by him in the performance of his duties or the exercise of his functions under any written law shall be punished with fine of not more than one million ringgit, or with imprisonment for a term which may extend to one year, or with both.

(2) Whoever has any information or matter which to his knowledge has been disclosed in contravention of subsection (1) who discloses that information or matter to any other person shall be punished with fine of not more than one million ringgit, or with imprisonment for a term which may extend to one year, or with both.”.

Pindaan seksyen 223

11. Kanun dipinda dalam seksyen 223—

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “servant” perkataan “and facilitating or enabling any terrorist act, *etc.*”;
- (b) dengan menomborkan semula seksyen yang sedia ada sebagai subseksyen (1); dan
- (c) dengan memasukkan selepas subseksyen (1) yang dinomborkan semula subseksyen yang berikut:

“(2) Whoever commits an offence under subsection (1) to facilitate or enable any terrorist act or organized criminal activity shall be punished with imprisonment for a term of twice as long as the maximum term for which he would have been liable on conviction for that offence, and shall also be liable to whipping.”.

Pindaan seksyen 320

12. Kanun dipinda dalam perenggan 320(*h*), dengan menggantikan perkataan “twenty days” dengan perkataan “ten days”.

Pindaan seksyen 322

13. Kanun dipinda dalam seksyen 322 dalam misalan, dengan menggantikan perkataan “twenty days” dengan perkataan “ten days”.

Pindaan seksyen 324

14. Kanun dipinda dalam seksyen 324—

- (a) dengan memasukkan selepas perkataan “cause death,” perkataan “or any scheduled weapon as specified under the Corrosive and Explosive Substances and Offensive Weapons Act 1958,”; dan
- (b) dengan menggantikan perkataan “three years” dengan perkataan “ten years”.

Pindaan seksyen 326

15. Kanun dipinda dalam seksyen 326 dengan memasukkan selepas perkataan “cause death,” perkataan “or any scheduled weapon as specified under the Corrosive and Explosive Substances and Offensive Weapons Act 1958,”.

Seksyen baru 326A

16. Kanun dipinda dengan memasukkan selepas seksyen 326 seksyen yang berikut:

“Punishment for causing hurt by spouse

326A. Whoever, during the subsistence of a valid marriage, causes hurt to his spouse and commits an offence under section 323, 324, 325, 326, 334 or 335 shall be punished with imprisonment for a term of twice as long as the maximum term for which he would have been liable on conviction for that offence under the relevant section.”.

Seksyen baru 352A

17. Kanun dipinda dengan memasukkan selepas seksyen 352 seksyen yang berikut:

“Punishment for using criminal force by spouse

352A. Whoever, during the subsistence of a valid marriage, assaults or uses criminal force on his spouse shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand ringgit, or with both.”.

Seksyen baru 375B

18. Kanun dipinda dengan memasukkan selepas seksyen 375A seksyen yang berikut:

“Gang rape

375B. Whoever commits gang rape shall be punished with imprisonment for a term of not less than ten years and not more than thirty years.

Explanation – Where a woman is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape within the meaning of this section.”.

Pindaan seksyen 376

19. Kanun dipinda dalam subseksyen 376(2)—

- (a) dengan memotong perkataan “or” di akhir perenggan (f);
- (b) dengan menggantikan koma di akhir perenggan (g) dengan koma bernoktah;
- (c) dengan memasukkan selepas perenggan (g) perenggan yang berikut:

“(h) when by reason or on occasion of the rape, the woman becomes insane;

(i) when he knows that he is afflicted with the Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is or may be transmitted to the woman;

(j) when by reason or on occasion of the rape, the woman commits suicide; or

(k) when he knew of the mental disability, emotional disorder or physical handicap of the woman at the time of the commission of the crime,”; dan

- (d) dengan menggantikan perkataan “five years” dengan perkataan “ten years”.

Pindaan seksyen 376B

20. Kanun dipinda dalam subseksyen 376B(1) dengan menggantikan perkataan “not less than six years and not more than twenty years” dengan perkataan “not less than ten years and not more than thirty years”.

Pindaan seksyen 377CA

21. Kanun dipinda dalam seksyen 377CA dengan menggantikan perkataan “which may extend to twenty years” dengan perkataan “of not less than five years and not more than thirty years”.

Pindaan seksyen 377E

22. Kanun dipinda dalam seksyen 377E dengan menggantikan perkataan “which may extend to five years” dengan perkataan “of not less than three years and not more than fifteen years”.

Seksyen baru 411A

23. Kanun dipinda dengan memasukkan selepas seksyen 411 seksyen yang berikut:

“Receiving benefit derived from criminal activities of organized criminal group

411A. (1) Whoever receives from an organized criminal group a benefit that is derived from the criminal activities of the organized criminal group shall be punished with imprisonment for a term which may extend to six years if the person—

(a) knows that it is an organized criminal group;
and

(b) knows or is reckless as to whether the benefit is derived from criminal activities of the organized criminal group.

(2) For the purpose of this section, a benefit derived from the criminal activities of an organized criminal group is a benefit derived or realized or substantially derived or realized directly or indirectly from criminal activities of an organized criminal group.”.

Pindaan seksyen 426

24. Kanun dipinda dalam seksyen 426 dengan menggantikan perkataan “three months” dengan perkataan “five years”.

Pindaan seksyen 427

25. Kanun dipinda dalam seksyen 427 dengan menggantikan perkataan “which may extend to two years” dengan perkataan “of not less than one year and not more than five years”.

Pindaan seksyen 428

26. Kanun dipinda dalam seksyen 428—

- (a) dengan memotong perkataan “of the value of five ringgit or upwards”; dan
- (b) dengan menggantikan perkataan “two years” dengan perkataan “three years”.

Pemotongan seksyen 429

27. Kanun dipinda dengan memotong seksyen 429.

Pindaan seksyen 430

28. Kanun dipinda dalam seksyen 430 dengan menggantikan perkataan “which may extend to five years” dengan perkataan “of not less than five years and not more than thirty years”.

Pindaan seksyen 430A

29. Kanun dipinda dalam seksyen 430A—

- (a) dalam nota bahu, dengan menggantikan perkataan “railway engine, train, *etc.*” dengan perkataan “any public transportation”;
- (b) dengan menggantikan perkataan “or” yang terdapat sebelum perkataan “truck” dengan koma; dan
- (c) dengan memasukkan selepas perkataan “truck” perkataan “or any form of public transportation”.

Pindaan seksyen 435

30. Kanun dipinda dalam seksyen 435 dengan menggantikan perkataan “seven years” dengan perkataan “fourteen years”.

Pindaan seksyen 436

31. Kanun dipinda dalam seksyen 436 dengan memasukkan selepas perkataan “custody of property” perkataan “or any government facility”.