

D.R. 13/2007

RANG UNDANG-UNDANG

b e r n a m a

Suatu Akta untuk meminda Akta Kanun Keseksaan (Pindaan) 2006.

DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Kanun Keseksaan (Pindaan) (Pindaan) 2007.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri di bawah subseksyen 1(2) Akta Kanun Keseksaan (Pindaan) 2006 [*Akta A1273*].

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Penggantian seksyen 7

2. Akta Kanun Keseksaan (Pindaan) 2006, yang disebut "Akta ibu" dalam Akta ini, dipinda dengan menggantikan seksyen 7 dengan seksyen yang berikut:

"Pindaan seksyen 376

7. Kanun dipinda dengan menggantikan seksyen 376 dengan seksyen yang berikut:

"Punishment for rape

376. (1) Subject to subsections (2), (3) and (4), whoever commits rape shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to whipping.

(2) Whoever commits rape on a woman under any of the following circumstances:

- (a) at the time of, or immediately before or after the commission of the offence, causes hurt to her or to any other person;
- (b) at the time of, or immediately before or after the commission of the offence, puts her in fear of death or hurt to herself or any other person;
- (c) the offence was committed in the company of or in the presence of any other person;
- (d) without her consent, when she is under sixteen years of age;
- (e) with or without her consent, when she is under twelve years of age;
- (f) with her consent, when the consent is obtained by using his position of authority over her or because of professional relationship or other relationship of trust in relation to her; or

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(g) at the time of the offence the woman was pregnant,

shall be punished with imprisonment for a term of not less than five years and not more than thirty years and shall also be liable to whipping.

(3) Whoever commits rape on a woman whose relationship to him is such that he is not permitted under the law, religion, custom or usage, to marry her, shall be punished with imprisonment for a term of not less than eight years and not more than thirty years, and shall also be punished with whipping of not less than ten strokes.

(4) Whoever whilst committing or attempting to commit rape causes the death of the woman on whom the rape is committed or attempted shall be punished with death or imprisonment for a term of not less than fifteen years and not more than thirty years, and shall also be punished with whipping of not less than ten strokes." "

Seksyen baru 11A dan 11B

3. Akta ibu dipinda dengan rmemasukkan selepas seksyen 11 seksyen yang berikut:

"Seksyen **baru** 11A

11A. Seksyen 396 Kanun dipinda dengan menggantikan perkataan "five" dengan perkataan "two".

Seksyen baru 11B

11B. Seksyen 402 Kanun dipinda dengan menggantikan perkataan "five" dengan perkataan "two".

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Penggantian seksyen 26

4. Akta ibu dipinda dengan menggantikan seksyen 26 dengan seksyen yang berikut:

"Pindaan kepada Akta Kanun Keseksaan (Pindaan) 2003

26. Akta Kanun Keseksaan (Pindaan) 2003 [*Akta A1210*] dipinda— ,

(a) dalam seksyen 5, berhubung dengan seksyen 130B —

(i) dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

"(2) For the purposes of this Chapter, "terrorist act" means an act or threat of action within or beyond Malaysia where—

(a) the act or threat falls within subsection (3) and does not fall within subsection (4);

(b) the act is done or the threat is made with the intention of advancing a political, religious or ideological cause; and

(c) the act or threat is intended or may reasonably be regarded as being intended to —

(i) intimidate the public or a section of the public; or

(ii) influence or compel the Government of Malaysia or the Government of any State in Malaysia, any other government, or any international organization to do or refrain from doing any act.";

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- (ii) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

"(3) An act or threat of action falls within this subsection if it—

- (a) involves serious bodily injury to a person;
- (b) endangers a person's life;
- (c) causes a person's death;
- (d) creates a serious risk to the health or the safety of the public or a section of the public;
- (e) involves serious damage to property;
- (f) involves the use of firearms, explosives or other lethal devices;
- (g) involves releasing into the environment or any part of the environment or distributing or exposing the public or a section of the public to —
 - (i) any dangerous, hazardous, radioactive or harmful substance;
 - (ii) any toxic chemical; or
 - (iii) any microbial or other biological agent or toxin;
- (h) is designed or intended to disrupt or seriously interfere with, any computer systems or the provision of any services directly related to communications infrastructure, banking or financial services, utilities, transportation or other essential infrastructure;

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(i) is designed or intended to disrupt, or seriously interfere with, the provision of essential emergency services such as police, civil defence or medical services;

(j) involves prejudice to national security or public safety;

(k) involves any combination of any of the acts specified in paragraphs (a) to (j),

and includes any act or omission constituting an offence under the Aviation Offences Act 1984 [Act 307].

(4) An act or threat of action falls within this subsection if it—
(a) is advocacy, protest, dissent or industrial action; and

(b) is not intended—

(i) to cause serious bodily injury to a person;

(ii) to endanger the life of a person;

(iii) to cause a person's death; or

(iv) to create a serious risk to the health or safety of the public or a section of the public";
dan

(iii) dengan menomborkan semula subseksyen (3) sebagai subseksyen (5); dan

(b) dengan memotong seksyen 9." "

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HURAIAN

Rang Undang-Undang ini bertujuan untuk meminda Akta Kanun Keseksaan (Pindaan) 2006 ("Akta A1273").

2. *Fasal 1* mengandungi tajuk ringkas dan peruntukan tentang permulaan kuat kuasa Akta A1273.

3. *Fasal 2* bertujuan untuk menggantikan seksyen 7 Akta A1273 yang menggantikan seksyen 376 Kanun Keseksaan [Akta 574] dengan seksyen 376 baru untuk memasukkan perkataan "with imprisonment" yang dengan tidak sengaja tidak dimasukkan dalam subseksyen 376(1) baru Akta 574.

4. *Fasal 3* bertujuan untuk memasukkan seksyen baru 11A dan 11B ke dalam Akta A1273 untuk meminda seksyen 396 dan 402 Akta 574 untuk mengurangkan bilangan orang yang melakukan "rompakan berkumpulan" daripada lima kepada dua. Pindaan ini merupakan pindaan berbangkit kepada seksyen 10 Akta A1273.

5. *Fasal 4* bertujuan untuk menggantikan seksyen 26 untuk membetulkan rujukan kepada peruntukan dalam Akta Kanun Keseksaan (Pindaan) 2003 [Akta A1210] yang telah meminda seksyen 130B Akta 574.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan.

[PN(U²)2585]