

# **Criminal Procedure (Miscellaneous Amendments) Bill**

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**Bill No. 6/2024.**

*Read the first time on 10 January 2024.*

A BILL

*intituled*

An Act to amend the Criminal Procedure Code 2010 and to make amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## Short title and commencement

1. This Act is the Criminal Procedure (Miscellaneous Amendments) Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 2

2. In the Criminal Procedure Code 2010 (called in this Act the Code), in section 2(1), replace the definition of “police station” with —

10 ““police station” means any local office of the Singapore Police Force;”.

### Amendment of section 17

3. In the Code, in section 17 —

(a) in subsection (1), delete “at any place”;

(b) in subsection (1), replace paragraph (a) with —

15 “(a) investigate the facts and circumstances of the case as soon as practicable; and”;

(c) in subsection (2)(a), delete “go to the place to”.

### Amendment of section 20

4. In the Code, in section 20 —

20 (a) in subsection (2), after “by a financial institution” wherever it appears, insert “(other than a specified institution)”;

(b) after subsection (2), insert —

25 “(2A) Despite subsections (1) and (1A), a written order under subsection (1) or (1A) for the production of customer information by a specified institution, or access to customer information kept by a specified institution —

(a) may only be made by —

(i) a police officer of or above the rank of inspector;

(ii) an authorised person mentioned in paragraph (a) of the definition of “authorised person” in subsection (9); or 5

(iii) an authorised person mentioned in paragraph (b) of the definition of “authorised person” in subsection (9) who is investigating an offence under a specified law; and 10

(b) may require the specified institution to monitor any account of a customer of the specified institution for a period of time and provide such information relating to the transactions carried out in the account during that period.”; and 15

(c) replace subsection (9) with —

“(9) In this section — 20

“authorised person” means —

(a) any person who is authorised in writing by the Commissioner of Police for the purposes of this section;

(b) any officer of a prescribed law enforcement agency mentioned in paragraph (a), (b), (c) or (d) of the definition of “prescribed law enforcement agency” in this subsection, who is authorised in writing by the head of that law enforcement agency, for the purposes of this section; or 25 30

(c) any other officer of a prescribed law enforcement agency mentioned in paragraph (e) of the definition of “prescribed law enforcement agency” in this subsection, who is authorised in writing by the head of that law enforcement agency, for the purposes of this section;

“customer information” —

(a) in relation to a bank or merchant bank, has the meaning given by section 40A of the Banking Act 1970; and a reference in that section to a bank is a reference to a bank or merchant bank;

(b) in relation to a licensed trust company, means information protected under section 49 of the Trust Companies Act 2005; and

(c) in relation to any other financial institution, means any information relating to, or any particulars of, an account of a customer of the financial institution or funds of a customer under management by the financial institution, but does not include any information that is not referable to any named person or group of named persons;

“prescribed law enforcement agency” means —

(a) the Inland Revenue Authority of Singapore;

(b) the Foreign Manpower Management Division of the Ministry of Manpower or any department in the

Ministry of Manpower charged with the duty of investigating offences or charging offenders;

(c) the Singapore Customs;

(d) the Gambling Regulatory Authority of Singapore; or 5

(e) any other law enforcement agency prescribed, by order in the *Gazette*, by the Minister charged with the responsibility for that law enforcement agency; 10

“specified institution” means a financial institution that is any of the following:

(a) a bank or merchant bank within the meaning of section 2(1) of the Banking Act 1970; 15

(b) a licensed trust company within the meaning of section 2 of the Trust Companies Act 2005;

“specified law” means — 20

(a) in relation to an offence investigated by the Inland Revenue Authority of Singapore —

(i) the Goods and Services Tax Act 1993; or 25

(ii) the Income Tax Act 1947;

(b) in relation to an investigation into an offence conducted by the Foreign Manpower Management Division of the Ministry of Manpower or any department in the Ministry of Manpower charged with the duty of investigating offences or charging offenders — 30

(i) the Employment Agencies Act 1958;

(ii) the Employment of Foreign Manpower Act 1990; or

5 (iii) the Prevention of Human Trafficking Act 2014;

(c) in relation to an offence investigated by the Singapore Customs —

10 (i) the Chemical Weapons (Prohibition) Act 2000;

(ii) the Customs Act 1960;

(iii) the Free Trade Zones Act 1966;

(iv) the Regulation of Imports and Exports Act 1995;

15 (v) the Strategic Goods (Control) Act 2002; or

(vi) the United Nations Act 2001; and

20 (d) in relation to an offence investigated by the Gambling Regulatory Authority of Singapore —

(i) the Casino Control Act 2006; or

(ii) the Gambling Control Act 2022.”.

25 **Amendment of section 34**

**5.** In the Code, in section 34 —

(a) in subsection (1), after “in any place”, insert “where he or she has reason to believe the document or thing is located”;

(b) in subsection (1), replace paragraph (a) with —

30 “(a) the police officer considers the document or thing to be necessary for his or her

investigation and if the police officer has reason to believe that —

- (i) a person who has been or may be issued with an order under section 20(1) will not or is unlikely to produce the document or thing or give access to it as directed in the order; or
- (ii) the document or thing is in the possession or power of a person who is reasonably suspected of having committed the arrestable offence;”;

(c) after subsection (1), insert —

*Explanation 1.* — If a police officer considers that a document connected to the work of a person (who is reasonably suspected of having committed an arrestable offence) is necessary for the police officer’s investigation and the police officer has reason to believe that the document is located in the person’s place of residence, the police officer may search that place if the police officer has reason to believe that the document is in the possession or power of the person.

*Explanation 2.* — If a police officer considers that an item is necessary for the police officer’s investigation and the police officer has reason to believe that the item is located in the premises of a person where another person (*A*) (who is reasonably suspected of having committed an arrestable offence) is at, the police officer may search those premises if the police officer has reason to believe that the item is in the possession or power of *A*.

*Explanation 3.* — If a police officer considers that a document is necessary for the police officer’s investigation and the police officer has reason to believe that the document is located in one or more places of residence and workplaces of a person (who is reasonably suspected of having committed an arrestable offence), the police officer may search all or any of those premises if the police officer has reason to believe that the document is in the possession or power of the person.”; and

(d) after subsection (3), insert —

“(4) Any person who obstructs the lawful exercise by a police officer of the power under subsection (1) shall be guilty of an offence and shall be liable on conviction —

5                   (a) in any case where the person is a body corporate, a limited liability partnership, a partnership or an unincorporated association — to a fine not exceeding \$10,000; or

10                   (b) in any other case — to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) An offence under subsection (4) is an arrestable offence.”.

15   **Amendment of section 39**

6. In the Code, in section 39 —

(a) in subsection (1), replace “A police officer” with “Subject to subsection (1A), a police officer”;

(b) after subsection (1), insert —

20                   “(1A) Where the data mentioned in subsection (1)(b) is customer information, an authorised person mentioned in subsection (1) must be —

25                   (a) an authorised officer mentioned in paragraph (a) of the definition of “authorised person” in subsection (6); or

30                   (b) an authorised officer mentioned in paragraph (b) of the definition of “authorised person” in subsection (6) who is investigating an offence under a specified law.”; and

(c) replace subsection (6) with —



“(6) In this section and section 40 —

“authorised person” means —

- (a) a forensic specialist appointed under section 65A of the Police Force Act 2004, or any other person, who is authorised in writing by the Commissioner of Police for the purposes of this section or section 40 or both; 5
- (b) any officer of a prescribed law enforcement agency mentioned in paragraph (a), (b) or (c) of the definition of “prescribed law enforcement agency” in this subsection, who is authorised in writing by the head of that law enforcement agency, for the purposes of this section; or 10 15
- (c) any other officer of a prescribed law enforcement agency mentioned in paragraph (d) of the definition of “prescribed law enforcement agency” in this subsection, who is authorised in writing, by the head of that law enforcement agency, for the purposes of this section or section 40 or both; 20 25

“customer information” —

- (a) in relation to a bank or merchant bank, has the meaning given by section 40A of the Banking Act 1970; and a reference in that section to a bank is a reference to a bank or merchant bank; and 30

(b) in relation to a licensed trust company, means information protected under section 49 of the Trust Companies Act 2005;

5 “prescribed law enforcement agency” means —

(a) the Inland Revenue Authority of Singapore;

10 (b) the Foreign Manpower Management Division of the Ministry of Manpower or any department in the Ministry of Manpower charged with the duty of investigating offences or charging offenders;

(c) the Singapore Customs; or

15 (d) any other law enforcement agency prescribed, by order in the *Gazette*, by the Minister charged with the responsibility for that law enforcement agency;

20 “specified law” means —

(a) in relation to an offence investigated by the Inland Revenue Authority of Singapore —

25 (i) the Goods and Services Tax Act 1993; or

(ii) the Income Tax Act 1947;

30 (b) in relation to an investigation of an offence conducted by the Foreign Manpower Management Division of the Ministry of Manpower or any department in the Ministry of Manpower charged with the duty of investigating offences or charging offenders —

- (i) the Employment Agencies Act 1958;
  - (ii) the Employment of Foreign Manpower Act 1990; or
  - (iii) the Prevention of Human Trafficking Act 2014; and
- (c) in relation to an offence investigated by the Singapore Customs —
- (i) the Chemical Weapons (Prohibition) Act 2000;
  - (ii) the Customs Act 1960;
  - (iii) the Free Trade Zones Act 1966;
  - (iv) the Regulation of Imports and Exports Act 1995;
  - (v) the Strategic Goods (Control) Act 2002; or
  - (vi) the United Nations Act 2001.”.

## **New Divisions 4 and 5 of Part 4**

7. In the Code, in Part 4, after Division 3, insert —

*“Division 4 — Powers of investigation for offences related to processes to compel appearance of accused*

### **Powers of investigation of certain law enforcement officers when investigating certain bail or bond offences**

**40C.—**(1) An officer of a prescribed law enforcement agency may investigate —

- (a) an offence under section 103(5) in relation to a person accused of an offence (called in this section the relevant offence) and who is released on bail or on his or her personal bond, if the relevant offence is one which the prescribed law enforcement agency is authorised under any written law (other than this section) to investigate; or

(b) an offence under section 106A(2), if the agreement mentioned in section 106A(1) is made in relation to a bail bond for an offence which the prescribed law enforcement agency is authorised under any written law (other than this section) to investigate.

(2) When carrying out any investigation under subsection (1), an officer of a prescribed law enforcement agency may exercise all or any of the powers of a police officer under this Code in relation to an investigation into an arrestable case.

(3) For the purposes of this section, the Minister charged with the responsibility for home affairs may, by order in the *Gazette*, prescribe a law enforcement agency as a prescribed law enforcement agency.

**Powers of investigation of certain law enforcement officers when investigating offence of leaving Singapore without travel document**

**40D.**—(1) If —

(a) the head or an authorised director of any relevant law enforcement agency or a person of a similar rank (called in this section the relevant person), or an officer of a relevant law enforcement agency (called in this section the relevant officer), pursuant to section 112(1)(b) or (c), respectively, has required a person whom the relevant person or relevant officer has reasonable grounds for believing has committed an offence to surrender the person’s travel document; and

(b) the person commits an offence under section 112(4B), the relevant person, the relevant officer, or any other officer from the same relevant law enforcement agency as the relevant person or relevant officer, may investigate the offence under section 112(4B).

(2) When carrying out any investigation under subsection (1), the relevant person, the relevant officer, or any other officer

from the same relevant law enforcement agency as the relevant person or relevant officer may exercise all or any of the powers of a police officer under this Code in relation to an investigation into an arrestable case.

(3) For the purposes of this section, the Minister charged with the responsibility for home affairs may, by order in the *Gazette*, prescribe any law enforcement agency as a relevant law enforcement agency. 5

### *Division 5 — Forensic medical examination*

#### **Interpretation of this Division** 10

**40E.** In this Division —

“accused person” means any person who has been concerned in an offence or is reasonably suspected of having been involved in one, or against whom a reasonable complaint has been made or credible information has been received of the person having been so concerned or involved; 15

“body sample” includes any of the following:

- (a) a sample of blood;
- (b) a sample of head hair, including the roots of the head hair; 20
- (c) a sample of a fingernail or toenail or any substance from under a fingernail or toenail;
- (d) a sample of urine;
- (e) a sample of saliva; 25
- (f) a sample taken from any body part of an individual by way of a swab or other sampling means;

“forensic medical examination” or “FME”, in relation to any individual, means any one or more of the following: 30

- (a) a physical medical examination of the individual;

(b) the taking of a body sample from the individual;

(c) the taking of a photograph of any body part of the individual;

5 (d) the taking of an impression or cast of a wound from any external body part of the individual;

“forensic specialist” means a person appointed under section 65A of the Police Force Act 2004, or any other person who is authorised in writing by the Commissioner of Police for the purposes of this Division;

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“intimate part” means —

(a) an individual’s genital or anal region; or

(b) the breasts of a woman;

“invasive sample” means any body sample that is obtained by means of any invasive procedure and includes a sample of blood;

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“medical practitioner” means a medical practitioner registered or exempted from registration under the Medical Registration Act 1997;

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“nurse” means a registered nurse or enrolled nurse within the meaning of the Nurses and Midwives Act 1999;

“photograph” includes a digital image and a moving visual record.

### **When FME is required**

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**40F.**—(1) Subject to subsection (2) and section 40H, any police officer may require an individual to undergo an FME for the purpose of searching for a thing, or evidence of a thing —

(a) that is relevant to an offence that is reasonably suspected to have been committed; and

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(b) the existence or absence of which on or in the body of the individual is or may be relevant to the investigation of the offence.

(2) If an FME involves an intimate part of an individual, only a police officer of or above the rank of inspector may require the individual to undergo the FME.

### **Who may carry out FME and how it is to be carried out**

**40G.**—(1) For the purposes of this Division, a police officer or a forensic specialist may carry out an FME on an individual, except that the following FME may only be carried out by a medical practitioner or a nurse:

- (a) an FME involving a physical medical examination of the individual;
- (b) an FME involving the taking of an invasive sample from the individual, other than the taking of a blood sample by way of pricking the individual's finger.

(2) Before taking a body sample from an individual, the person taking the body sample, and any other person giving instruction in relation to or overseeing the taking of the body sample, must satisfy himself or herself that it does not endanger the individual.

(3) If an FME carried out by a police officer or a forensic specialist involves an intimate part of an individual —

- (a) the FME must be carried out with such reasonable privacy measures in place as are necessary to prevent the FME from being seen by any person other than —
  - (i) any person carrying out the FME;
  - (ii) any person giving instruction in relation to or overseeing the FME; and
  - (iii) where the individual is an accused person, any officer escorting the individual; and
- (b) the FME may only be carried out by a woman if the individual is a woman.

**Consent of alleged victim to undergo FME required in certain circumstances**

5 **40H.**—(1) Subject to subsections (2) and (3), a police officer must not, under section 40F, require an alleged victim to undergo an FME unless —

- (a) in the case where the alleged victim has reached 16 years of age — the alleged victim consents;
- (b) in the case where the alleged victim has not reached 16 years of age but has reached 14 years of age — both the alleged victim and the alleged victim’s parent or guardian consent; and
- (c) in the case where the alleged victim has not reached 14 years of age — the alleged victim’s parent or guardian consents.

15 (2) Where a police officer acting under section 40F has reasonable grounds to believe that —

- (a) the alleged victim mentioned in subsection (1)(a) or (b) is unable to give consent to undergo an FME within a reasonable time due to any physical or mental condition (whether permanent or temporary); and
- (b) any delay in carrying out the FME on the alleged victim may result in any loss, degradation or contamination of any evidence that is relevant to the investigation of the offence committed against the alleged victim,

25 then —

- (c) in relation to the alleged victim mentioned in subsection (1)(a) —
  - (i) the alleged victim’s consent to undergo the FME is not required; but
  - (ii) the alleged victim’s deputy or donee (as the case may be), if any, must consent to the alleged victim undergoing the FME; and

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(d) in relation to the alleged victim mentioned in subsection (1)(b) —

- (i) the alleged victim's consent to undergo the FME is not required; but
- (ii) either the alleged victim's deputy, or if there is no such deputy, the alleged victim's parent or guardian, must consent to the alleged victim undergoing the FME.

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(3) Despite subsections (1) and (2), the consent of an alleged victim's parent, guardian, deputy or donee (as the case may be) under those provisions is not required if —

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(a) the police officer acting under section 40F has reasonable grounds to believe that any delay in carrying out the FME on the alleged victim may result in any loss, degradation or contamination of any evidence that is relevant to the investigation of the offence committed against the alleged victim; and

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(b) any of the following applies:

- (i) the consent of the alleged victim's parent, guardian, deputy or donee (as the case may be) cannot be obtained despite all reasonable efforts;
- (ii) the police officer acting under section 40F has reasonable grounds to believe that there is no parent, guardian, deputy or donee (as the case may be) of the alleged victim who can give such consent;
- (iii) the parent, guardian, deputy or donee (as the case may be) of the alleged victim who can give such consent —
  - (A) is being investigated in relation to the offence committed against the alleged victim;

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(B) is a person whom the police officer acting under section 40F has reasonable grounds to believe has a motive to conceal the commission of the offence against the alleged victim; or

(C) has abstained from giving consent for the FME to be carried out on the alleged victim.

(4) In this section —

(a) an alleged victim is unable to give consent where he or she is unable to understand the nature and consequence of the FME that is to be carried out;

(b) “deputy”, in relation to an alleged victim, means a deputy appointed or deemed to be appointed by the court under the Mental Capacity Act 2008 with power in relation to the alleged victim for the purposes of this section; and

(c) “donee”, in relation to an alleged victim, means a donee under a lasting power of attorney registered under the Mental Capacity Act 2008 with power in relation to the alleged victim for the purposes of this section.

### **Reasonable force to carry out FME in certain cases**

**40I.**—(1) Where —

(a) an accused person is required to undergo an FME under this Division which does not involve —

(i) a physical medical examination of the accused person’s intimate parts;

(ii) the taking of an invasive sample from the accused person;

(iii) the taking of a body sample from the accused person’s intimate parts; or

- (iv) the taking of a photograph of the accused person's intimate parts; and
- (b) the accused person —
  - (i) refuses, without reasonable excuse, to undergo such FME; or
  - (ii) otherwise hinders or obstructs the carrying out of such FME,

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an authorised officer may, with such assistance as is required, use such force as is reasonably necessary for the purpose of carrying out such FME.

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(2) In this section, “authorised officer” means —

- (a) any police officer or auxiliary police officer;
- (b) any forensic specialist; or
- (c) any other person authorised by the Commissioner of Police for the purposes of this section.

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### **Offence for refusal to undergo FME**

**40J.**—(1) Where an accused person is required to undergo an FME under this Division, the accused person commits an offence if the accused person, without reasonable excuse —

- (a) refuses to undergo the FME; or
- (b) otherwise hinders or obstructs the carrying out of the FME.

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(2) An accused person commits an offence under subsection (1) regardless of whether the FME which the accused person is required to undergo is carried out by reasonable force under section 40I.

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(3) Any person (other than the accused person) who, without reasonable excuse, hinders or obstructs the carrying out of the FME mentioned in subsection (1), commits an offence.

(4) Any accused person who is guilty of an offence under subsection (1) or a person who is guilty of an offence under

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subsection (3) shall be liable on conviction to imprisonment for a term which may extend to 7 years, or to a fine, or to both.

### **Inferences against accused person for refusal to undergo FME**

5       **40K.**—(1) Where in any criminal proceeding, it is shown that the accused person who is required to undergo an FME under this Division has refused to undergo the FME without reasonable excuse, the court may in determining —

10           (a) whether to commit the accused person for trial in connection with the crime of which he or she is accused;

          (b) whether there is a case to answer against the accused person; or

15           (c) whether the accused person is guilty of the crime with which he or she has been charged,

draw any inference from the refusal that the court thinks proper.

20       (2) The refusal by the accused person to undergo an FME required of him or her may on the basis of the inference mentioned in subsection (1), be treated as, or as capable of amounting to, corroboration of any evidence given against the accused person in relation to which the refusal is material.”.

### **Amendment of section 65**

8. In the Code, in section 65 —

25           (a) in subsection (1), replace “name and residential address” with “name, residential address or unique identification number”;

          (b) in subsection (2), replace “name or residential address” with “name, residential address or unique identification number”;

30           (c) replace subsection (3) with —

          “(3) Any person arrested under this section must either —

(a) be brought to a police station as soon as reasonably practicable and may, if required by a police officer of or above the rank of sergeant, be released upon signing a bond with or without surety to appear before a Magistrate; or 5

(b) subject to subsection (3A), be released without being brought to a police station upon verification of his or her name, residential address and unique identification number. 10

(3A) Where a person is arrested under this section as well as for an arrestable offence, he or she may, instead of being released under subsection (3)(b), be brought to a police station in respect of the arrestable offence after the verification of his or her name, residential address and unique identification number.”; 15

(d) in subsection (4), after “as required”, insert “under subsection (3)(a)””; and 20

(e) after subsection (5), insert —

“(6) In this section, “unique identification number” means —

(a) a person’s identity card number, passport number or the number of any other similar document of identity issued by a government authority as evidence of the person’s nationality or place of residence, and includes a foreign identification number; or 25 30

(b) where a person (who is a Singapore citizen or a permanent resident) is a minor who has not yet been issued with an identity card number, the person’s birth certificate number.”. 35

### **Amendment of section 66**

9. In the Code, in section 66(2), delete “or take the arrested person to a police station”.

### **Amendment of section 78**

5     **10.** In the Code, in section 78, after subsection (1), insert —

“*(1A)* Whenever a person is arrested by a police officer or an arrested person is handed over to a police officer under section 66, the police officer may search the person arrested and place in safe custody any article that the person arrested may potentially use to cause harm to himself or herself or to any other person.”.

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### **Amendment of section 84**

**11.** In the Code, in section 84 —

(*a*) replace subsection (1) with —

15                     “(1) If a person (*A*) in lawful custody escapes or is rescued —

(*a*) the person who has lawful custody of *A* at the time of *A*’s escape or rescue;

(*b*) where the person who has lawful custody of *A* at the time of *A*’s escape or rescue is from a prescribed law enforcement agency or a specified law enforcement agency — any specified officer of any specified law enforcement agency; or

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(*c*) any police officer,

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may immediately pursue and arrest *A* for the purpose of returning *A* to the place where *A* was in lawful custody.”; and

(b) after subsection (2), insert —

“(3) In this section —

“prescribed law enforcement agency” means a law enforcement agency prescribed for the purposes of subsection (1)(b) by the Minister charged with the responsibility for home affairs;

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“specified law enforcement agency” means —

(a) the Central Narcotics Bureau;

(b) the Immigration & Checkpoints Authority; or

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(c) the Singapore Prison Service;

“specified officer” means —

(a) in relation to the Central Narcotics Bureau — an officer of the Bureau as defined in section 2 of the Misuse of Drugs Act 1973;

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(b) in relation to the Immigration & Checkpoints Authority — an immigration officer as defined in section 2 of the Immigration Act 1959; and

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(c) in relation to the Singapore Prison Service — a prison officer as defined in section 2 of the Prisons Act 1933.”.

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### **Amendment of section 93**

12. In the Code, in section 93 —

(a) in the section heading, after “**on bail**”, insert “**or personal bond**”; and

(b) after subsection (1), insert —

“*(1A)* Despite subsection (1), the court may at any stage of the proceedings, instead of releasing the accused on bail, release the accused on his or her own personal bond if —

*(a)* the non-bailable offence for which the accused is being released on personal bond is an offence punishable with imprisonment for not more than 7 years; and

*(b)* the prosecution consents to the release of the accused on personal bond.

*(1B)* The prosecution may at any stage of the proceedings indicate to the court that it is withdrawing the consent mentioned in subsection *(1A)(b)*, and where the consent is so withdrawn, the court must —

*(a)* revoke the order for release on personal bond mentioned in subsection *(1A)*; and

*(b)* consider whether to release the accused on bail.

*(1C)* Despite subsection (1), a police officer of or above the rank of sergeant may, instead of releasing the accused on bail, release the accused on his or her own personal bond if the non-bailable offence for which the accused is being released on personal bond is an offence punishable with imprisonment for not more than 7 years.

*(1D)* To avoid doubt, subsections *(1A)* and *(1C)* do not apply where the non-bailable offence mentioned in those subsections is an offence punishable with imprisonment for more than 7 years due to the application of an enhanced penalty provision under any written law.



*Illustration*

*A* is charged under section 324 read with section 74A of the Penal Code 1871 for voluntarily causing hurt by dangerous weapons or means to a vulnerable person. As the maximum penalty for an offence under section 324 read with section 74A of the Penal Code 1871 is 14 years' imprisonment, *A* is not eligible to be released on his or her own personal bond under this section.”.

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**Amendment of section 94**

**13.** In the Code, in section 94, after subsection (1), insert —

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“(1A) Despite subsection (1), where the court releases an accused on his or her own personal bond under section 93(1A), the court must impose any condition (whether or not mentioned in subsection (1)) specified by the prosecution for the accused to be released on personal bond.”.

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**Amendment of section 159**

**14.** In the Code, in section 159 —

(a) in subsection (1), replace “Subject to subsection (2), the” with “The”; and

(b) delete subsection (2).

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**Amendment of section 163**

**15.** In the Code, in section 163, after subsection (2), insert —

“(3) If the defence does not file in court the Case for the Defence, or does not serve the Case for the Defence, as required under subsection (1) —

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(a) the accused may be cross-examined on why the Case for the Defence was not filed or served, as the case may be; and

(b) the court may consider the accused's evidence under the cross-examination and draw such inference as it thinks fit under section 169(1)(a) or (aa).”.

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## Amendment of section 166

16. In the Code, in section 166 —

(a) after subsection (2), insert —

5 “(2A) Despite subsection (1), where any documentary exhibit mentioned in section 162(1)(d) consists of any image (whether contained in a video recording, photograph or any other medium) of an individual’s genital or anal region, or the breasts of a woman —

10 (a) the prosecution is not required to serve a copy of the documentary exhibit on the defence; but

15 (b) the prosecution must, if requested by the defence, arrange for the defence to view the documentary exhibit at a police station or a prescribed place.”;

(b) in subsection (3)(b), delete “and” at the end;

(c) in subsection (3), after paragraph (b), insert —

20 “(ba) need not arrange for the viewing mentioned in subsection (2A)(b) of any documentary exhibit mentioned in subsection (2A); and”;

(d) in subsection (3)(c), replace “or audiovisual recording” with “, audiovisual recording or documentary exhibit”; and

25 (e) in subsection (5), replace “subsections (1) and (2)” with “subsections (1), (2) and (2A)(b)”.

## Amendment of section 169

17. In the Code, in section 169 —

(a) in subsection (1), after paragraph (a), insert —

30 “(aa) the prosecution fails to file the Case for the Prosecution in court, or the defence fails to file the Case for the Defence in court after

the Case for the Prosecution has been served on the defence;”;

(b) in subsection (1)(b), replace “section 162” with “section 162(1)”;

(c) in subsections (1)(ba) and (2)(c), replace “section 166(1)” with “section 166”;

(d) in subsection (2), after paragraph (a), insert —

“(aa) the prosecution fails to file the Case for the Prosecution in court;”;

(e) after subsection (2), insert —

“(3) Without affecting the generality of subsection (1), if any matter mentioned in paragraph (a), (aa), (b), (ba), (bb) or (c) of subsection (1) is satisfied, the court may in determining —

(a) whether there is a case to answer; and

(b) whether the accused is guilty of the offence charged or not,

draw such inferences from the matter as appear proper.

(4) Any matter from which a court may draw such inferences under subsection (3) may, on the basis of those inferences, be treated as, or as capable of amounting to, corroboration of any evidence given by or against the accused in relation to which the matter is material.”.

## **Amendment of section 214**

**18.** In the Code, in section 214(1), after paragraph (a), insert —

“(aa) a summary of the facts in support of the charge;”.

### **Amendment of section 215**

**19.** In the Code, in section 215 —

(a) replace subsection (1) with —

5 “(1) If, at the further criminal case disclosure  
conference held on the date referred to in  
section 213(3) or on such other date to which the  
further criminal case disclosure conference has been  
adjourned under section 238, the defence does not  
10 indicate that the accused wishes to plead guilty, the  
defence must, not later than 2 weeks after the date of  
the further criminal case disclosure conference —

(a) file in the General Division of the High  
Court the Case for the Defence; and

15 (b) serve a copy of the Case for the Defence on  
the prosecution and on every co-accused  
claiming trial with the accused, if any.”;  
and

(b) after subsection (2), insert —

20 “(3) If the defence does not file in court the Case for  
the Defence, or does not serve the Case for the  
Defence, as required under subsection (1) —

(a) the accused may be cross-examined on  
why the Case for the Defence was not filed  
or served, as the case may be; and

25 (b) the court may consider the accused’s  
evidence under the cross-examination and  
draw such inference as it thinks fit under  
section 221(1)(a) or (b).”.

### **Amendment of section 216**

30 **20.** In the Code, in section 216, replace “what the accused may do  
under section 215(1)(a)” with “the requirements under  
section 215(1)”.

## Amendment of section 218

21. In the Code, in section 218 —

- (a) in subsection (1)(aa), delete “and” at the end;
- (b) in subsection (1), after paragraph (aa), insert —
  - “(ab) each documentary exhibit mentioned in section 214(1)(c) that has not been served on the defence; and”;
- (c) after subsection (2), insert —
  - “(2A) Despite subsection (1), where any documentary exhibit mentioned in section 214(1)(c) consists of any image (whether contained in a video recording, photograph or any other medium) of an individual’s genital or anal region, or the breasts of a woman —
    - (a) the prosecution is not required to serve a copy of the documentary exhibit on the defence; but
    - (b) the prosecution must, if requested by the defence, arrange for the defence to view the documentary exhibit at a police station or a prescribed place.”;
- (d) in subsection (3)(a), after “written statement,”, insert “exhibit,”;
- (e) in subsection (3)(b), delete “and” at the end;
- (f) in subsection (3), after paragraph (b), insert —
  - “(ba) need not arrange for the viewing mentioned in subsection (2A)(b) of any documentary exhibit mentioned in subsection (2A); and”;
- (g) in subsection (3)(c), replace “or audiovisual recording” with “, audiovisual recording or documentary exhibit”; and

(h) in subsection (5), replace “subsections (1) and (2)” with “subsections (1), (2) and (2A)(b)”.

## **Replacement of section 221**

**22.** In the Code, replace section 221 with —

5           **“Consequences of non-compliance with certain requirements in Division 5**

**221.—**(1) The court may draw such inference as it thinks fit if —

10           (a) the prosecution fails to serve the Case for the Prosecution on the defence, or the defence fails to serve the Case for the Defence after the Case for the Prosecution has been served on the defence;

15           (b) the prosecution fails to file the Case for the Prosecution in court, or the defence fails to file the Case for the Defence in court after the Case for the Prosecution has been served on the defence;

             (c) the Case for the Prosecution or the Case for the Defence does not contain any or any part of the items specified in section 214(1) or 217(1), respectively;

20           (d) the prosecution fails to serve on the defence any copy of a statement, transcript, documentary exhibit or criminal record that the prosecution is required under section 218 to serve on the defence;

25           (e) the defence fails to serve on the prosecution a copy of each documentary exhibit that is set out in the list mentioned in section 217(1)(c) and is in the possession, custody or power of the accused; or

30           (f) the prosecution or the defence puts forward a case at the trial which differs from or is otherwise inconsistent with the Case for the Prosecution or the Case for the Defence, respectively, that has been filed.

(2) A court may order a discharge not amounting to an acquittal in relation to a charge that the prosecution intends to proceed with at trial, if —

- (a) the prosecution fails to serve the Case for the Prosecution in respect of that charge within the time permitted under section 213; 5
- (b) the prosecution fails to file the Case for the Prosecution in court within the time permitted under section 213;
- (c) the Case for the Prosecution does not contain any or any part of the items specified in section 214(1); or 10
- (d) the prosecution fails to serve on the defence, within the time permitted under section 218, any copy of a statement, transcript, documentary exhibit or criminal record that the prosecution is required under that provision to serve on the defence. 15

(3) Without affecting the generality of subsection (1), if any matter mentioned in paragraph (a), (b), (c), (d), (e) or (f) of subsection (1) is satisfied, the court may in determining —

- (a) whether there is a case to answer; and 20
- (b) whether the accused is guilty of the offence charged or not,

draw such inferences from the matter as appear proper.

(4) Any matter from which a court may draw such inferences under subsection (3) may, on the basis of those inferences, be treated as, or as capable of amounting to, corroboration of any evidence given by or against the accused in relation to which the matter is material.” 25

## **New Part 10A**

**23.** In the Code, after Part 10, insert — 30

“PART 10A

PROSECUTION’S OBLIGATION TO  
SERVE CERTAIN MATERIALS ON DEFENCE

**Meanings of unused material and material witness**

5       **221A.**—(1) In this Part, “unused material” means any  
material —

(a) in the prosecution’s possession, other than —

10           (i) any written statement made by an accused at  
any time and recorded by an officer of a law  
enforcement agency under any law; or

15           (ii) any other statement given by the accused and  
recorded, in the form of an audiovisual  
recording, by an officer of a law enforcement  
agency under any law, including a transcript (if  
any) of the audiovisual recording of that  
statement;

(b) that the prosecution —

20           (i) does not include either in the list of exhibits  
mentioned in section 162(1)(d) or 214(1)(c) or  
in a notice mentioned in section 231, where the  
criminal case disclosure procedures apply; or

25           (ii) does not intend to adduce in evidence at the trial  
of any charge or charges in a case where the  
criminal case disclosure procedures do not  
apply in relation to the charge or charges;

(c) that is —

(i) likely to be admissible and is prima facie  
credible and relevant to the guilt or innocence  
of an accused; or



- (ii) likely to be inadmissible, but would provide a real (not fanciful) chance of pursuing a line of inquiry that leads to material that falls within the description in sub-paragraph (i); and
- (d) that either tends to — 5
  - (i) undermine the prosecution’s case; or
  - (ii) support the accused’s defence as stated by the accused in —
    - (A) the accused’s statement or statements to the relevant law enforcement agency; 10
    - (B) the Case for the Defence; or
    - (C) the accused’s testimony in court.

*Illustrations*

- (a) *A* and *B* are charged with the murder of *C* in *C*’s house. A witness *D* gave a statement to the police that only one intruder was in *C*’s house at the time of the murder. If *D*’s statement is in the prosecution’s possession and the prosecution did not include the statement in either the list of exhibits mentioned in section 214(1)(c) or a notice mentioned in section 231, *D*’s statement constitutes unused material if — 15
  - (i) the prosecution’s case is that both *A* and *B* broke into *C*’s house and killed *C*;
  - (ii) *A*’s statement or statements to the relevant law enforcement agency or Case for the Defence states that *A* was not at *C*’s house at the time of the murder; or 25
  - (iii) *A* gives testimony in court that *A* was not at *C*’s house at the time of the murder.
- (b) An anonymous letter to a police officer investigating an offence that contains a bare assertion that the accused is not guilty of the offence does not constitute unused material if the police is unable to trace the identity of the person who wrote the letter. 30

(c) A photograph of a room where a murder was committed taken a long time after the murder, and after the room has been renovated such that it no longer resembles what it looked like at the time of the murder, does not constitute unused material.

(d) A statement of a person (*A*) that *A* had committed the offence of voluntarily causing grievous hurt, instead of the accused, does not constitute unused material if it is incontrovertible that *A* was not at the scene of the crime when the offence was committed.

(2) In this Part, “material witness” means any witness (other than a prosecution witness) who may confirm or contradict, in material respects, an accused’s defence as set out in —

(a) the accused’s statement or statements to the relevant law enforcement agency;

(b) the Case for the Defence; or

(c) the accused’s testimony in court.

(3) For the purpose of determining what the accused’s defence is for the purposes of subsection (1)(d)(ii) or (2) or section 221B(2), any defence that cannot reasonably be ascertained from the accused’s statement or statements to the relevant law enforcement agency, the Case for the Defence or the accused’s testimony in court is to be disregarded.

(4) In subsections (1)(d)(ii), (2)(a) and (3) and section 221B(2), “accused’s statement” means —

(a) any written statement made by the accused at any time and recorded by an officer of the relevant law enforcement agency; or

(b) any statement made by the accused at any time to an officer of the relevant law enforcement agency, that is recorded in the form of an audiovisual recording.

(5) In this section, “Case for the Defence” and “criminal case disclosure procedures” have the meanings given by section 157 or 172, as the case may be.

## **Prosecution’s obligation to serve certain materials on defence**

**221B.**—(1) Without affecting any requirement imposed under any rule of law (so far as it is not inconsistent with this Code or any other written law) relating to the prosecution’s obligation to serve on the defence any type of material in the prosecution’s possession, or the time of service of such material, the prosecution must serve the following materials on the defence in accordance with this section:

- (a) any unused material in relation to the charge or charges to be, or that are, proceeded with at the trial; 5
- (b) any statement of any material witness that relates to the charge or charges to be, or that are, proceeded with at the trial;
- (c) any written statement made by the accused at any time and recorded by an officer of a law enforcement agency under any law in relation to the charge or charges to be, or that are, proceeded with at the trial, which the prosecution did not — 15
  - (i) adduce in evidence at the trial at any time before the accused has completed his or her testimony in court or has elected not to testify, whichever is applicable; or 20
  - (ii) serve on the defence under section 161(2), 166(1), 213(1) or 218(1); 25
- (d) a transcript (if any) of any other statement given by the accused and recorded, in the form of an audiovisual recording, by an officer of a law enforcement agency under any law in relation to the charge or charges proceeded with at the trial, which the prosecution did not — 30
  - (i) adduce in evidence at the trial at any time before the accused has completed his or her testimony in court or has elected not to testify, whichever is applicable; or 35

- (ii) serve on the defence under section 161(2), 166(1), 213(1) or 218(1).

(2) To avoid doubt, the prosecution is not required to serve any statement of a prosecution witness who may confirm or contradict, in material respects, an accused's defence as set out in the accused's statement or statements to the relevant law enforcement agency, the Case for the Defence, or the accused's testimony in court, unless the statement constitutes unused material.

(3) Where in relation to the charge or charges against an accused that the prosecution intends to proceed with at the trial, the criminal case disclosure procedures apply by virtue of section 159 or 211A, the prosecution is required to serve on the defence the following materials at the following times:

(a) the materials mentioned in subsection (1)(a) that relate to the charge or charges at the same time that the Case for the Prosecution is served on the defence under section 161(2) or 213(1);

(b) the materials mentioned in subsection (1)(b) that relate to the charge or charges —

(i) in the case where the Case for the Defence has been served on the prosecution in accordance with section 163(1) or 215(1) — at the same time as the service of the documents under section 166(1) or 218(1); or

(ii) in the case where the Case for the Defence has not been served on the prosecution in accordance with section 163(1) or 215(1) — after the accused has testified in court or has elected not to testify in court;

(c) the materials mentioned in subsection (1)(c) and (d) that relate to the charge or charges, after the accused has testified in court or has elected not to testify in court.

(4) Where in relation to the charge or charges against an accused that the prosecution intends to proceed with at the trial, the criminal case disclosure procedures do not apply by virtue of section 159 or 211A, the prosecution is required to serve on the defence the following materials at the following times: 5

(a) the materials mentioned in subsection (1)(a) that relate to the charge or charges, before the commencement of the trial of the charge or charges;

(b) the materials mentioned in subsection (1)(b), (c) or (d) that relate to the charge or charges, after the accused has testified in court or has elected not to testify in court. 10

(5) This section does not affect the operation of any written law or rule of law concerning privilege, secrecy or the protection or non-disclosure of any information. 15

**No obligation on prosecution to serve list of materials in prosecution’s possession**

**221C.** To avoid doubt, the prosecution is not obliged by any written law or rule of law to serve on the defence a list of all materials in the prosecution’s possession that the prosecution does not intend to adduce in evidence as part of the prosecution’s case during the trial. 20

**Continuing obligation of prosecution to serve unused material or statement of material witness, etc.**

**221D.—**(1) If during the period — 25

(a) after any unused material, or statement of any material witness, that relates to any charge or charges to be, or that are, proceeded with at the trial against an accused, has been served on the defence pursuant to the time for service under section 221B; and 30

(b) before the accused is convicted or acquitted of the charge or charges, or where there is an appeal, before any appeal in relation to the charge or charges is finally disposed of,

5 the prosecution becomes aware of any unused material, or statement of any material witness, that relates to the charge or charges and that is in the prosecution's possession and has not been served on the defence, the prosecution must serve such other unused material or statement (as the case may be) on the  
10 defence as soon as reasonably practicable after becoming so aware.

(2) If in respect of any charge or charges to be, or that are, proceeded with at the trial against an accused person —

15 (a) any material witness is identified within the period mentioned in subsection (1); but

(b) the prosecution is not in possession of any statement recorded from that material witness by any law enforcement agency,

20 there is no obligation on the prosecution to require any law enforcement agency to record a statement from that material witness.

(3) This section does not affect the operation of any written law or rule of law concerning privilege, secrecy or the protection or non-disclosure of any information.”

25 **Amendment of section 225B**

**24.** In the Code, in section 225B(1), after “applies where any”, insert “written law or”.

**New section 225C**

25. In the Code, after section 225B, insert —

**“Mode of disclosing exhibit containing intimate image**

**225C.**—(1) This section applies where any written law or rule of law requires the prosecution to disclose to the defence any exhibit consisting of any image (whether contained in a video recording, photograph or any other medium) of an individual’s genital or anal region, or the breasts of a woman. 5

(2) The prosecution is not required to produce the exhibit mentioned in subsection (1) to the defence, but must — 10

(a) inform the defence of the exhibit; and

(b) if requested by the defence, arrange for the defence to view the exhibit at a police station or a prescribed place.”.

**Amendment of section 238A**

26. In the Code, in section 238A, after subsection (5), insert — 15

“(6) Despite section 298, but subject to subsections (7) and (8), where under subsection (1) a court decides any matter without hearing oral arguments, the court is not required to deliver judgment in open court. 20

(7) Where, under subsection (1), a trial court decides a matter without hearing oral arguments —

(a) the trial court must deliver judgment and pass sentence in open court if the trial court finds an accused guilty and imposes a sentence other than a sentence of a fine only; 25

(b) the trial court must pass sentence in open court if the trial court, having imposed a sentence of a fine only after finding the accused guilty, rectifies any error in the exercise of its sentencing powers by imposing a sentence other than a sentence of a fine only; or 30

(c) the trial court must pass sentence in open court if the trial court, having imposed a sentence (other than a sentence of a fine only) after finding the accused guilty, rectifies any error in the exercise of its sentencing powers by imposing a sentence that is or includes a different type of sentence, other than a sentence of a fine only.

(8) Where, under subsection (1), a court (called in this subsection a relevant court) decides any matter without hearing oral arguments in any criminal appeal, case stated, criminal revision, criminal reference or criminal motion, the relevant court must deliver judgment and pass sentence in open court if —

(a) the relevant court reverses the acquittal of an accused and imposes a sentence other than a sentence of a fine only;

(b) where a sentence of a fine only had been imposed on the accused, the relevant court varies the sentence by imposing a sentence other than a sentence of a fine only; or

(c) where a sentence (other than a sentence of a fine only) had been imposed on the accused, the relevant court varies the sentence by imposing a different type of sentence (other than a sentence of a fine only), whether in addition to or in substitution of the sentence earlier imposed.

(9) In subsection (7), “trial court” includes a court that records a guilty plea.”.

### **Amendment of section 248**

**27.** In the Code, in section 248 —

(a) replace subsections (1) and (2) with —

“(1) If the designated medical practitioner certifies that the accused is capable of making his or her



defence, the court must, unless satisfied to the contrary, find accordingly.

(2) If the designated medical practitioner certifies that the accused is, by reason of unsoundness of mind or any physical or mental condition, incapable of making his or her defence, the court must, unless satisfied to the contrary, find accordingly.

5

(2A) Where the court —

(a) is satisfied under subsection (1); or

(b) finds under subsection (2),

10

that the accused is incapable of making his or her defence, the inquiry or trial or other proceeding must be stayed after the court makes an order under section 249(2) or reports the case to the Minister under section 249(8), as the case may be.

15

(2B) Where the court —

(a) finds under subsection (1); or

(b) is satisfied under subsection (2),

that the accused is capable of making his or her defence, the court must proceed with the inquiry or trial or other proceeding.”; and

20

(b) replace subsection (5) with —

“(5) If the court is satisfied under subsection (1), or finds under subsection (2), that the accused is incapable of making his or her defence —

25

(a) the court may decide that it is not necessary for the accused to be present in court during proceedings under this section; and

(b) the court may order —

(i) that the accused be remanded in a psychiatric institution, a prison or

30

any other suitable place of safe custody; or

- (ii) that the accused be released subject to any conditions that the court sees fit,

pending an order under section 249(2) or a report under section 249(8), as the case may be.

(6) To avoid doubt, where a case is transmitted to the General Division of the High Court under section 249(9A), only the General Division of the High Court may exercise the discretion under subsection (5)(a) or make any order under subsection (5)(b).”.

## Amendment of section 249

28. In the Code, in section 249 —

- (a) in subsection (1), replace “finds, under section 248” with “is satisfied under section 248(1), or finds under section 248(2)”;
- (b) in subsection (9)(a), before “the court must specify”, insert “except where paragraph (b) applies,”;
- (c) after subsection (9), insert —

“(9A) Where in relation to any offence that an accused is charged with, a District Court or Magistrate’s Court is satisfied under section 248(1), or finds under section 248(2), that the accused is incapable of making his or her defence, and the Public Prosecutor is of the opinion that the notional imprisonment period must or ought to be determined by the General Division of the High Court —

- (a) the Public Prosecutor must, by fiat in writing signed by the Public Prosecutor, designate the General Division of the High

Court to try every offence the accused is charged with;

- (b) upon receipt of the fiat mentioned in paragraph (a) together with the charge, the District Court or Magistrate's Court (as the case may be) must cause the charge to be read and explained to the accused and thereafter transmit the case to the General Division of the High Court; and 5
- (c) the General Division of the High Court may deal with the case so transmitted in accordance with the procedures set out in this Division. 10

(9B) Where a case is transmitted to the General Division of the High Court under subsection (9A) — 15

- (a) the General Division of the High Court —
  - (i) is not bound by any earlier determination of the District Court or Magistrate's Court under section 248(1) or (2) that the accused is incapable of making his or her defence; 20
  - (ii) may either adopt any earlier determination of the District Court or Magistrate's Court under section 248(1) or (2) that the accused is incapable of making his or her defence, or may make a fresh determination under section 248(1) or (2); and 25 30
  - (iii) may receive any further evidence that it considers necessary to determine whether the accused is in fact incapable of making his or her defence; 35

(b) the General Division of the High Court must —

(i) if it makes a fresh determination under section 248(1) or (2), or adopts the earlier determination of the District Court or Magistrate's Court under section 248(1) or (2), that the accused is incapable of making his or her defence, comply with subsections (8) and (9) instead of the District Court or Magistrate's Court that has made the earlier determination; and

(ii) if it makes a fresh determination under section 248(1) or (2) that the accused is capable of making his or her defence, proceed with the inquiry or trial or other proceeding;

(c) the criminal case disclosure procedures under Division 5 of Part 10 must be stayed until —

(i) the time the General Division of the High Court finds under section 248(1), or is satisfied under section 248(2), that the accused is capable of making his or her defence; or

(ii) the time the accused is certified under section 254(1) to be capable of making his or her defence,

as the case may be;

(d) any order under section 248(5)(b) made by the District Court or Magistrate's Court before the case is transmitted continues to have effect pending an order under

section 249(2), or a report under section 249(8), by the General Division of the High Court dealing with the case so transmitted; and

- (e) if the General Division of the High Court makes an order under section 248(5)(b) when the case is so transmitted, any earlier order under section 248(5)(b) made by the District Court or Magistrate’s Court before the case is transmitted is deemed to be revoked.

(9C) To avoid doubt, a case may be transmitted to the General Division of the High Court under subsection (9A) even though the accused does not understand the reading and explanation of the charge.”; and

(d) in subsection (11), after paragraph (a), insert —

“(aa) must be made by the General Division of the High Court if any offence that the accused is charged with is only triable in the General Division of the High Court;

(ab) must not exceed the period of a sentence of imprisonment that the court may impose under section 303 or 306(4) if the court had convicted and sentenced the accused for every offence that the accused is charged with;”.

### **Amendment of section 250**

**29.** In the Code, in section 250(1)(b), replace “section 248(2)” with “section 248(2A)”.

### **Amendment of section 252**

**30.** In the Code, in section 252(14), replace paragraphs (a) and (b) with —

“(a) revoke an order under subsection (6)(a) and make an order under subsection (6)(b) in relation to the subject; or

5 (b) revoke an order under subsection (6)(b) and make an order under subsection (6)(a) or another order under subsection (6)(b) in relation to the subject.”.

### **Amendment of section 253**

31. In the Code, in section 253(3)(a), after “to the court”, insert “and the Minister”.

### 10 **New sections 256B and 256C**

32. In the Code, after section 256A, insert —

#### **“Personal attendance of person subject to proceedings under this Division may be dispensed with**

15 **256B.**—(1) Subject to subsection (2), in any court proceedings under this Division, the court may dispense with the attendance of a person subject to those proceedings if the court is satisfied that it would be in the interests of justice to do so in light of the person’s state of mind or physical or mental condition.

20 (2) Subsection (1) does not apply to any proceedings under this Division in which the person is required to be produced before the court.

#### **Court may conduct proceedings through video or television links**

25 **256C.** Despite any provision of this Code or of any other written law, in any court proceedings under this Division, if the court is satisfied that —

(a) it is in the interests of justice; and

(b) sufficient administrative and technical facilities and arrangements are made at the place from which a person subject to proceedings under this Division is to give evidence or to appear,

the court may order that the person give evidence or appear (other than to give evidence) by means of a live video or live television link from any place in Singapore.”. 5

### **Amendment of section 270**

**33.** In the Code, in section 270, after subsection (14), insert —

“(15) No action, suit or other legal proceedings shall lie against the Chief Justice, the Selection Committee or any member of the Selection Committee in respect of an act or a thing done under this section.”. 10

### **Amendment of section 303A**

**34.** In the Code, in section 303A(5), after paragraph (b), insert — 15

“(ba) a person on whom a sentence for public protection or a sentence for enhanced public protection had previously been imposed;”.

### **Amendment of section 304**

**35.** In the Code, in section 304 — 20

(a) in subsections (1)(a) and (2)(a), after “2 years or more”, insert “(being an offence that was committed before the date of commencement of section 35 of the Criminal Procedure (Miscellaneous Amendments) Act 2024)”;

(b) in subsections (1)(b) and (2)(b), after “distinct offences punishable with imprisonment for 2 years or more”, insert “(being offences that were committed before the date of commencement of section 35 of the Criminal Procedure (Miscellaneous Amendments) Act 2024)”;

(c) in subsection (6), replace “with the regulations made under section 428” with “with the regulations made under section 84(1) of the Prisons Act 1933”. 30

## New sections 304A and 304B

36. In the Code, after section 304, insert —

### “Sentence for public protection

5       **304A.**—(1) If in the circumstances mentioned in  
subsubsection (2)(a) or (b), the General Division of the High  
Court or a District Court when sentencing a person mentioned in  
that provision is satisfied that it is in the interests of the  
protection of the public that the person should be detained in  
custody for a substantial period of time, followed by a period of  
10       supervision if released before the expiry of the person’s  
sentence, the court, unless it has special reasons for not doing  
so, must impose a sentence for public protection on the person  
for a period of 5 to 20 years instead of any sentence of  
imprisonment, or any sentence of imprisonment and fine.

15       (2) For the purposes of subsection (1), the circumstances  
are —

(a) a person is convicted before the General Division of  
the High Court or a District Court of an offence  
punishable with imprisonment for 2 years or more,  
20       being an offence that was committed —

(i) on or after the date of commencement of  
section 36 of the Criminal Procedure  
(Miscellaneous Amendments) Act 2024; and

(ii) when the person is 21 years of age or above,

25       and the person has been convicted in Singapore or  
elsewhere at least twice since the person reached  
16 years of age of offences punishable with  
imprisonment for 2 years or more; or

(b) a person is convicted at one trial before the General  
Division of the High Court or a District Court of 3 or  
30       more distinct offences punishable with imprisonment  
for 2 years or more, being offences that were  
committed —



(i) on or after the date of commencement of section 36 of the Criminal Procedure (Miscellaneous Amendments) Act 2024; and

(ii) when the person is 21 years of age or above, and the person has been convicted and sentenced in Singapore or elsewhere to imprisonment for at least one month since the person reached 16 years of age for an offence punishable with imprisonment for 2 years or more.

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(3) Before imposing a sentence for public protection on the offender, the court must call for and consider a report submitted by the Commissioner of Prisons, or any person authorised by the Commissioner of Prisons to submit the report on the Commissioner's behalf, on the offender's physical and mental condition and the offender's suitability for such a sentence.

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15

(4) If the court has not received the report mentioned in subsection (3), the court must remand the offender in custody for a period or periods, not exceeding one month in the case of any single period, to enable the report to be submitted.

(5) The court must give a copy of any report submitted by or on behalf of the Commissioner of Prisons to the offender or the offender's advocate and to the Public Prosecutor.

20

(6) Where an offender on whom a sentence for public protection is imposed under subsection (1) is also convicted at the same trial of any offence falling within any one or more of the following descriptions:

25

(a) an offence punishable with imprisonment for less than 2 years;

(b) an offence that was committed before the date of commencement of section 36 of the Criminal Procedure (Miscellaneous Amendments) Act 2024;

30

- (c) an offence that was committed when the person was below 21 years of age,

the court may, instead of imposing any term of imprisonment as may be prescribed for that offence, take into account that offence for the purposes of determining the period of the sentence for public protection.

(7) A person on whom a sentence for public protection is imposed —

- (a) must be detained in prison for the term of his or her sentence, if not released on licence; and
- (b) may, before the expiry of the sentence, be released on licence,

in accordance with Part 5C of the Prisons Act 1933 and the regulations made under section 84(1) of that Act.

(8) Despite subsection (1), if the court convicts a person of any one or more offences and imposes the sentence for public protection on the person under subsection (1), and any of the offences is punishable with a mandatory minimum sentence of imprisonment exceeding 5 years, the period of the sentence for public protection imposed by the court must be equal to or greater than that mandatory minimum sentence.

(9) The reference to a special reason not to impose the sentence for public protection mentioned in subsection (1) includes, but is not limited to, the following reasons:

- (a) the sentence for public protection would be gravely disproportionate in all the circumstances of the case;
- (b) the court is satisfied that a lesser sentence will adequately fulfil the aim of the protection of the public.

### **Sentence for enhanced public protection**

**304B.**—(1) If in the circumstances mentioned in subsection (2)(a) or (b), the General Division of the High Court or a District Court when sentencing a person mentioned in

that provision is satisfied that it is in the interests of the protection of the public that a sentence for enhanced public protection is to be imposed on the person, the court, unless it has special reasons for not doing so, must impose a sentence for enhanced public protection on the person instead of any sentence of imprisonment, or any sentence of imprisonment and fine. 5

(2) For the purposes of subsection (1), the circumstances are —

(a) a person is convicted before the General Division of the High Court or a District Court of an offence specified in the Seventh Schedule, being an offence that was committed — 10

(i) on or after the date of commencement of section 36 of the Criminal Procedure (Miscellaneous Amendments) Act 2024; and 15

(ii) when the person is 21 years of age or above, and the person poses a substantial threat of causing serious physical or sexual harm to any other person or persons; or 20

(b) a person is convicted before the General Division of the High Court or a District Court of an offence specified in the Seventh Schedule, being an offence that was committed —

(i) on or after the date of commencement of section 36 of the Criminal Procedure (Miscellaneous Amendments) Act 2024; and 25

(ii) when the person is 21 years of age or above, and the person was previously convicted (whether or not at the same trial) of 2 or more offences specified in the Seventh Schedule (each called in this section a relevant offence) since the person reached 16 years of age for which the person has been punished with any of the following sentences for each relevant offence: 30

- (iii) at least 2 years' imprisonment;
- (iv) corrective training or preventive detention, whether or not the sentence was imposed at the same trial in respect of a relevant offence and one or more other relevant offences;
- (v) a sentence for public protection or sentence for enhanced public protection, whether or not the sentence was imposed at the same trial in respect of a relevant offence and one or more other relevant offences.

(3) The following provisions apply to a sentence for enhanced public protection imposed on a person under subsection (1):

- (a) the person must be detained in prison in accordance with Part 5C of the Prisons Act 1933 and the regulations made under section 84(1) of that Act, for a minimum period of custody specified by the court (called in this section the specified period);
- (b) the specified period must be a period of 5 to 20 years but in any case must not be less than the mandatory minimum sentence of imprisonment prescribed for any of the offences specified in the Seventh Schedule in respect of which the sentence for enhanced public protection was imposed;
- (c) after the person has been detained for the specified period —
  - (i) the person may only be released in accordance with Part 5C of the Prisons Act 1933 and the regulations made under section 84(1) of that Act if found suitable for release; or
  - (ii) the person must continue to be detained in prison in accordance with Part 5C of the Prisons Act 1933 and the regulations made under section 84(1) of that Act until the person is found suitable for release.

(4) Before imposing on any offender a sentence for enhanced public protection under subsection (1), the court must (in relation to the circumstances mentioned in subsection (2)(a)), or may (in relation to the circumstances mentioned in subsection (2)(b)) —

5

(a) call for and consider a report on the offender’s risk of causing serious physical or sexual harm to any other person or persons submitted by an appointed psychiatrist; and

(b) consider any report submitted by the offender or the offender’s advocate on the offender’s risk of causing serious physical or sexual harm to any other person or persons.

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(5) If the court has not received any such report mentioned in subsection (4)(a), the court must remand the offender in custody for a period or periods, not exceeding 2 months in the case of any single period, to enable the report to be submitted.

15

(6) The court must give a copy of any report submitted by the appointed psychiatrist to the offender or the offender’s advocate and to the Public Prosecutor.

20

(7) The offender or the offender’s advocate must give a copy of any report submitted for the court’s consideration under subsection (4)(b) to the Public Prosecutor.

(8) Where an offender on whom a sentence for enhanced public protection is imposed under subsection (1) is also convicted at the same trial of any offence falling within any one or more of the following descriptions:

25

(a) an offence not specified in the Seventh Schedule;

(b) an offence that was committed before the date of commencement of section 36 of the Criminal Procedure (Miscellaneous Amendments) Act 2024;

30

- (c) an offence that was committed when the person was below 21 years of age,

the court may, instead of imposing any term of imprisonment as may be prescribed for that offence, take into account that offence for the purposes of determining the specified period.

(9) In this section —

(a) the reference to a special reason not to impose a sentence for enhanced public protection mentioned in subsection (1) includes, but is not limited to, the following reasons:

(i) the sentence for enhanced public protection would be gravely disproportionate in all the circumstances;

(ii) the court is satisfied that a lesser sentence will adequately fulfil the aim of protection of the public; and

(b) “appointed psychiatrist” means any psychiatrist appointed by the Director-General of Health for the purposes of this section.”.

## Amendment of section 305

37. In the Code, in section 305 —

(a) in subsection (5), replace “section 428” with “section 84(1) of the Prisons Act 1933”;

(b) in subsection (9)(a), delete “or” at the end; and

(c) in subsection (9), after paragraph (a), insert —

“(aa) a sentence for public protection or sentence for enhanced public protection is imposed on the person; or”.

### **Amendment of section 318**

**38.** In the Code, in section 318(1), (2), (3), (4) and (5), replace “corrective training or preventive detention” with “a sentence of corrective training, a sentence of preventive detention, a sentence for public protection or a sentence for enhanced public protection”.

5

### **Amendment of section 329**

**39.** In the Code, in section 329 —

(a) delete subsections (1) and (2); and

(b) in subsection (3), after “rattan”, insert “used to carry out the sentence of caning”.

10

### **Amendment of section 359**

**40.** In the Code, in section 359 —

(a) replace subsection (1) with —

“(1) The court before which an offender is convicted of any offence must, after the conviction, decide whether to make an order for the payment by the offender of compensation to any of the following persons:

15

(a) a person who is injured (in respect of the person’s body, character or property) by any offence —

20

(i) for which the offender is sentenced;  
or

(ii) that is taken into consideration under section 148 when the offender is sentenced;

25

(b) a representative of a person mentioned in paragraph (a);

(c) a dependant of a person whose death was caused by any offence —

30

(i) for which the offender is sentenced;  
or

(ii) that is taken into consideration under  
section 148 when the offender is  
sentenced.

(1A) An order under subsection (1) for the payment  
of compensation to a dependant of a person whose  
death was caused by any offence mentioned in  
subsection (1)(c) —

(a) may only be made in respect of —

(i) any damages for bereavement that  
may be claimed under section 21 of  
the Civil Law Act 1909 for the  
benefit of that dependant, in an  
action under section 20 of that Act;  
and

(ii) if that dependant had incurred funeral  
expenses in respect of that person,  
any damages that may be awarded  
under section 22(4) of the Civil Law  
Act 1909 in respect of those funeral  
expenses, in an action under  
section 20 of that Act; and

(b) may be made regardless of whether there is  
any action brought under section 20 of the  
Civil Law Act 1909 for the benefit of the  
dependants of that person.

(1B) An order under subsection (1) for the payment  
of compensation must specify the amount of the  
compensation to be paid by the offender under the  
order.”;

(b) in subsection (2), replace “such an order referred to in  
subsection (1)” with “an order under subsection (1)”;

(c) after subsection (2), insert —



“(2A) In a case where subsection (1) empowers the court to make an order for the payment of compensation, the court must give reasons if the court does not make such an order.

(2B) In deciding whether to make an order under subsection (1) for the payment of compensation, and in deciding the amount to be paid by the offender under such an order, the court must have regard to the offender’s means so far as those means appear or are known to the court.

(2C) Before making an order under subsection (1) against an offender, the court may make a financial circumstances order in relation to the offender.

(2D) Subject to subsection (2E), before the court decides whether to make an order under subsection (1) for the payment of compensation to a person mentioned in subsection (1)(a), a representative mentioned in subsection (1)(b) or a dependant mentioned in subsection (1)(c) —

(a) the person, representative or dependant (as the case may be) must be notified, in the manner prescribed in the Criminal Procedure Rules, of the proceedings in which the court will decide whether to make the order; and

(b) the person, representative or dependant (as the case may be) is entitled to adduce evidence, and to make submissions, in relation to the order, at those proceedings.

(2E) The person, representative or dependant mentioned in subsection (2D) need not be notified of the proceedings if —

(a) the person mentioned in subsection (1)(a) or (c), the representative mentioned in subsection (1)(b) or the dependant

mentioned in subsection (1)(c) (as the case may be) cannot be identified despite reasonable efforts having been made by the relevant law enforcement agency; or

5 (b) the contact details of the person, representative or dependant mentioned in subsection (2D) (as the case may be) that are required in order for the person, representative or dependant to be notified  
10 in the manner prescribed in the Criminal Procedure Rules, cannot be obtained despite reasonable efforts having been made by the relevant law enforcement agency.

15 (2F) Despite subsection (2D), none of the following persons may appeal under section 377 against an order under subsection (1) or a decision not to make such an order:

(a) a person mentioned in subsection (1)(a);

20 (b) a representative mentioned in subsection (1)(b);

(c) a dependant mentioned in subsection (1)(c).

25 (2G) The following persons shall not be liable to be sued for anything done or omitted to be done in good faith in the course of or in connection with the notification of the person, representative or dependant mentioned in subsection (2D)(a):

30 (a) the Public Prosecutor, any Deputy Attorney-General, Solicitor-General, Deputy Public Prosecutor or Assistant Public Prosecutor, or any officer or employee of the Attorney-General's Chambers;

(b) any officer or employee of any law enforcement agency;

(c) any person authorised by the Public Prosecutor to conduct any proceedings or prosecution under any written law;

5

(d) any officer or judicial officer of the State Courts;

(e) any officer or the Registrar of the Supreme Court.”; and

(d) after subsection (5), insert —

10

“(6) In this section —

“dependant” means a person mentioned in section 20(8)(a) to (e) or 21(2)(a) to (e) of the Civil Law Act 1909;

“financial circumstances order”, in relation to an offender, means an order that —

15

(a) requires the offender to give to the court, within a period specified in the order, any statement and evidence of the offender’s financial circumstances that the court may require; and

20

(b) if the offender is below 18 years of age, requires a parent or guardian of the offender to give to the court, within a period specified in the order, any statement and evidence of the parent’s or guardian’s financial circumstances that the court may require;

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30

“parent” includes an adoptive parent;

“relevant law enforcement agency”, in relation to an offence mentioned in subsection (1), means the law enforcement agency that investigated the offence;

5 “representative”, in relation to a person mentioned in subsection (1)(a), means any person as prescribed in the Criminal Procedure Rules.”.

### **Amendment of section 372**

10 **41.** In the Code, in section 372 —

(a) in subsection (1), replace “may direct that it be detained in police custody” with “may direct that it continue to be subject to the custody or control of the relevant law enforcement agency”;

15 (b) in subsections (1), (2), (3), (4) and (6), replace “Commissioner of Police” wherever it appears with “head of the relevant law enforcement agency”;

(c) in subsection (4), replace “detained in police custody” with “subject to the custody or control of the relevant law enforcement agency”;

20

(d) in subsection (7)(b)(ii), replace “keeping of it in police custody” with “custody or control of it”; and

(e) after subsection (7), insert —

25 “(8) In this section, “relevant law enforcement agency” means the law enforcement agency to which the law enforcement officer who makes a report under section 370(1) belongs.”.

### **Amendment of section 423**

**42.** In the Code, in section 423 —

30 (a) after paragraph (a), insert —

“(aa) the breach of any of the prosecution’s obligations under section 221B(3)(a) or (b) or (4)(a) or 221D, or the prosecution’s obligations under section 221B(4)(b) to serve the materials mentioned in section 221B(1)(b);” and

5

(b) replace “improper admission or rejection of evidence, irregularity or lack of consent” with “irregularity, breach of any of the prosecution’s obligations, lack of consent or improper admission or rejection of evidence”.

10

### **Amendment of section 425B**

**43.** In the Code, in section 425B —

(a) in subsection (3), replace paragraph (b) with —

“(b) the information falls under section 221B(1)(a) and its disclosure is required by section 221B(3) or (4) or 221D.”; and

15

(b) in subsection (9), after “operation of any”, insert “written law or”.

### **Amendment of section 428**

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**44.** In the Code, in section 428(2), delete paragraph (a).

### **New Seventh Schedule**

**45.** In the Code, after the Sixth Schedule, insert —

#### **“SEVENTH SCHEDULE**

Section 304B

25

#### **OFFENCES IN RESPECT OF WHICH SENTENCES FOR ENHANCED PUBLIC PROTECTION MAY BE IMPOSED**

1. Any offence under section 304(a) or (b), 304B(1), 304C(1), 307, 308, 326, 354A(1) or (2), 375(2) or (3), 376(3) or (4), 376A(2)(a) or (3), 376AA or 376F(3) of the Penal Code 1871.

30

2. Any offence under section 325, 329, 331 or 333 of the Penal Code 1871, where the grievous hurt caused is of a type mentioned in section 320(a) to (f) or (i) of that Act.

3. Any offence under section 325 read with section 73, 74A, 74B, 74C or 74D of the Penal Code 1871.

4. Any offence under section 376(1) or (2) of the Penal Code (as in force immediately before 1 February 2008).

5. Any offence under section 377 of the Penal Code (as in force immediately before 1 February 2008), excluding any offence where the carnal intercourse against the order of nature takes place in private between 2 individuals above 16 years of age, both of whom consent to the act of carnal intercourse.

6. Attempts to carry out, abetting or being party to a criminal conspiracy to carry out any offence mentioned in paragraph 1, 2, 3, 4 or 5.”.

## **Amendment of Criminal Justice Reform Act 2018**

**46.** In the Criminal Justice Reform Act 2018, delete section 98.

## **Amendment of Prisons Act 1933**

**47.** In the Prisons Act 1933 —

(a) in section 2, in the definition of “external placement”, delete “of imprisonment”;

(b) in section 2, in the definition of “prisoner”, replace “or a home detention order” with “, a home detention order or a release order”;

(c) in section 2, after the definition of “registered medical practitioner”, insert —

““release order” means an order releasing a person on licence, made under section 50ZG;”;

(d) in section 2, after the definition of “remission order”, insert —

““SEPP” means a sentence for enhanced public protection imposed by a court under section 304B of the Criminal Procedure Code 2010;

“SPP” means a sentence for public protection imposed by a court under section 304A of the Criminal Procedure Code 2010;”;

- (e) in section 2, in the definition of “unlawfully at large”, after “a remission order”, insert “or release order”; 5
- (f) in section 43(1), replace “undergoing a sentence of imprisonment” with “undergoing a sentence in prison”;
- (g) in section 43(1)(a), replace “the term of imprisonment ordered by the sentence” with “the sentence”;
- (h) in section 43(2), replace “term of imprisonment has not expired, but if the term has expired” with “sentence has not expired, but if the sentence has expired”; 10
- (i) in section 43(3), replace “of the term of imprisonment to which the person has been sentenced, and the time during which he or she is so confined is reckoned as part of such term” with “of the sentence, and the time during which he or she is so confined is reckoned as part of the sentence served by the person”; 15
- (j) in sections 50H(3)(a) and 50I(1)(b), after “section 50T(1)(a)” wherever it appears, insert “or 50ZN”; 20
- (k) in section 50S(1)(b)(iv), replace the full-stop at the end with a semi-colon;
- (l) in section 50S(1)(b), after sub-paragraph (iv), insert —
  - “(v) an SPP;
  - (vi) an SEPP.”; 25
- (m) in sections 50V(3)(e)(i), 54(1)(e)(i), 59D(1)(c)(i) and 59M(1)(h)(i) and (2)(h)(i), replace “electronic transmitting device” with “electronic monitoring device”;
- (n) after Part 5B, insert —

## “PART 5C

## RELEASE ON LICENCE

**When prisoner subject to SPP or SEPP may be released on licence**

5           **50ZG.—(1)** Where —

          (a) a prisoner subject to an SPP (other than a prisoner mentioned in paragraph (b)) has served two-thirds of the SPP; or

10           (b) a prisoner is eligible for release under section 50ZN(8)(c)(iii) or (d)(iii) or (10),

the Minister must consider whether to release the prisoner on licence and may, after such consideration, order the release of the prisoner on licence.

(2) Where —

15           (a) a prisoner subject to an SEPP has served the minimum period of custody for the SEPP as specified by a court under section 304B(3)(a) of the Criminal Procedure Code 2010; or

20           (b) a prisoner is eligible for release under section 50ZO(2)(c) or (3)(b)(ii),

the Minister must consider whether to release the prisoner on licence and may, after such consideration, order the release of the prisoner on licence.

25           (3) Where in relation to any prisoner subject to an SPP, the Minister or any office-holder designated by the Minister under subsection (9) has decided —

          (a) not to make a release order under subsection (1); or



(b) to revoke any release order under section 50ZL,

the Minister or any office-holder designated by the Minister under subsection (9) (whether or not the same office-holder who made the original decision) must, at intervals not exceeding 12 months each, consider whether to release the prisoner on licence, and may make a release order after such consideration.

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(4) Where in relation to any prisoner subject to an SEPP, the Minister has decided —

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(a) not to make a release order under subsection (2); or

(b) to revoke any release order under section 50ZL,

15

the Minister must, at intervals not exceeding 12 months each, consider whether to release the prisoner on licence, and may make a release order after such consideration.

(5) Despite subsection (1), (2), (3) or (4), any prisoner subject to an SPP or SEPP —

20

(a) in respect of whom a release order has been made under any of those subsections and who had, before the release order was made, been ordered to undergo any punishment mentioned in section 70(1)(a), 71(1)(b) or 74(2)(a), must only be released after the prisoner has undergone the punishment; or

25

(b) in respect of whom a release order has been made under any of those subsections and who had, before the release order was made, been punished under section 70(1)(f), 71(1)(e) or 74(2)(d) with the postponement of the date on which the

30

35

prisoner may be released on a release order, must only be released on the date so postponed.

(6) The duration of a release order is as follows:

5 (a) for an SPP — a period starting on the date that the prisoner is released on the release order and ending at the expiry of the SPP;

10 (b) for an SEPP — a period starting on the date that the prisoner is released on the release order and extending to the end of the natural life of the prisoner.

(7) In relation to a prisoner subject to an SEPP —

15 (a) at any time after the minimum period of custody for the SEPP as specified by a court under section 304B(3)(a) of the Criminal Procedure Code 2010, the Minister may release the prisoner unconditionally; and

20 (b) the SEPP expires if the prisoner is so released.

(8) A prisoner released on licence under this section is deemed to be in the legal custody of the Superintendent of that prison from where the prisoner is released.

25 (9) The Minister may designate any of the following office-holders in his or her Ministry to make an order under subsection (1) releasing a prisoner on licence or to revoke a release order made in respect of such prisoner under section 50ZL:

30 (a) the Second Minister, if any;

(b) any Minister of State or a Senior Minister of State;

(c) any Parliamentary Secretary or a Senior Parliamentary Secretary.

**Extension of date of expiry of SPP when prisoner subject to SPP is unlawfully at large, etc.**

**50ZH.**—(1) Where a prisoner subject to an SPP —

- (a) is released on a release order; 5
- (b) is recalled under a notice of recall to prison under section 50ZK or 50ZL; and
- (c) fails to report at such prison and on such date specified in the notice of recall,

the date on which the SPP would have expired (if not for this subsection) is extended by a period equivalent to the period the prisoner remains unlawfully at large after the date so specified in the notice of recall. 10

(2) Where —

- (a) a court issues a warrant of arrest against a prisoner subject to an SPP who is released on a release order while the release order is still in effect; and 15
- (b) the prisoner remains at large after the warrant is issued, 20

the date on which the SPP would have expired (if not for this subsection) is extended by a period equivalent to the period between the date the warrant is issued and the date of his or her arrest.

(3) Where a prisoner subject to an SPP — 25

- (a) is released on a release order; and
- (b) is otherwise unlawfully at large while the prisoner's release order is still in effect,

the date on which the SPP would have expired (if not for this subsection) is extended by a period equivalent to the period the prisoner is unlawfully at large. 30

*Illustration*

The Minister makes a release order in respect of a prisoner subject to an SPP on 1 January 2025. The release order expires at the end of the day on 31 December 2030, i.e., the date of expiry of the SPP in accordance with section 50ZG(6)(a). After the prisoner is released, the Commissioner issues a notice of recall to the prisoner under section 50ZK, requiring the prisoner to report at a specified prison on 15 December 2030. The prisoner remains unlawfully at large and only reports at the specified prison on 14 January 2031, i.e., 30 days later. Since the prisoner was unlawfully at large for 30 days, the date of expiry of the SPP is extended by 30 days. The SPP will now expire at the end of the day on 30 January 2031.

**Conditions imposed on prisoners subject to release order**

**50ZI.**—(1) The Commissioner may, in accordance with this section and for the purpose of facilitating a prisoner’s rehabilitation and reintegration into society, require a prisoner subject to a release order to comply with the conditions specified in subsection (3).

(2) The Commissioner may, by written notice, require a prisoner to comply with all or any of the conditions specified in subsection (3) at any time while the prisoner is subject to the release order.

(3) The conditions are as follows:

(a) the prisoner subject to the release order must attend any such counselling, therapy, test, assessment and other activity for the purpose of facilitating the prisoner’s rehabilitation and reintegration into society as the Commissioner may require, at any time and place that the Commissioner may specify in the notice under subsection (2);

(b) the prisoner must report to provide a specimen of his or her urine or hair for testing at any time and place that the

Commissioner may specify in the notice under subsection (2);

- (c) the prisoner must remain indoors at the prisoner's place of residence, or at any other place that the Commissioner may specify, at any time that the Commissioner may specify in the notice under subsection (2); 5
- (d) the prisoner must allow the Superintendent and any person authorised by the Superintendent to enter the prisoner's place of residence or any other place the prisoner is required to remain at to determine his or her compliance with any of the conditions or for any purpose relating to his or her rehabilitation; 10 15
- (e) the prisoner must not consume any controlled drug or psychoactive substance, or use or inhale any intoxicating substance; 20
- (f) the prisoner must not have in the prisoner's possession any controlled drug or psychoactive substance;
- (g) to enable the electronic monitoring of the prisoner's whereabouts, the prisoner must — 25
  - (i) wear any electronic monitoring device issued by the Commissioner on any part of his or her person that the Commissioner may specify in the notice under subsection (2); 30
  - (ii) allow the Superintendent and any person authorised by the Superintendent to enter the prisoner's place of residence or any 35

other place the prisoner is required to remain at, to install, maintain, repair or retrieve any electronic monitoring device;

5

(iii) comply with all requirements to ensure the proper functioning of any electronic monitoring device issued to the prisoner or installed at the prisoner's place of residence or any other place the prisoner is required to remain at;

10

(iv) comply with all reporting requirements imposed on him or her; and

15

(v) not tamper with any electronic monitoring device issued to the prisoner or installed at the prisoner's place of residence or any other place the prisoner is required to remain at, or otherwise prevent or obstruct the electronic monitoring of the prisoner's whereabouts;

20

(h) the prisoner must comply with a notice of recall served on him or her under section 50ZK or 50ZL;

25

(i) the prisoner must comply with any other conditions for the purpose of facilitating his or her rehabilitation and reintegration into society that the Commissioner may specify in the notice under subsection (2);

30

(j) the prisoner must not commit any offence during the period that he or she is released on licence.

(4) The Commissioner may, at any time by notice served on a particular prisoner subject to a release order —

- (a) vary, cancel or add to any condition specified in the notice under subsection (2); or 5
- (b) waive, in any particular case, any of the conditions specified in the notice under subsection (2).

(5) The notice mentioned in subsection (4) must be served — 10

- (a) by delivering it personally to the prisoner; or
- (b) by any other means that may be prescribed.

**Compliance not required when prisoner detained, etc.** 15

**50ZJ.** A prisoner subject to a release order is not required to comply with any condition of the release order —

- (a) while he or she is admitted to and detained in an approved institution under the Misuse of Drugs Act 1973; 20
- (b) while he or she is detained under the Criminal Law (Temporary Provisions) Act 1955; 25
- (c) while he or she is imprisoned or otherwise in custody or detained under any other written law;
- (d) to the extent that such condition is inconsistent with any condition of a supervision order made under the Misuse of Drugs Act 1973 in respect of the person; 30

- (e) to the extent that such condition is inconsistent with any condition of a supervision order made under the Criminal Law (Temporary Provisions) Act 1955 in respect of the person; or
- (f) in any other situations that may be prescribed.

### **Recall to prison**

**50ZK.**—(1) If the Commissioner has reason to suspect that a prisoner subject to a release order has failed to comply with any condition of the release order, has committed a prison offence, or has committed any offence while the release order is in effect, the Commissioner may —

- (a) make such inquiry as may be necessary to ascertain whether the prisoner has failed to comply with any condition of the release order, has committed a prison offence, or has committed any offence while the release order is in effect; and
- (b) recall the prisoner to prison pending the completion of the inquiry.

(2) If a prisoner is recalled to prison under subsection (1)(b), the period of the release order to which the prisoner is subject continues to run, despite the prisoner being recalled to prison, unless the release order is revoked under section 50ZL or is suspended under section 50ZM.

(3) Where the Commissioner is satisfied after due inquiry that the prisoner has failed to comply with any condition of the release order, has committed a prison offence, or has committed any offence while the release order is in effect, the Commissioner may —



- (a) if the prisoner has not already been recalled under subsection (1)(b), recall the prisoner to prison for a period of not more than 14 days, not including any period the prisoner is ordered to undergo any punishment under section 70(1)(a) or 71(1)(b); or 5
- (b) if the prisoner has already been recalled under subsection (1)(b), extend the period of recall for a further period of not more than 14 days, not including any period that the prisoner — 10
- (i) was so recalled before the extension; or
- (ii) was ordered to undergo any punishment under section 70(1)(a) or 71(1)(b). 15
- (4) The Commissioner may recall a prisoner to prison under subsection (1)(b) or (3)(a) by serving on him or her a notice of recall in accordance with subsection (5). 20
- (5) The notice of recall in subsection (4) —
- (a) must be served —
- (i) by delivering it personally to the prisoner; or 25
- (ii) by any other means that may be prescribed;
- (b) may be served by a prison officer, a police officer or an auxiliary police officer; and
- (c) must — 30
- (i) specify the prison to which the prisoner is to report;

- (ii) specify the date and time the prisoner is required to report to the specified prison; and
- (iii) specify, in days, the number of days for which the prisoner is recalled.

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### **Revocation of release order**

**50ZL.—**(1) If the Commissioner is satisfied after due inquiry that —

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(a) a prisoner subject to a release order failed to return to prison after he or she was recalled to prison under section 50ZK(1)(b) or (3)(a);

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(b) a prisoner subject to a release order failed to comply with any of the conditions of the release order;

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(c) a prisoner subject to a release order committed any prison offence or any offence while being subject to a release order;

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(d) the whereabouts of a prisoner subject to a release order can no longer be electronically monitored at the prisoner's place of residence, or at such other place or places at which the prisoner is required to remain under the conditions of the release order; or

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(e) it is necessary in the public interest for the prisoner subject to a release order to be re-detained in prison,

the Commissioner may report the outcome of such due inquiry to the Minister, and the Minister may (upon receiving such report) revoke the release order.

(2) If the Minister revokes a release order to which a prisoner is subject under subsection (1), the

Commissioner may recall the prisoner to prison by serving on him or her a notice of recall in accordance with subsection (3).

- (3) The notice of recall in subsection (2) —
- (a) must be served — 5
    - (i) by delivering it personally to the prisoner; or
    - (ii) by any other means that may be prescribed;
  - (b) may be served by a prison officer, a police officer or an auxiliary police officer; and 10
  - (c) must —
    - (i) specify the prison to which the prisoner is to report; and
    - (ii) specify the date and time the prisoner is required to report to the specified prison. 15

### **Suspension of release order**

**50ZM.** Where a prisoner subject to an SPP or SEPP is released on a release order and is punished with any punishment under section 70(1)(a) or 71(1)(b), or is recalled to prison under section 50ZK(3)(a), or is subject to a further period of recall under section 50ZK(3)(b), the release order may, unless revoked under section 50ZL, be suspended for any of the following periods: 20 25

- (a) the period that the prisoner is ordered to undergo punishment under section 70(1)(a) or 71(1)(b), starting on the date on which the prisoner undergoes such punishment; 30
- (b) the period that the prisoner is recalled to prison under section 50ZK(3)(a), or the further period of recall mentioned in

section 50ZK(3)(b), starting on the date on which the prisoner is confined in prison pursuant to such recall;

(c) the sum of the periods mentioned in paragraphs (a) and (b).

**Commission of offence by prisoner subject to SPP when on release order**

**50ZN.**—(1) Where a prisoner subject to an SPP who is released on a release order commits an offence when so released, and a sentence of imprisonment (not including a default sentence) or an SPP is imposed for that offence on the prisoner, the court must, in addition to imposing any such sentence on the prisoner, impose an enhanced sentence of imprisonment for that offence for a term not exceeding the remaining duration of the release order, as determined based on the date of commission of the offence.

(2) Where a prisoner subject to an SPP is released on a release order and commits 2 or more offences when so released —

(a) the court must, subject to subsection (3), in addition to imposing any sentence on the prisoner for those offences, impose an enhanced sentence under subsection (1) for each of those offences; and

(b) the aggregate length of all the enhanced sentences imposed under subsection (1) for each of those offences must not exceed the remaining duration of the release order, as determined based on the date of commission of the earliest offence.

(3) If in relation to a prisoner subject to an SPP who commits 2 or more offences when released on a release order —

- (a) a court has already imposed one or more enhanced sentences under subsection (1) for one or more of the offences committed by the prisoner when so released; and
- (b) the enhanced sentence, or the aggregate length of the enhanced sentences, is equivalent to the remaining duration of the release order, as determined based on the date of commission of the earliest offence,

the court is not required to impose an enhanced sentence for any other offence committed by the prisoner when so released and for which the prisoner is subsequently convicted.

*Illustration*

*A*, being a prisoner subject to an SPP, is released on a release order on 1 February 2028. The release order expires at the end of the day on 31 January 2030. On 1 November 2029, *A* commits the offence of theft. On 1 December 2029, *A* commits another offence of theft. The 2 offences are dealt with in separate trials. For the first offence committed on 1 November 2029, *A* is sentenced to 6 months' imprisonment and an enhanced sentence of 3 months. Since the enhanced sentence imposed for the first offence amounted to the remaining duration of the release order for which the prisoner is released on licence (i.e., the period of 3 months starting on 1 November 2029 and ending at the end of the day on 31 January 2030), when *A* is subsequently convicted for the second offence committed on 1 December 2029 in a separate trial, the court does not have to impose any enhanced sentence in relation to the second offence.

(4) In deciding the length of any enhanced sentence to be imposed under subsection (1) or (2) with respect to any offence, the court is to consider —

- (a) the gravity of the offence;
- (b) whether the offence is of a similar nature to the offence for which the prisoner released on a release order was originally sentenced;

(c) the length of time for which the prisoner did not commit any offence after being released on a release order; and

(d) all other relevant circumstances.

5 (5) For the purpose of this section, any extension of the date of expiry of an SPP under section 50ZH in relation to a prisoner subject to a release order after the date of an offence committed by the prisoner is to be disregarded in determining the remaining duration of a prisoner's release order based on the date of the  
10 offence.

15 (6) Where a prisoner subject to an SPP is released on a release order and any sentence of imprisonment and any enhanced sentence under subsection (1) or (2) is imposed by a court for any offence or offences committed by the prisoner after the prisoner is so released, the SPP does not expire, but runs concurrently with those sentences.

20 (7) Despite any provision in any written law, a term of imprisonment imposed on any prisoner as an enhanced sentence under subsection (1) or (2) must run consecutively to all other terms of imprisonment or an SPP imposed on the prisoner.

25 (8) Where in relation to any prisoner subject to an SPP, any sentence of imprisonment and any enhanced sentence under subsection (1) or (2) are imposed (called in this subsection the relevant sentences) by a court for any offence or offences committed by the prisoner after the prisoner is released on a release  
30 order, the following apply:

(a) the release order lapses when the prisoner starts serving the relevant sentences;

(b) if, applying section 50I, the date the Commissioner must make a remission order in respect of that prisoner falls on  
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or after the expiry of the SPP, the remission order must be made on that date and Part 5B applies in relation to the remission order so made;

*Illustration*

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An SPP is imposed on *A* for a period of 18 years. The SPP starts on 1 March 2024. Under section 50ZG(1), the Minister releases *A* under a release order on 1 March 2036 (i.e., after *A* has completed two-thirds of the SPP). One year after *A* has been released on the release order (i.e., 1 March 2037), *A* commits an offence. *A* is sentenced to 21 years' imprisonment for that offence and (as required by section 50ZN(1)) an enhanced sentence of 5 years (being the period amounting to the remaining duration of the release order, as determined based on the date of commission of the offence). The sentence of imprisonment and enhanced sentence are ordered to commence on 1 March 2037, the date of commission of the offence. Applying subsection (7) and section 50I, a remission order must be made on 1 March 2056, after *A* has served the enhanced sentence of 5 years (which is to run consecutively with any other term of imprisonment or SPP as provided in section 50ZN(7)) and an imprisonment term of 14 years (i.e., two-thirds of the imprisonment term of 21 years). Since the date falls after the expiry of the SPP, the Commissioner must make a remission order on 1 March 2056 and Part 5B will apply in relation to the remission order so made.

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(c) if —

(i) section 50I had been applied, and the date the Commissioner would have made a remission order in respect of the prisoner falls within the period that the SPP is in effect; and

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- (ii) the date on which the prisoner would have completed serving the relevant sentences if no remission order is made under section 50I falls within the period that the SPP is in effect,

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then —

- (iii) the prisoner is eligible to be released on a release order again under the SPP on the date mentioned in sub-paragraph (i);

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- (iv) despite section 50I, no remission order is required to be made by the Commissioner under that section; and

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- (v) the person is deemed to have served the remaining period of the relevant sentences, being the period starting on the date mentioned in sub-paragraph (i) and ending on the date mentioned in sub-paragraph (ii);

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#### *Illustration*

An SPP is imposed on *A* for a period of 18 years. The SPP starts on 1 March 2024. Under section 50ZG(1), the Minister releases *A* under a release order on 1 March 2036 (i.e., after *A* has completed two-thirds of the SPP). One year after *A* has been released on the release order (i.e., 1 March 2037), *A* commits an offence. *A* is sentenced to one and a half years' imprisonment for that offence and (as required by section 50ZN(1)) an enhanced sentence of one year. The sentence of imprisonment and the enhanced sentence are ordered to commence on 1 March 2037, the date of commission of the offence. If section 50I had been applied, the Commissioner must make a remission order in respect of *A* after *A* had completed serving the enhanced sentence of one year and two-thirds of the imprisonment term to which *A* was sentenced, i.e., on

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1 March 2039. However, since 1 March 2039 falls within the period that the SPP is still in effect, *A* may instead be released on a release order on 1 March 2039. Despite section 50I, no remission order is required to be made by the Commissioner on 1 March 2039. *A* is deemed to have served the remaining period of the sentence of imprisonment and enhanced sentence (being the period between the date that *A* may be released on a release order (i.e., 1 March 2039) and the date that *A* would have completed serving the sentence of imprisonment and enhanced sentence if no remission order is made (i.e., at the end of the day on 31 August 2039)) at the end of that remaining period. 5  
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(*d*) if — 15

(i) section 50I had been applied, and the date the Commissioner would have made a remission order in respect of the prisoner falls within the period that the SPP is in effect; and 20

(ii) the date on which the prisoner would have completed serving the relevant sentences if no remission order is made under section 50I falls after the period that the SPP is in effect, 25

then —

(iii) the prisoner is eligible to be released on a release order again under the SPP on the date mentioned in sub-paragraph (i); 30

(iv) despite section 50I, the Commissioner is only required to make a remission order in respect of the prisoner immediately after the date of expiry of the SPP; 35

- (v) the prisoner is deemed to have served the period of the relevant sentences starting on the date mentioned in sub-paragraph (i) and ending on the date of expiry of the SPP; and
- (vi) for the purposes of application of sections 50K, 50L, 50M, 50N and 50U in relation to the prisoner, any reference to a remission order made under section 50I in those provisions is deemed to be a reference to a remission order made in accordance with sub-paragraph (iv).

*Illustration*

An SPP is imposed on *A* for a period of 18 years. The SPP starts on 1 March 2024. Under section 50ZG(1), the Minister releases *A* under a release order on 1 March 2036 (i.e., after *A* has completed two-thirds of the SPP). One year after *A* has been released on the release order (i.e., 1 March 2037), *A* commits an offence. *A* is sentenced to 4 and a half years' imprisonment for that offence and (as required by section 50ZN(1)) an enhanced sentence of one year. The sentence of imprisonment and enhanced sentence are ordered to commence on 1 March 2037, the date of commission of the offence. If section 50I had been applied, the Commissioner must make a remission order in respect of *A* after *A* had completed serving the enhanced sentence of one year and two-thirds of the imprisonment term to which *A* was sentenced, i.e., on 1 March 2041. However, since 1 March 2041 falls within the period that the SPP is still in effect, *A* may instead be released on a release order on 1 March 2041. The Commissioner is only required to make a remission order in respect of the prisoner immediately after the date of expiry of the SPP. Despite section 50I, no remission order is required to be made by the Commissioner on 1 March 2041. *A* is deemed to have served the remaining period of the sentence of imprisonment and enhanced sentence

imposed on *A* (being the period between the date that *A* may be released on a release order (i.e., 1 March 2041) and the date of expiry of the SPP (i.e., at the end of the day on 28 February 2042)) at the end of that remaining period.

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(9) Where a prisoner subject to an SPP is sentenced to the following sentences for any offence or offences committed while the prisoner is released on a release order:

- (a) another SPP and any enhanced sentence imposed under subsection (1) or (2);
- (b) any SEPP,

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the SPP in respect of which the prisoner was released on a release order ceases to have effect.

(10) Where —

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- (a) a prisoner subject to an SPP is released on a release order;
- (b) the prisoner commits one or more offences while the prisoner is so released; and
- (c) an SPP (called in this subsection the subsequent SPP) and an enhanced sentence are imposed by a court under subsection (1) or (2) for the offence or offences,

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the prisoner is eligible to be released on a release order again under the subsequent SPP only after the prisoner has completed serving the aggregate of the following:

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- (d) all terms of imprisonment to which the prisoner was sentenced as an enhanced sentence under subsection (1) or (2);
- (e) two-thirds of the subsequent SPP.

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**Commission of offence by prisoner subject to SEPP when on release order**

5 **50ZO.**—(1) Where a prisoner subject to an SEPP is released on a release order and is sentenced by a court for any offence or offences committed by the prisoner after the prisoner is so released —

10 (a) if the sentence imposed by the court is a sentence of imprisonment (other than life imprisonment) or an SPP, the SEPP does not expire but runs concurrently with the sentence imposed by the court; or

15 (b) if the sentence imposed by the court is a sentence of life imprisonment or an SEPP, the SEPP under which the prisoner is so released ceases to have effect.

20 (2) Where in relation to any prisoner subject to an SEPP, any sentence of imprisonment (not being life imprisonment) is imposed by a court for any offence or offences committed by the prisoner after the prisoner is released on a release order, then —

(a) the release order lapses when the prisoner starts serving the sentence;

25 (b) despite section 50I, no remission order is required to be made by the Commissioner under that section in respect of the prisoner;

(c) the prisoner is eligible to be released on a release order again under the SEPP on the earlier of the following dates:

30 (i) if section 50I had been applied, the date the Commissioner would have made a remission order in respect of the prisoner;

(ii) the day after the prisoner has served 20 years of his or her sentence; and

- (d) on the date that the prisoner is released on a release order again under the SEPP, the remainder of the prisoner's sentence of imprisonment imposed by the court is remitted, being the period — 5
- (i) starting on the date the prisoner is so released; and
  - (ii) ending at the end of the day on which the prisoner would have completed serving his or her entire sentence of imprisonment if the prisoner had not been so released. 10

*Illustration*

An SEPP is imposed on *A* on 1 March 2024 and the minimum period of custody that *A* must be detained in prison as specified by a court under section 304B(3)(a) of the Criminal Procedure Code 2010 is 12 years. Upon the expiry of the specified period, *A* is released under a release order (i.e., 1 March 2036). One year after *A* has been released on the release order (i.e., 1 March 2037), *A* commits an offence. *A* is sentenced to 6 years' imprisonment for that offence and the sentence starts on 1 March 2037. If section 50I had been applied, the date the Commissioner must make a remission order is the date after *A* had served two-thirds of the sentence of imprisonment (i.e., on 1 March 2041). Therefore, *A* is eligible to be released on a release order again under the SEPP on 1 March 2041. 15 20 25

(3) Where in relation to any prisoner subject to an SEPP, an SPP is imposed by a court in respect of any offence or offences committed by the prisoner after the prisoner is released on a release order, then — 30

- (a) the release order under the SEPP to which the prisoner is subject lapses when the prisoner starts serving the sentence of the SPP; and
- (b) on the date that the prisoner would be eligible to be released on a release order 35

made in relation to the SPP in accordance with section 50ZG(1) —

- (i) the SPP ceases to have effect;
- (ii) the prisoner is eligible to be released on a release order again under the SEPP; and
- (iii) the prisoner may not be released unconditionally under section 50ZG(7) until the day the prisoner would have completed serving the entire term of the SPP if not for sub-paragraph (i).

*Illustration*

An SEPP is imposed on *A* on 1 March 2024 and the minimum period of custody that *A* must be detained in prison as specified by a court under section 304B(3)(a) of the Criminal Procedure Code 2010 is 12 years. Upon the expiry of the specified period, *A* is released under a release order (i.e., 1 March 2036). One year after *A* has been released on the release order (i.e., 1 March 2037), *A* commits an offence. An SPP of 12 years is imposed on *A*, which starts on 1 March 2037. After *A* has served two-thirds of the SPP, the SPP ceases to have effect and *A* is eligible to be released on a release order again under the original SEPP.

**Powers to enter and search**

**50ZP.** A police officer of or above the rank of Assistant Superintendent of Police or a police officer authorised by him or her may —

- (a) enter and search a place without a warrant to effect the arrest of any prisoner who has failed to return to prison after —
  - (i) the prisoner is recalled under section 50ZK; or
  - (ii) the release order to which the prisoner is subject is revoked under section 50ZL; and

- (b) in order to effect an entrance into that place, break open any outer or inner door or window of that place if he or she cannot otherwise obtain admittance to that place.”;
- (o) in section 67, replace “Whenever any person is sentenced to imprisonment, the person” with “A prisoner”; 5
- (p) in section 70(1)(e), replace the full-stop at the end with a semi-colon;
- (q) in section 70(1), after paragraph (e), insert —
- “(f) if the prisoner is subject to an SPP or SEPP, postponement of the date on which the prisoner may be released on a release order for a period that may be prescribed.”; 10
- (r) in section 71(1)(d), replace the full-stop at the end with a semi-colon; 15
- (s) in section 71(1), after paragraph (d), insert —
- “(e) if the prisoner is subject to an SPP or SEPP, postponement of the date on which the prisoner may be released on any release order for a period that may be prescribed.”; 20
- (t) in section 72(1), after item 48, insert —
- “48A. Any breach by a prisoner subject to an order under section 50ZG releasing the prisoner on licence of the conditions of that order other than conduct constituting an aggravated offence under section 73.”; 25
- (u) in section 72(1), after item 49, insert —
- “50. Failure by a prisoner subject to an order under section 50ZG releasing the prisoner on licence, a prisoner subject to a home detention order under section 52, a prisoner subject to an external placement order under section 59B, or a prisoner subject to an employment preparation order 30

under section 59K, to report to such person and at such times and place as may be specified under the conditions of the order.”;

(v) in section 72(2), replace “and 48” with “, 48, 48A and 50”;

(w) in section 72(2), delete “of imprisonment”;

(x) in section 73(1), in item 10, after “Where a prisoner subject to”, insert “a release order,”;

(y) in section 73(2), delete “of imprisonment”;

(z) in section 74(2)(c), replace the full-stop at the end with a semi-colon;

(za) in section 74(2), after paragraph (c), insert —

“(d) if the prisoner is subject to an SPP or SEPP, postponement of the date on which the prisoner may be released on any release order for a period that may be prescribed.”;

(zb) after section 81A, insert —

**“Power to arrest persons unlawfully at large**

**81B.**—(1) Any prison officer may, without warrant, arrest any person who is unlawfully at large under —

(a) this Act or any regulations made thereunder;

(b) any regulations made under section 428 of the Criminal Procedure Code 2010 (as in force before the date of commencement of section 44 of the Criminal Procedure (Miscellaneous Amendments) Act 2024) in relation to the treatment, training and detention of persons sentenced to reformatory training, corrective training or preventive detention; or



(c) any regulations made under section 58 of the Misuse of Drugs Act 1973 in relation to the granting of leave to an inmate for the purpose of his or her employment outside an approved institution or a community rehabilitation centre and to return to his or her residence or any other designated place. 5

(2) If a person mentioned in subsection (1) forcibly resists or tries to evade arrest —

(a) the prison officer may use all reasonable means necessary to make the arrest; but 10

(b) the person arrested must not be restrained more than is necessary to prevent his or her escape.”;

(zc) in section 84(2), after paragraph (f), insert — 15

“(fa) the treatment, training, detention and release of persons sentenced to reformatory training, corrective training or preventive detention, or on whom an SPP or SEPP is imposed, including any matter relating to the supervision of such persons when they are released from their places of detention; 20

(fb) in relation to persons sentenced to reformatory training, corrective training or preventive detention, the extension of the expiry date of such sentences if such persons are unlawfully at large when they are released from their places of detention; 25

(fc) the mode of carrying out the sentence of caning;” and 30

(zd) in section 84(2), replace paragraph (lc) with —

“(lc) in relation to the release of prisoners —

(i) on release orders, external placement orders, home detention orders or employment preparation orders; or

(ii) sentenced to corrective training or preventive detention,

the requirement for such prisoners to bear the costs of any prescribed expenses incurred by them when so released;”.

## **Saving and transitional provisions**

**48.—(1)** Despite section 44 —

(a) the Criminal Procedure Code (Corrective Training and Preventive Detention) Regulations 2010 (G.N. No. S 803/2010) and the Criminal Procedure Code (Reformative Training) Regulations 2018 (G.N. No. S 723/2018) made under section 428 of the Code immediately before the relevant date (called the relevant regulations) are deemed to be made under section 84(1) of the Prisons Act 1933; and

(b) any person detained or released on licence under the relevant regulations before the relevant date pursuant to section 304(6) or 305(5) of the Code (as in force immediately before the relevant date) is deemed to be detained for the term of his or her sentence, or released on licence, in accordance with the regulations made under section 84(1) of the Prisons Act 1933, instead of under section 428 of the Code (as in force immediately before the relevant date).

(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

(3) In this section, “relevant date” means the date of commencement of section 44.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Criminal Procedure Code 2010, the Criminal Justice Reform Act 2018 and the Prisons Act 1933. The Bill makes amendments to certain criminal procedures. In particular, the amendments —

- (a) improve and clarify aspects of court procedure and law enforcement powers;
- (b) set out a framework for the carrying out of forensic medical examinations in relation to the investigation of offences;
- (c) set out certain obligations on the prosecution relating to the disclosure of unused materials and statements of material witnesses to the defence and enhance the criminal case disclosure regime; and
- (d) introduce the sentences for public protection and sentences for enhanced public protection.

Clause 1 relates to the short title and commencement.

Clauses 2 to 45 amend the Criminal Procedure Code 2010 (the Code). Unless the context otherwise requires, any reference in this Explanatory Statement to a section, Part, Division or Schedule by number only, and not in conjunction with the short title of an Act, is a reference to the section, Part, Division or Schedule of that number contained in the Code.

Clause 2 amends section 2(1) to update the definition of “police station” to mean any local office of the Singapore Police Force. This will include any neighbourhood police post and any land division of the Singapore Police Force.

Clause 3 amends section 17 to delete references to the physical place at which an arrestable offence is committed, to cater for the nature of present-day offences which may not take place in a physical location, such as cyber-crimes.

Clause 4 amends section 20 to state that only certain categories of persons may make a written order for the production of customer information by a specified institution (i.e., a bank, merchant bank or licensed trust company), or access customer information kept by a specified institution and that such a written order may require the specified institution to monitor a customer’s account for a period of time and provide information on the transactions made in that account.

Clause 5 amends section 34 to update the requirements that apply to a police officer’s search for a document or thing while investigating an arrestable offence.

The police officer's search must be in a place where he or she has reason to believe the document or thing is located. The police officer may perform this search if he or she considers the document or thing to be necessary for investigation, and the document or thing is in the possession or power of a person who is reasonably suspected of having committed the arrestable offence. A person who obstructs a police officer's search under this section is guilty of an offence.

Clause 6 amends section 39 to state that only certain categories of authorised persons may use a computer, or cause a computer to be used, in order to search any data that is customer information held by a bank, merchant bank or licensed trust company and contained in or available to the computer, while investigating an arrestable offence.

Clause 7 inserts new Divisions 4 and 5 in Part 4.

The new Division 4 of Part 4 sets out powers of investigation of law enforcement officers in relation to offences related to processes to compel an accused's appearance. In the new Division, the new section 40C enables an officer of a prescribed law enforcement agency to investigate an offence under section 103(5) or 106A(2), where the bail or bond was imposed in relation to an offence that the prescribed law enforcement agency is authorised to investigate. The new section 40D enables certain officers to investigate an offence under section 112(4B).

The new Division 5 of Part 4 contains provisions governing forensic medical examinations (FMEs).

The new section 40E contains definitions relevant for the purposes of the provisions relating to FME under the new Division 5 of Part 4.

The new section 40F empowers a police officer to require a person to undergo an FME for the purpose of searching for a thing, or evidence of a thing, that is relevant to an offence that is reasonably suspected to have been committed and that the existence or absence of which on or in the body of the person would be relevant to the investigation of the offence. If the FME is to be conducted on any of the person's intimate parts, only a police officer of or above the rank of inspector may require the person to undergo the FME.

The new section 40G sets out who may carry out an FME. Where the FME involves a physical medical examination or the taking of an invasive sample (except blood sample via finger pricking), the FME must be carried out by a medical practitioner or a nurse. In other cases, a police officer or forensic specialist may also carry out the FME. The new section 40G also sets out certain requirements that apply to the carrying out of the FME, such as being satisfied that the taking of a body sample does not endanger the person, and the privacy measures that apply where the FME involves an intimate part of an individual.

The new section 40H sets out certain requirements relating to the consent of an alleged victim that must be obtained before a police officer may require the alleged victim to undergo an FME. The new section 40H also sets out certain exceptions to the requirements relating to the consent of an alleged victim which apply where the police officer acting under the new section 40F has reasonable grounds to believe that the alleged victim is unable to consent to undergo an FME within a reasonable time due to any physical or mental condition (whether permanent or temporary) and any delay in carrying out the FME may result in any loss, degradation or contamination of any evidence that is relevant to the investigation of the offence committed against the alleged victim. The physical or mental condition referred to may have arisen from any external or inherent causes and may be permanent or temporary. This could cover a range of situations, including psychiatric illness, learning disability, dementia, brain damage, substantial intoxication (whether voluntary or involuntary), or loss of consciousness due to traumatic injury (whether permanent or temporary), as long as it causes the alleged victim to be unable to consent to undergo an FME within a reasonable time.

The new section 40I sets out when reasonable force may be used on an accused person who has refused the FME without reasonable excuse, and the categories of authorised officers who may use such reasonable force.

The new section 40J makes it an offence for an accused person, who is required to undergo an FME under the new Division 5 of Part 4, to refuse to undergo the FME or otherwise hinder or obstruct the carrying out of the FME. Any other person who, without reasonable excuse, hinders or obstructs the carrying out of an FME on the accused person, also commits an offence.

The new section 40K permits a court in a criminal proceeding to draw certain inferences from an accused person's refusal to undergo an FME without reasonable excuse. Such a refusal may be treated as, or as capable of amounting to, corroboration of evidence given against the accused.

Clause 8 amends section 65 to allow a police officer to arrest a person who is accused of committing, or who commits a non-arrestable offence in the view or presence of the police officer, where the person refuses to provide his or her unique identification number (in addition to the current categories of personal information, namely the person's name or residential address).

Clause 9 amends subsection (2) of section 66 to remove the option of a private person bringing a person arrested under that section to a police station.

Clause 10 inserts a new subsection (1A) in section 78 to empower a police officer who arrests a person or to whom an arrested person is handed over, to search the arrested person and place in safe custody any article that the arrested person may potentially use to cause harm, whether to himself or herself or to any other person.

Clause 11 amends section 84 to widen the categories of persons who may pursue and arrest a person who has escaped or is rescued from lawful custody, to include any specified officer of any specified law enforcement agency.

Clause 12 amends section 93 to provide that a court may, at any stage of proceedings and with the prosecution's consent, release an accused on his or her personal bond for a non-bailable offence if the offence is punishable with not more than 7 years' imprisonment. The prosecution can withdraw its consent to the person being released on this personal bond at any stage of the proceedings. A police officer of or above the rank of sergeant may also release such an accused on personal bond.

Clause 13 inserts a new subsection (1A) in section 94 to make it clear that where a court releases an accused on his or her personal bond under section 93(1A), the court must impose as conditions of the personal bond any condition specified by the prosecution.

Clause 14 amends section 159 by deleting subsection (2). As a result, for an offence that is specified in the Second Schedule and that is to be tried in the District Court, the defence no longer has the option to disapply the criminal case disclosure procedures for that offence.

Clause 15 amends section 163 to provide that where a Case for the Defence is not filed or served under subsection (1), the accused may be cross-examined on the reason for this, and the court may consider the accused's evidence and draw such inferences as it thinks fit.

Clause 16 inserts a new subsection (2A) in section 166 to provide that where a documentary exhibit in a Case for the Prosecution consists of any image of an individual's genital or anal region, or a woman's breasts, the prosecution is not required to serve a copy of the exhibit on the defence. However, if the defence makes a request, the prosecution must arrange for the defence to view the exhibit at a police station or prescribed place. The prosecution need not arrange for the viewing if the Case for the Defence was not served on the prosecution.

Clause 17 makes certain amendments to section 169. A new paragraph (aa) of section 169(1) is inserted to allow the court to draw such inferences as it thinks fit if the prosecution fails to file the Case for the Prosecution in court, or the defence fails to file the Case for the Defence in court after the Case for the Prosecution has been served on the defence. A new paragraph (aa) of section 169(2) is inserted to allow the court to order a discharge not amounting to an acquittal in relation to a charge to be tried, if the prosecution fails to file the Case for the Prosecution in court.

Clause 17 also inserts new subsections (3) and (4) in section 169 to permit the court, in determining whether there is a case to answer and whether the accused is guilty of the offence charged or not, to draw such inferences as appear proper where any matter mentioned in subsection (1) is satisfied.

Clause 18 amends section 214 by inserting a new paragraph (*aa*) in subsection (1) to require a Case for the Prosecution in cases transmitted to the General Division of the High Court, to contain a summary of the facts in support of the charge.

Clause 19 amends section 215 to remove the option of the defence to not file the Case for the Defence in a case that is transmitted to the General Division of the High Court. If the defence does not file or serve the Case for the Defence, the accused may be cross-examined on the reason for this, and the court may consider the accused's evidence and draw such inferences as it thinks fit.

Clause 20 makes a consequential amendment to section 216 arising from the amendment to section 215.

Clause 21 makes certain amendments to section 218. A new paragraph (*ab*) of section 218(1) is added to require the prosecution to serve each documentary exhibit that was listed in the Case for the Prosecution (if such exhibit has not yet been served) along with the accused's statements and criminal records. However, the prosecution need not do this in relation to any exhibit that consists of any image of an individual's genital or anal region or a woman's breasts, but is only required to arrange for the defence to view the exhibit if the defence so requests. The prosecution need not arrange for the viewing if the Case for the Defence was not served on the prosecution.

Clause 22 replaces section 221 to set out certain situations relating to a party's non-compliance with the criminal case disclosure procedures in Division 5 of Part 10, in which the court may draw such inferences as it thinks fit, or order a discharge not amounting to an acquittal in relation to the charge that the prosecution intends to proceed with at the trial. The new section 221(3) provides for when the court may draw such inferences, and the new section 221(4) provides that such inferences can be corroborative of any evidence given by or against the accused in relation to which the matter is material.

Clause 23 inserts a new Part 10A dealing with the prosecution's obligation to serve certain materials on the defence. Part 10A covers new sections 221A to 221D.

The new section 221A sets out the meanings of "unused material" and "material witness" and provides certain illustrations to explain what these terms cover.

The new section 221B sets out the prosecution's obligations to serve certain materials on the defence, without affecting any requirement imposed under any rule of law that is not inconsistent with the Code or any other written law. The new section 221B does not require the disclosure of any material that does not need to be disclosed, by operation of any written law or rule of law concerning privilege, secrecy or the protection or non-disclosure of any information.

The new section 221C states that to avoid doubt, the prosecution is not obliged by any written law or rule of law to serve on the defence a list of materials in the prosecution's possession that the prosecution does not intend to adduce in evidence as part of the prosecution's case during the trial.

The new section 221D provides that the prosecution has a continuing obligation to serve certain materials on the defence, if the prosecution becomes aware of such materials before the accused is convicted or acquitted of the charge or charges proceeded against the accused, or where there is an appeal, before any appeal in relation to the charge or charges is finally disposed of. However, the prosecution is not obliged to require any statement to be recorded from a material witness who is identified before the conclusion of the case or appeal if the prosecution is not in possession of any statement recorded from that material witness.

Clause 24 amends section 225B(1) to provide that the section applies where any written law or rule of law requires the prosecution to disclose to the defence any statement made by a person examined under section 22 that is recorded in the form of an audiovisual recording.

Clause 25 inserts a new section 225C that sets out the mode of disclosing any exhibit that is required to be disclosed under any written law or rule of law, where the exhibit consists of any image of a person's genital or anal region, or a woman's breasts. The prosecution is not required to produce such an exhibit to the defence, but must inform the defence of the exhibit and arrange for it to be viewed at a police station or prescribed place, if the defence so requests. The prosecution need not arrange for the viewing if the Case for the Defence was not served on the prosecution.

Clause 26 inserts a new subsection (6) in section 238A to provide that despite section 298, where a court decides a matter without hearing oral arguments pursuant to section 238A(1), the court need not deliver judgment in open court. However, if a court (being a trial court or a court in a criminal appeal, case stated, criminal revision, criminal reference or criminal motion) decides any matter without hearing oral arguments, the court must still deliver judgment and pass sentence in open court in certain situations.

Clause 27 makes certain amendments to section 248 to update the requirements and procedures that apply where a designated medical practitioner certifies that an accused person is capable of making his or her defence, or incapable of so doing due to unsoundness of mind or any physical or mental condition.

Clause 28 makes certain amendments to section 249 to update certain procedures that apply where a court is required to determine the notional period of imprisonment that an accused would have been required to undergo if convicted of every offence he or she is charged with. In particular, the new subsections (9A), (9B) and (9C) provide for a case to be transmitted to the General Division of the High Court, where a District Court or Magistrate's Court is



satisfied under section 248(1), or finds under section 248(2), that the accused is incapable of making his or her defence, and the Public Prosecutor is of the opinion that the notional period of imprisonment must or ought to be determined by the General Division of the High Court. Where a case is transmitted to the General Division of the High Court under the new subsection (9A), the procedure in Division 5 of Part 13 applies in relation to the case so transmitted and the General Division of the High Court must comply with section 249(8) and (9) instead of the District Court or Magistrate's Court that earlier made the determination under section 248(1) or (2) that the accused is incapable of making his or her defence. In addition, the General Division of the High Court is not bound by any determination of the District Court or Magistrate's Court under section 248(1) or (2), and may receive any further evidence that it considers necessary to determine whether the accused is in fact incapable of making his or her defence.

Clause 28 further amends section 249 to provide that any notional imprisonment period is to be made by the General Division of the High Court if any offence that the accused is charged with (for which the notional imprisonment period is to be determined) is only triable in the General Division of the High Court. Furthermore, the notional imprisonment period cannot exceed the period of a sentence of imprisonment that the court may impose under section 303 or 306(4) if the court had convicted and sentenced the accused for every offence that the accused is charged with.

Clause 29 makes a consequential amendment to section 250(1)(b) because of the amendment to section 248.

Clause 30 amends section 252 to clarify that the Minister may, after considering the matters reported under section 253(3) in relation to a subject, either revoke an order under section 252(6)(a) and make an order under section 252(6)(b) in relation to the subject, or revoke an order under section 252(6)(b) and make an order under section 252(6)(a) or another order under section 252(6)(b) in relation to the subject.

Clause 31 amends section 253(3)(a) to require that where a person was released pursuant to court order under section 249(2), the visitors mentioned in section 253(2) must report the matters mentioned in section 253(2) to the Minister as well as the court.

Clause 32 inserts new sections 256B and 256C.

The new section 256B provides that the personal attendance of a person subject to proceedings under Division 5 of Part 13 may be dispensed with, if the court is satisfied that it would be in the interests of justice to do so in light of the person's state of mind or physical or mental condition. This does not apply to proceedings in which the person is required to be produced before the court.

The new section 256C allows the court to conduct proceedings under Division 5 of Part 13 through live video or live television link, if the court is satisfied that it is

in the interests of justice and that there are sufficient administrative and technical facilities and arrangements to allow for it.

Clause 33 inserts a new subsection (15) in section 270 to provide that no action, suit or other legal proceedings shall lie against the Chief Justice, the Selection Committee, or any member of the Selection Committee for an act or thing done under section 270.

Clause 34 amends section 303A by inserting a new paragraph (*ba*) in subsection (5). The new paragraph (*ba*) provides that the term “first-time offender” in section 303A excludes a person on whom a sentence for public protection (SPP) or a sentence for enhanced public protection (SEPP) had previously been imposed.

Clause 35 amends section 304 such that the court’s power to sentence a person to corrective training or preventive detention must be in relation to a conviction for an offence or offences that were committed before the date of commencement of the clause.

Clause 36 inserts new sections 304A and 304B.

The new section 304A provides that in certain circumstances, a court may impose an SPP on a person instead of any sentence of imprisonment, or any sentence of imprisonment and fine, where the court is satisfied that doing this would be in the interests of the protection of the public. A person who is subject to such a sentence must be detained in prison for the term of the sentence (if not released on licence), and may before the expiry of the sentence be released on licence in accordance with the new Part 5C of the Prisons Act 1933 and regulations made under section 84(1) of that Act.

The new section 304B provides that in certain circumstances, a court may impose an SEPP on a person instead of any sentence of imprisonment, or any sentence of imprisonment and fine, where the court is satisfied that doing this would be in the interests of the protection of the public. Such a person must be detained in prison for a specified period of time (as determined by the court) before he or she may be released (if found suitable for release) in accordance with the new Part 5C of the Prisons Act 1933 and regulations made under section 84(1) of that Act.

Clause 37 makes certain amendments to section 305. The reference to section 428 in subsection (5) is replaced with section 84(1) of the Prisons Act 1933 as the regulations governing sentences of reformatory training will now be made under the latter provision. A new paragraph (*aa*) is also inserted in subsection (9) to provide that a sentence of reformatory training expires if an SPP or SEPP is imposed on the person serving the sentence of reformatory training.

Clause 38 makes amendments to section 318 to insert references to sentences for public protection and sentences for enhanced public protection alongside the

references to sentences of corrective training and sentences of preventive detention, in the provisions relating to the date on which such sentences begin.

Clause 39 amends section 329 to delete subsections (1) and (2), which deal respectively with the Minister's power to make rules to prescribe the mode of carrying out a caning and to direct the body parts of a person upon which caning is to be carried out, as the power to make such rules will now be under section 84 of the Prisons Act 1933.

Clause 40 makes certain amendments to section 359. The amendments clarify that the relevant parties do not need to be notified of the proceedings where the court decides whether to make an order for the payment of compensation in certain circumstances, such as where the contact details of the relevant parties cannot be obtained despite reasonable efforts. The amendments also provide that certain categories of persons are not liable to be sued for anything done or omitted to be done in good faith in the course of or in connection with the notification of the relevant parties of the proceedings relating to compensation.

Clause 41 amends section 372 to update the procedure applicable where a person who is entitled to property is unknown or cannot be found. The amendments allow the procedure in section 372 to apply to a relevant law enforcement agency that has seized property under section 370.

Clause 42 inserts a new paragraph (*aa*) in section 423 to provide that the breach of any of the prosecution's obligations under the new section 221B(3)(*a*) or (*b*) or (4)(*a*) or 221D, or the prosecution's obligations under the new section 221B(4)(*b*) to serve the materials mentioned in the new section 221B(1)(*b*), is not an irregularity that makes proceedings invalid, unless the breach has caused a failure of justice.

Clause 43 amends section 425B by replacing subsection (3)(*b*). Under the new subsection (3)(*b*), the prosecution must not cause any information to be removed or redacted under subsection (2) if the information falls under the new section 221B(1)(*a*) and its disclosure is required by the new section 221B(3) or (4) or 221D.

Clause 44 amends section 428 by deleting paragraph (*a*) of subsection (2) since the Minister will no longer be making any regulations relating to the matter mentioned in that paragraph.

Clause 45 inserts a new Seventh Schedule which sets out the offences in respect of which sentences for enhanced public protection may be imposed under the new section 304B.

Clause 46 deletes section 98 of the Criminal Justice Reform Act 2018.

Clause 47 makes certain amendments to the Prisons Act 1933 pursuant to the implementation of the SPP and SEPP regimes. In particular, a new Part 5C is

inserted in the Prisons Act 1933 to set out the matters relating to the release on licence of a prisoner who is subject to an SPP or SEPP.

The new section 50ZG of the Prisons Act 1933 sets out when a prisoner subject to an SPP or SEPP may be released on licence, and the duration of a release order. In relation to a prisoner subject to an SEPP, at any time before the date of expiry of the period specified in the new section 304B(3)(a) of the Code, the Minister may release the prisoner subject to the SEPP unconditionally and the SEPP expires if the prisoner is so released. A prisoner who is released on licence is deemed to be in the legal custody of the Superintendent of the prison from where he or she is released.

The new section 50ZH of the Prisons Act 1933 provides that the date of expiry of an SPP is extended in certain circumstances.

The new section 50ZI of the Prisons Act 1933 empowers the Commissioner of Prisons (the Commissioner) to require that a prisoner subject to a release order comply with certain conditions for the purpose of facilitating his or her rehabilitation and reintegration into society. The list of conditions with which a prisoner may be required to comply are specified in the new section 50ZI(3) of the Prisons Act 1933. The Commissioner may also vary, cancel or add to any condition in the new section 50ZI(3) of the Prisons Act 1933, or waive any of the conditions specified in that subsection.

The new section 50ZJ of the Prisons Act 1933 states that a prisoner on a release order is not required to comply with any condition of the release order in certain situations.

The new section 50ZK of the Prisons Act 1933 empowers the Commissioner, if the Commissioner has reason to suspect that a prisoner subject to a release order has failed to comply with any condition of the release order, has committed a prison offence, or has committed any offence while the release order is in force, to make such inquiry as is necessary and to recall the prisoner to prison pending the completion of the inquiry. While the prisoner is recalled, the period of his or her release order continues to run. Where the Commissioner is satisfied after due inquiry that there was a failure to comply with a condition of the prisoner's release order, or that the prisoner had committed a prison offence or any offence while the release order is in effect, the Commissioner may recall the prisoner to prison or, if the prisoner has already been recalled, extend the prisoner's period of recall.

The new section 50ZL of the Prisons Act 1933 provides that where the Commissioner is satisfied, after due inquiry, that certain grounds for the revocation of a prisoner's release order apply, the Commissioner may report the outcome of the inquiry to the Minister. The Minister may, upon receiving the report, then revoke the prisoner's release order and recall him or her to prison.

The new section 50ZM of the Prisons Act 1933 states that a prisoner's release order may be suspended for the following periods:

- (a) the period that the prisoner is ordered to undergo punishment under section 70(1)(a) or 71(1)(b) of the Prisons Act 1933;
- (b) the period that the prisoner is recalled to prison under the new section 50ZK(3)(a) of the Prisons Act 1933, or the further period of recall mentioned in the new section 50ZK(3)(b) of the Prisons Act 1933;
- (c) the sum of the periods mentioned in paragraphs (a) and (b).

The new section 50ZN of the Prisons Act 1933 provides that where a prisoner subject to an SPP is released on a release order, and commits an offence during that period of release, the court, if it imposes a sentence of imprisonment (not including a default sentence) or an SPP on the prisoner, must additionally impose an enhanced sentence of imprisonment on the prisoner for the offence for a term not exceeding the remaining duration of the release order, as determined based on the date of commission of the offence. Where a prisoner subject to an SPP is released on a release order and commits 2 or more offences when so released, the court must, in addition to imposing any sentence on the prisoner for those offences, impose an enhanced sentence under subsection (1) for each of those offences. The aggregate length of all the enhanced sentences imposed under subsection (1) for each of those offences must not exceed the remaining duration of the release order, as determined based on the date of commission of the earliest offence. A term of imprisonment imposed on any prisoner as an enhanced sentence must run consecutively to all other terms of imprisonment or sentences for public protection imposed on the prisoner. The new section also sets out the factors which the court is to consider in deciding the length of the enhanced sentence. The new section 50ZN of the Prisons Act 1933 further provides for when a prisoner becomes eligible again to be released on a release order when the prisoner has been sentenced for committing any offence or offences while an earlier release order against the prisoner was in effect.

The new section 50ZO of the Prisons Act 1933 provides for the effects on a prisoner's SEPP where a prisoner subject to the SEPP is released on a release order and is sentenced by a court for any offence or offences committed by the prisoner after the prisoner is so released. The effects on the prisoner's SEPP differ depending on the type of sentence imposed by a court for the offence or offences committed by the prisoner when so released.

The new section 50ZP of the Prisons Act 1933 authorises certain police officers to enter and search a place without warrant to arrest a prisoner who has failed to return to prison after being recalled under the new section 50ZK of the Prisons Act 1933, or whose release order has been revoked under the new section 50ZL of the Prisons Act 1933.

Clause 47 also makes certain other amendments to the Prisons Act 1933. A new section 81B is inserted in that Act to empower prison officers to arrest, without

warrant, persons who are unlawfully at large under certain written laws. Section 84 of the Prisons Act 1933 is also amended to empower the Minister to make regulations in certain matters relating to a sentence of reformatory training, corrective training, preventive detention, an SPP and an SEPP, as well as caning.

Clause 48 contains saving and transitional provisions.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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