



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

BILLS SUPPLEMENT

Published by Authority

NO. 15]

TUESDAY, OCTOBER 14

[2025

First published in the *Government Gazette*, Electronic Edition, on 14 October 2025 at 5 pm.

Notification No. B 15 — The Criminal Law (Miscellaneous Amendments) Bill is published for general information. It was introduced in Parliament on 14 October 2025.

Criminal Law (Miscellaneous Amendments) Bill

Bill No. 15/2025.

Read the first time on 14 October 2025.

A BILL

i n t i t u l e d

An Act to amend various Acts to provide for the punishment of caning for certain offences relating to scams, to create certain new offences, to increase the penalties for certain offences, to remove caning or mandatory caning for certain offences, to prescribe court procedures for certain young persons who commit offences, and to provide for other criminal law matters and related matters.

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 Law (Miscellaneous Amendments) Act 2025 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

PART 1

AMENDMENT OF CASINO CONTROL ACT 2006

Amendment of section 116

2. In the Casino Control Act 2006, in section 116(9), replace “\$1,000” with “\$1,500”.

PART 2

AMENDMENT OF CHILDREN AND YOUNG PERSONS ACT 1993

Amendment of section 39

3. In the Children and Young Persons Act 1993, in section 39, after subsection (2D) (as inserted by section 4(1)(a) of the Statutes (Miscellaneous Amendments) Act 2022), insert —

“(2E) If a child or young person is charged with offence *A* (not being an offence triable only by the General Division of the High Court) that may be tried together with offence *B*, and offence *B* is to be tried by the General Division of the High Court under subsection (2), then offence *A* may be heard and tried by the General Division of the High Court.

(2F) If a young person of 16 years of age or older but below 18 years of age is charged with offence *A* that may be tried together with offence *B*, and offence *B* is to be tried by a court of appropriate jurisdiction other than the Youth Court under subsection (2A), then offence *A* may be heard and tried in that other court of appropriate jurisdiction.”.

Amendment of section 42

4. In the Children and Young Persons Act 1993, in section 42 —

(a) in subsection (2), after “person”, insert “of 14 years of age or older but below 16 years of age”;

(b) after subsection (2), insert —

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“(2A) A young person of 16 years of age or older but below 18 years of age must not be ordered to be imprisoned for any offence, or be committed to prison in default of a fine, damages or costs, unless —

(a) the person is certified by the court to be of so unruly a character that the person cannot be detained in a place of detention or juvenile rehabilitation centre; 10

(b) the person is convicted of the offence (being an offence triable only by the General Division of the High Court) by the General Division of the High Court; 15

(c) the person —

(i) is convicted of the offence (not being an offence triable only by the General Division of the High Court) by the General Division of the High Court; 20

(ii) was charged and tried together with another offence that is triable only in the General Division of the High Court; and 25

(iii) is convicted of that other offence;

(d) the person is convicted of the offence by a court other than the Youth Court, and the offence is a relevant offence mentioned in section 39(2A); or 30

(e) the person —

(i) is convicted of the offence by a court other than the Youth Court;

(ii) was charged and tried for the offence together with a relevant offence mentioned in section 39(2A); and

(iii) is convicted of that relevant offence.”;

(c) in subsection (3), after “person”, insert “of 14 years of age or older but below 16 years of age”; and

(d) after subsection (3), insert —

“(4) Despite the provisions of any other written law, no young person of 16 years of age or older but below 18 years of age may be sentenced to corporal punishment for any offence by any court, unless —

(a) the person is convicted of the offence by the General Division of the High Court;

(b) the person is convicted of the offence by a court other than the Youth Court, and the offence is a relevant offence mentioned in section 39(2A); or

(c) the person —

(i) is convicted of the offence by a court other than the Youth Court;

(ii) was charged and tried for the offence together with a relevant offence mentioned in section 39(2A); and

(iii) is convicted of that relevant offence.”.

Amendment of section 49

5. In the Children and Young Persons Act 1993, in section 49(1), replace paragraph (k) with —

“(k) to deal with the offender, or order the offender to be brought before a District Court to be dealt with, under section 305 of the Criminal Procedure Code 2010 if —

(i) on the day on which the offender is found guilty of an offence — 5

(A) the offender has attained 18 years of age;

(B) the offender —

(BA) has attained 14 years of age but is below 18 years of age; 10

(BB) has previously been dealt with by a court in connection with another offence; and

(BC) had, in respect of that other offence, been ordered under paragraph (i) to be sent to a juvenile rehabilitation centre established under section 90; or 15

(C) the offender —

(CA) has attained 14 years of age but is below 18 years of age; and 20

(CB) is, in the opinion of the Youth Court, of so unruly a character that the offender cannot be safely detained in a juvenile rehabilitation centre or a place of detention; and 25

(ii) the Youth Court is satisfied that, having regard to the offender’s character, previous conduct and the circumstances of the offence, to reform the offender and prevent crime, the offender should undergo a period of training in a reformatory training centre.”. 30

PART 3

PROVISIONS RELATED TO CHILDREN AND
YOUNG PERSONS (AMENDMENT) ACT 2019**Deletion of provisions of Children and Young Persons
(Amendment) Act 2019**

6. In the Children and Young Persons (Amendment) Act 2019 —

(a) in section 32, delete paragraph (a); and

(b) in section 59, delete paragraph (b).

**Deletion of provision of Statutes (Miscellaneous Amendments)
Act 2022**

7. In the Statutes (Miscellaneous Amendments) Act 2022, in section 4(1), delete paragraph (c).

**Transitional provision for section 2(2)(b) of Children and
Young Persons (Amendment) Act 2019**

8.—(1) A District Court or Magistrate's Court before which a person is charged with an offence (other than an offence specified in the Second Schedule to the Children and Young Persons Act 1993) may remit the case to the Youth Court if —

(a) the person is 16 years of age or older but below 18 years of age;

(b) the person was charged with the offence before the date of commencement of section 2(2)(b) of the Children and Young Persons (Amendment) Act 2019;

(c) the person has not pleaded guilty to the offence; and

(d) the trial against the person for the offence has not commenced.

(2) To avoid doubt, subsection (1) does not affect the powers of the District Court or Magistrate's Court under section 39(4) of the Children and Young Persons Act 1993.

PART 4

AMENDMENT OF COMPUTER MISUSE ACT 1993

Amendment of section 2

9. In the Computer Misuse Act 1993, in section 2(1) —

(a) in the definitions of “national digital identity service” and “user”, replace “Schedule” with “First Schedule”; and 5

(b) after the definition of “program or computer program”, insert —

““scam offence” means any offence specified in the Second Schedule;”. 10

Amendment of section 8A

10. In the Computer Misuse Act 1993, in section 8A —

(a) in subsection (1), replace “and shall be liable” with “and, subject to subsection (5), shall be liable”; and

(b) after subsection (4), insert — 15

“(5) Where an individual is convicted of an offence under subsection (1), the individual shall, in addition to the punishment under that subsection, be liable to caning of not more than 12 strokes —

(a) if the individual knew that the purpose of the disclosure or provision was for any person to commit, or to facilitate the commission by any person of, any scam offence; or 20

(b) if — 25

(i) it is proved, to the satisfaction of the court, that the password, access code, or means of securing access, was used to commit, or to facilitate the commission of, a scam offence; and 30

(ii) the individual is not able to prove, to the satisfaction of the court, that he or she had, at any time, taken reasonable steps to ensure that the password, access code or means of securing access, would not be used to commit, or to facilitate the commission of, a scam offence.

(6) For the purposes of subsection (5)(a), it is not necessary for the prosecution to prove that the commission, or facilitation of the commission, of a scam offence was carried out.

(7) For the purposes of subsection (5)(b)(i), it is not necessary for the prosecution to prove that any person was convicted of the scam offence.”.

Amendment of section 8B

11. In the Computer Misuse Act 1993, in section 8B —

(a) in subsection (5), replace “A” with “Subject to subsections (5A) and (5B), a”;

(b) after subsection (5), insert —

“(5A) Where an individual is convicted of an offence under subsection (1)(a), the individual shall, in addition to the punishment under subsection (5), be liable to caning of not more than 12 strokes if the individual obtained or retained the credential —

(a) for use in committing, or in facilitating the commission of, any scam offence; or

(b) for the supply or transmission of, or making available, by any means, the credential to be used in committing, or in facilitating the commission of, any scam offence.

(5B) Where an individual is convicted of an offence under subsection (1)(b), the individual shall, in

addition to the punishment under subsection (5), be liable to caning of not more than 12 strokes —

(a) if the individual knew that the credential will be used to commit, or facilitate the commission of, any scam offence; or

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(b) if —

(i) it is proved, to the satisfaction of the court, that the credential was used to commit, or to facilitate the commission of, a scam offence; and

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(ii) the individual is not able to prove, to the satisfaction of the court, that he or she had, at any time, taken reasonable steps to ensure that the credential would not be used to commit, or to facilitate the commission of, a scam offence.

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(5C) For the purposes of subsections (5A)(a) and (b) and (5B)(a), it is not necessary for the prosecution to prove that the credential was used to commit, or to facilitate the commission of, a scam offence.

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(5D) For the purposes of subsection (5B)(b)(i), it is not necessary for the prosecution to prove that any person was convicted of the scam offence.”; and

(c) in subsection (6)(a), replace “Schedule” with “First Schedule”.

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Amendment of section 20

12. In the Computer Misuse Act 1993, in section 20 —

(a) in the section heading, replace “**Schedule**” with “**Schedules**”; and

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(b) replace “Schedule” with “First and Second Schedules”.

Renaming of Schedule

13. In the Computer Misuse Act 1993, rename the Schedule as the First Schedule.

New Second Schedule

5 **14.** In the Computer Misuse Act 1993, after the First Schedule (as renamed by section 13), insert —

“SECOND SCHEDULE

Sections 2(1) and 20

SCAM OFFENCES

- 10 1. An offence under section 420(2) of the Penal Code 1871.
2. An abetment of, or a conspiracy or an attempt to commit, an offence mentioned in item 1.”.

PART 5

AMENDMENT OF CORROSIVE AND EXPLOSIVE 15 SUBSTANCES AND OFFENSIVE WEAPONS ACT 1958

Amendment of section 3

15. In the Corrosive and Explosive Substances and Offensive Weapons Act 1958, in section 3, replace “punished with caning with not less than 6 strokes” with “liable to caning”.

20 Amendment of section 6

16. In the Corrosive and Explosive Substances and Offensive Weapons Act 1958, in section 6(1), replace “punished with caning with not less than 6 strokes” with “liable to caning”.

Amendment of section 7

25 **17.** In the Corrosive and Explosive Substances and Offensive Weapons Act 1958, in section 7(1), replace “punished with caning with not less than 6 strokes” wherever it appears with “liable to caning”.

PART 6

AMENDMENT OF CORRUPTION,
DRUG TRAFFICKING AND OTHER SERIOUS CRIMES
(CONFISCATION OF BENEFITS) ACT 1992

Amendment of section 2

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18. In the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, in section 2(1), after the definition of “serious offence”, insert —

““serious scam offence” means —

- (a) any of the offences specified in the Fourth Schedule; 10
- (b) conspiracy to commit any of those offences;
- (c) inciting others to commit any of those offences;
- (d) attempting to commit any of those offences; or
- (e) aiding, abetting, counselling or procuring the commission of any of those offences;”. 15

Amendment of section 51

19. In the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, in section 51 —

- (a) in subsection (5), replace “Any” with “Subject to subsections (8) and (9), any”; and 20

- (b) after subsection (7), insert —

“(8) Where an individual is convicted of an offence under subsection (1)(a), the individual shall, in addition to the punishment under subsection (5), be liable to caning of not more than 12 strokes if — 25

- (a) it is proved, to the satisfaction of the court, that the retention or control by or on behalf of another person (*A*) of *A*’s benefits from a serious scam offence was facilitated by the arrangement mentioned in subsection (1); and 30

(b) the individual is not able to prove, to the satisfaction of the court, that he or she had taken reasonable steps to ensure that the retention or control of *A*'s benefits from a serious scam offence would not be facilitated by the arrangement.

(9) Where an individual is convicted of an offence under subsection (1)(b), the individual shall, in addition to the punishment under subsection (5), be liable to caning of not more than 12 strokes if —

(a) it is proved, to the satisfaction of the court, that by the arrangement mentioned in subsection (1), another person's (*A*) benefits from a serious scam offence —

(i) were used to secure funds that are placed at *A*'s disposal; or

(ii) were used for *A*'s benefit to acquire property; and

(b) the individual is not able to prove, to the satisfaction of the court, that he or she had taken reasonable steps to ensure that *A*'s benefits from a serious scam offence would not, by the arrangement, be used to secure funds that are placed at *A*'s disposal or for *A*'s benefit to acquire property (as the case may be).

(10) For the purposes of subsections (8)(a) and (9)(a), it is not necessary for the prosecution to prove that any person was convicted of the serious scam offence.”.

Amendment of section 54

20. In the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, in section 54 —

(a) in subsection (5), replace “Any” with “Subject to subsection (8), any”; and

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(b) after subsection (7), insert —

“(8) Where an individual is convicted of an offence under subsection (1), (2) or (3), the individual shall, in addition to the punishment under subsection (5), be liable to caning of not more than 12 strokes if —

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(a) it is proved, to the satisfaction of the court, that the property mentioned in subsection (1), (2) or (3) (as the case may be) is, or represents (in whole or in part, directly or indirectly), a person’s benefits from a serious scam offence; and

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(b) for an individual who is a person mentioned in subsection (2) or (3), the individual is not able to prove, to the satisfaction of the court, that he or she had taken reasonable steps to ensure that the property is not, and does not represent (in whole or in part, directly or indirectly), any person’s benefits from a serious scam offence.

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(9) For the purposes of subsection (8)(a), it is not necessary for the prosecution to prove that any person was convicted of the serious scam offence.”.

Amendment of section 84

21. In the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, in section 84, replace “and Third Schedules” with “, Third and Fourth Schedules”.

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New Fourth Schedule

22. In the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, after the Third Schedule, insert —

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“FOURTH SCHEDULE

Sections 2(1) and 84

SERIOUS SCAM OFFENCES

1. An offence under section 420(2) of the Penal Code 1871.”.

PART 7

10

AMENDMENT OF CRIMINAL PROCEDURE CODE 2010

Amendment of section 305

23. In the Criminal Procedure Code 2010, in section 305, replace subsection (1) with —

“(1) If —

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(a) a person —

- (i) is convicted by a court of an offence punishable with imprisonment; and
- (ii) is, on the day of his or her conviction, of or above 18 years of age but below 21 years of age;

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(b) a person —

- (i) is convicted by a court other than the Youth Court of an offence punishable with imprisonment;

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- (ii) is a person mentioned in section 42(2A)(b), (c), (d) or (e) of the Children and Young Persons Act 1993; and

- (iii) is, on the day of his or her conviction, of or above 16 years of age but below 18 years of age;

(c) a person —

- (i) is convicted by a court of an offence punishable with imprisonment;
- (ii) is, on the day of his or her conviction, of or above 14 years of age but below 18 years of age; 5
- (iii) has, before that conviction, been dealt with by a court in connection with another offence; and
- (iv) had, for that offence mentioned in sub-paragraph (iii), been ordered to be sent to a juvenile rehabilitation centre established under section 90 of the Children and Young Persons Act 1993; or 10

(d) a person —

- (i) is convicted by a court of an offence punishable with imprisonment; 15
- (ii) is, on the day of his or her conviction, of or above 14 years of age but below 18 years of age; and
- (iii) is, in the opinion of the court, a person of so unruly a character that he or she cannot be safely detained in a juvenile rehabilitation centre or a place of detention, 20

the court may impose a sentence of reformatory training in lieu of any other sentence if the court is satisfied, having regard to the person's character, previous conduct and the circumstances of the offence, that to reform the person and to prevent crime, the person should undergo a period of training in a reformatory training centre.”. 25

Amendment of First Schedule

24. In the Criminal Procedure Code 2010, in the First Schedule —

(a) in the item relating to section 195 of the Penal Code 1871, in the sixth column, after “offence”, insert “, but not caning”;

(b) replace the item relating to section 292(1A) of the Penal Code 1871 with —

“

292(1A)	Sale, etc., by electronic means of obscene objects to 10 or more individuals	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
292(1B)	Sale, etc., of obscene objects depicting minor below 18 years of age in case mentioned in section 292(1A)	May arrest without warrant	Warrant	Bailable	Imprisonment for 4 years, and fine	Magistrate's Court or District Court
292(1B)	Sale, etc., of obscene objects depicting minor below 18 years of age in any other case	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
292(1C)	Sale, etc., by electronic means, on 2 or more occasions, of obscene objects depicting minor below 18 years of age to total number of 10 or more individuals	May arrest without warrant	Warrant	Bailable	Imprisonment for 4 years, and fine	Magistrate's Court or District Court
292(1C)	Sale, etc., by electronic means, on 2 or more occasions, of obscene objects to total number of 10 or more individuals in any other case	May arrest without warrant	Warrant	Bailable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

”

(c) after the item relating to section 292A of the Penal Code 1871, insert —

“

292B(1)	Obscene object on online location	May arrest without warrant	Warrant	Bailable	Imprisonment for 5 years, and fine	Magistrate's Court or District Court
292B(2)	Obscene object depicting minor below 18 years of age on online location	May arrest without warrant	Warrant	Bailable	Imprisonment for 7 years, and fine	Magistrate's Court or District Court

”

- (d) in the item relating to section 304B of the Penal Code 1871, in the sixth column, replace “20 years” with “life, or imprisonment for 30 years”;
- (e) in the item relating to section 304C of the Penal Code 1871, in the sixth column, replace “20 years” with “life, or imprisonment for 30 years”;
- (f) in the item relating to section 376E(4)(a) of the Penal Code 1871, in the sixth column, replace “4 years” with “7 years”;
- (g) in the item relating to section 376E(4)(b) of the Penal Code 1871, in the sixth column, replace “3 years” with “5 years”;
- (h) in the item relating to section 376EA(4) of the Penal Code 1871, in the sixth column, replace “3 years” with “5 years”;
- (i) after the item relating to section 377BD(3) of the Penal Code 1871, insert —
- | | | | | | | |
|----------|---|----------------------------|---------|--------------|---|--------------------------------------|
| 377BD(6) | Producing intimate image or recording | May arrest without warrant | Warrant | Not bailable | Imprisonment for 2 years, or fine, or both | Magistrate’s Court or District Court |
| 377BD(7) | If committed against any person below 14 years of age | May arrest without warrant | Warrant | Not bailable | Imprisonment for 2 years, and fine, or caning | Magistrate’s Court or District Court |
- ”; and
- (j) in the item relating to section 401 of the Penal Code 1871, in the sixth column, delete “, and caning”.

PART 8

AMENDMENT OF MISCELLANEOUS OFFENCES
(PUBLIC ORDER AND NUISANCE) ACT 1906**New section 14E**

5 **25.** In the Miscellaneous Offences (Public Order and Nuisance)
Act 1906, after section 14D, insert —

**“Publication of identity information and accompanying
false statement of fact in relation to public servant**

10 **14E.**—(1) Any person who, by any means, publishes any
identity information of a public servant or a related person of a
public servant, accompanied by a false statement of fact relating
to the public servant that the person knows or has reason to
believe is false —

15 (a) with intent to prevent or deter the public servant from
discharging his or her duty; or

 (b) in consequence of anything done or attempted to be
done by the public servant in the lawful discharge of
his or her duty,

20 shall be guilty of an offence and shall be liable on conviction to a
fine not exceeding \$10,000 or to imprisonment for a term not
exceeding 3 years or to both.

 (2) In this section —

25 (a) a statement of fact is a statement which a reasonable
person seeing, hearing or otherwise perceiving it
would consider to be a representation of fact; and

 (b) a statement is false if it is false or misleading, whether
wholly or in part, and whether on its own or in the
context in which it appears.

(3) In this section —

“identity information” has the meaning given by section 2(1) of the Protection from Harassment Act 2014;

“public servant” has the meaning given by section 21 of the Penal Code 1871, and includes any person who, by virtue of any other written law, is deemed to be a public servant for the purposes of the Penal Code 1871;

“publish”, in relation to a communication or statement, means to make the communication or statement available in any form such that the communication or statement is or can be heard, seen or otherwise perceived by the public in Singapore or a member of the public in Singapore, and includes cause to be published;

“related person”, in relation to a person, means another person about whose safety or wellbeing the firstmentioned person would reasonably be expected to be seriously concerned.”.

Replacement of section 37

26. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, replace section 37 with —

“Melting or defacing metals, etc., within 5 days of receipt

37.—(1) A relevant person who —

(a) melts, alters, defaces, puts away, disposes of or sells any goods, metals or articles; or

(b) causes any goods, metals or articles to be melted, altered, defaced, put away, disposed of or sold,

shall be guilty of an offence if —

(c) the act mentioned in paragraph (a) or (b) was done —

(i) within 5 days of receipt of the goods, metals or articles from any person other than another relevant person; or

(ii) after receiving information from a police officer that the goods, metals or articles had been stolen or fraudulently obtained;

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(d) the act mentioned in paragraph (a) or (b) was done without the previous permission of the Director, Criminal Investigation Department; and

(e) the goods, metals or articles were in fact stolen or fraudulently obtained.

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(2) A relevant person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) In this section —

“articles” means platinum, gold or silver articles;

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“metals” means platinum, gold or silver;

“relevant person” means —

(a) any pawnbroker or any dealer in secondhand goods;

(b) any worker in platinum, gold or silver; or

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(c) any dealer in platinum, gold or silver articles.”.

Deletion of section 38

27. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, delete section 38.

Amendment of section 39

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28. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, in section 39 —

(a) replace “sections 37 and 38” with “section 37”; and

(b) replace “person’s business on the premises in respect of which the worker or dealer is registered under section 38” with “worker’s or dealer’s business”.

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Amendment of section 39A

29. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, in section 39A(1), after the definition of “retailer”, insert —

““scam offence” means any offence specified in the Schedule;”.

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Amendment of section 39B

30. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, in section 39B —

(a) in subsection (4), replace “A” with “Subject to subsection (5), a”; and

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(b) after subsection (4), insert —

“(5) Where an individual is convicted of an offence under subsection (1) involving the fault element mentioned in subsection (1)(b)(i), the individual shall, in addition to the punishment under subsection (4)(a), be liable to caning of not more than 12 strokes —

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(a) if the individual knew that the provision or offer of the SIM card was for any person to commit, or to facilitate the commission by any person of, any scam offence; or

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(b) if —

(i) it is proved, to the satisfaction of the court, that the SIM card was used to commit, or to facilitate the commission of, a scam offence; and

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(ii) the individual is not able to prove, to the satisfaction of the court, that he or she had, at any time, taken reasonable steps to ensure that the SIM card would not be used to commit, or to facilitate the commission of, a scam offence.

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(6) For the purposes of subsection (5)(a), it is not necessary for the prosecution to prove that the commission, or facilitation of the commission, of a scam offence was carried out.

5 (7) For the purposes of subsection (5)(b)(i), it is not necessary for the prosecution to prove that any person was convicted of the scam offence.”.

Amendment of section 39C

10 **31.** In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, in section 39C —

(a) in subsection (4), replace “A” with “Subject to subsection (5), a”; and

(b) after subsection (4), insert —

15 “(5) Where an individual is convicted of an offence under subsection (1) involving the fault element mentioned in subsection (1)(b)(ii)(A), the individual shall, in addition to the punishment under subsection (4)(a), be liable to caning of not more than 12 strokes —

20 (a) if the individual knew that the personal information will be used to register a SIM card that will be used to commit, or to facilitate the commission by any person of, any scam offence; or

25 (b) if —

(i) it is proved, to the satisfaction of the court, that a SIM card registered using the personal information was used to commit, or to facilitate the commission of, a scam offence; and

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(ii) the individual is not able to prove, to the satisfaction of the court, that he or she had, at any time, taken reasonable steps to ensure that, the SIM card

would not be used to commit, or to facilitate the commission of, a scam offence.

(6) For the purposes of subsection (5)(a), it is not necessary for the prosecution to prove that the commission, or facilitation of the commission, of a scam offence was carried out.

(7) For the purposes of subsection (5)(b)(i), it is not necessary for the prosecution to prove that any person was convicted of the scam offence.”.

Amendment of section 39D

32. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, in section 39D —

(a) in subsection (9), replace “A” with “Subject to subsections (10) and (11), a”; and

(b) after subsection (9), insert —

“(10) Where an individual is convicted of an offence under subsection (1) involving the fault element mentioned in subsection (1)(b)(i), the individual shall, in addition to the punishment under subsection (9)(a), be liable to caning of not more than 12 strokes —

(a) if the individual intended to use the SIM card or to supply the SIM card to any other person, to commit, or to facilitate the commission by any person of, any scam offence; or

(b) if —

(i) it is proved, to the satisfaction of the court, that the SIM card was used, or was supplied to another person, to commit, or to facilitate the commission of, a scam offence; and

- (ii) the individual is not able to prove, to the satisfaction of the court, that he or she had, at any time, taken reasonable steps to ensure that, the SIM card would not be used to commit, or to facilitate the commission of, a scam offence.

(11) Where an individual is convicted of an offence under subsection (2) involving the fault element mentioned in subsection (2)(b)(i), the individual shall, in addition to the punishment under subsection (9)(a), be liable to caning of not more than 12 strokes —

- (a) if the individual knew that the SIM card will be used to commit, or to facilitate the commission by any person of, any scam offence; or

(b) if —

- (i) it is proved, to the satisfaction of the court, that the SIM card was used to commit, or to facilitate the commission of, a scam offence; and

- (ii) the individual is not able to prove, to the satisfaction of the court, that he or she had, at any time, taken reasonable steps to ensure that the SIM card would not be used to commit, or to facilitate the commission of, a scam offence.

(12) For the purposes of subsections (10)(a) and (11)(a), it is not necessary for the prosecution to prove that the commission, or facilitation of the commission, of a scam offence was carried out.

(13) For the purposes of subsections (10)(b)(i) and (11)(b)(i), it is not necessary for the prosecution to

prove that any person was convicted of the scam offence.”.

Amendment of section 39F

33. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, in section 39F —

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(a) in subsection (6), replace “A” with “Subject to subsection (7), a”; and

(b) after subsection (6), insert —

“(7) Where an individual is convicted of an offence under subsection (1) involving the fault element mentioned in subsection (1)(b)(i), the individual shall, in addition to the punishment under subsection (6)(a), be liable to caning of not more than 12 strokes —

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(a) if the individual intended to use the SIM card, or to supply the SIM card to any other person, to commit, or to facilitate the commission by any person of, any scam offence; or

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(b) if —

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(i) it is proved, to the satisfaction of the court, that the SIM card was used, or was supplied to another person, to commit, or to facilitate the commission of, a scam offence; and

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(ii) the individual is not able to prove, to the satisfaction of the court, that he or she had, at any time, taken reasonable steps to ensure that the SIM card would not be used to commit, or to facilitate the commission of, a scam offence.

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(8) For the purposes of subsection (7)(a), it is not necessary for the prosecution to prove that the commission, or facilitation of the commission, of a scam offence was carried out.

(9) For the purposes of subsection (7)(b), it is not necessary for the prosecution to prove that any person was convicted of the scam offence.”.

Amendment of section 39G

34. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, in section 39G —

(a) in subsection (2), replace “A” with “Subject to subsection (3), a”; and

(b) replace subsection (3) with —

“(3) Where an individual is convicted of an offence under subsection (1) involving the fault element mentioned in subsection (1)(c)(i)(A), the individual shall, in addition to the punishment under subsection (2)(a), be liable to caning of not more than 12 strokes —

(a) if the individual knew that the SIM card will be used to commit, or to facilitate the commission by any person of, any scam offence; or

(b) if —

(i) it is proved, to the satisfaction of the court, that the SIM card was used to commit, or to facilitate the commission of, a scam offence; and

(ii) the individual is not able to prove, to the satisfaction of the court, that he or she had, at any time, taken reasonable steps to ensure that the SIM card would not be used to commit, or to

facilitate the commission of, a scam offence.

(4) For the purposes of subsection (3)(a), it is not necessary for the prosecution to prove that the commission, or facilitation of the commission, of a scam offence was carried out.

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(5) For the purposes of subsection (3)(b)(i), it is not necessary for the prosecution to prove that any person was convicted of the scam offence.

(6) For the purposes of this section, a reference to a retailer or telecommunication licensee includes a reference to an employee of the retailer or telecommunication licensee (as the case may be) acting in the course of the employee's employment."

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New section 42 and new Schedule

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35. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, after section 41, insert —

“Amendment of Schedule

42. The Minister may, by order in the *Gazette*, amend the Schedule.

20

THE SCHEDULE

Sections 39A(1) and 42

SCAM OFFENCES

1. An offence under section 420(2) of the Penal Code 1871.
2. An abetment of, or a conspiracy or an attempt to commit, an offence mentioned in item 1."

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PART 9

AMENDMENT OF ORGANISED CRIME ACT 2015

Amendment of section 2

36. In the Organised Crime Act 2015, in section 2(1) —

(a) after the definition of “locally-linked organised criminal group”, insert —

““locally-linked organised criminal scam group” means a group that has as its only purpose, or one of its purposes, the obtaining of a financial or other material benefit from the commission by, or the facilitation of the commission by, any person (whether or not the person is a member of the group) of any serious scam offence;”;

(b) after the definition of “organised criminal group”, insert —

““organised criminal scam group” means a group that has as its only purpose, or one of its purposes, the obtaining of a financial or other material benefit from the commission by, or the facilitation of the commission by, any person (whether or not the person is a member of the group) of —

(a) any serious scam offence; or

(b) any act outside Singapore that, if the act occurred in Singapore, would constitute a serious scam offence;”;
and

(c) replace the definition of “serious offence” with —

““serious offence” means any offence specified in Part 1 of the Schedule;

“serious scam offence” means any offence specified in Part 2 of the Schedule.”.

Amendment of section 5

37. In the Organised Crime Act 2015, in section 5 —

(a) after subsection (1), insert —

“(1A) Any person who is or acts as a member of a group, knowing that the group is a locally-linked organised criminal scam group, commits an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both, and shall also be punished with caning with not less than 6 strokes.”; and

(b) in subsection (2), replace “subsection (1)” with “subsection (1) or (1A)”.

Amendment of section 6

38. In the Organised Crime Act 2015, in section 6, replace subsections (5) and (6) with —

“(5) A person in Singapore commits an offence if the person —

(a) incites, induces or invites another person (whether within or outside Singapore); or

(b) uses any violence, threat or intimidation towards any other person (whether within or outside Singapore) in order to incite, induce or invite that other person,

to become a member of, or to assist in the management of, a group, knowing that the group is an organised criminal scam group.

(6) A person outside Singapore commits an offence if the person —

(a) incites, induces or invites another person (whether within or outside Singapore); or

(b) uses any violence, threat or intimidation towards any other person (whether within or outside Singapore) in order to incite, induce or invite that other person,

to become a member of, or to assist in the management of, a group, knowing that the group is a locally-linked organised criminal scam group.

(7) Subject to subsection (8), a person who commits an offence under subsection (5) or (6) shall be liable on conviction —

(a) in the case of an individual, to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both, and shall also be punished with caning with not less than 6 strokes; or

(b) in any other case, to a fine not exceeding \$500,000.

(8) If a person (*A*) commits an offence under subsection (5) or (6) and it is proved that *A* knows or has reasonable grounds to believe that the other person mentioned in subsection (5) or (6) (as the case may be) was, at the time of the offence, a vulnerable person or below 21 years of age, *A* shall be liable on conviction —

(a) in the case of an individual, to a fine not exceeding \$350,000 or to imprisonment for a term not exceeding 7 years or to both, and shall also be punished with caning with not less than 6 strokes; or

(b) in any other case, to a fine not exceeding \$700,000.

(9) For the purposes of subsections (4) and (8), if it is proved that the other person mentioned in subsection (1), (2), (5) or (6) (as the case may be) was at the time of the offence, a vulnerable person or below 21 years of age, *A* is presumed, unless otherwise proven, to know or to have reasonable grounds to believe that that other person was, at the time of the offence, a vulnerable person or below 21 years of age (as the case may be).

(10) In this section, “vulnerable person” means any person who suffers from an impairment of, or a disturbance in the

functioning of, the mind or brain resulting from any disability or disorder of the mind or brain which impairs the person's ability to make a proper judgment in relation to whether or not to become a member of, or to assist in the management of, a locally-linked organised criminal group, locally-linked organised criminal scam group, organised criminal group or organised criminal scam group.”. 5

Amendment of Schedule

39. In the Organised Crime Act 2015, in the Schedule —

(a) replace the Schedule heading with — 10

“PART 1

SERIOUS OFFENCES”; and

(b) after item 199, insert —

“PART 2

SERIOUS SCAM OFFENCES 15

1. An offence under section 420(2) of the Penal Code 1871.”.

PART 10

AMENDMENT OF PENAL CODE 1871

Amendment of section 130B

40. In the Penal Code 1871, in section 130B(2), replace “with caning with not less than 12 strokes” with “shall be liable to caning”. 20

Amendment of section 195

41. In the Penal Code 1871, in section 195 —

(a) in subsection (1), after “to be punished”, insert “, except that he shall not be punished with caning”; and 25

(b) in the *Illustration*, replace “with caning” with “but is not liable to caning”.

Amendment of section 292

42. In the Penal Code 1871, in section 292 —

(a) in the section heading, replace “**books**” with “**objects**”;

(b) replace subsection (1) with —

5 “(1) Whoever —

(a) sells, lets to hire, distributes, publicly exhibits or puts into circulation any obscene object by any means (electronic or otherwise);

10 (b) makes, produces or has in his possession any obscene object for the purposes of sale, hire, distribution, public exhibition or circulation of such object by any means (electronic or otherwise);

15 (c) imports, exports or conveys any obscene object —

(i) for the purposes of sale, hire, distribution, public exhibition or circulation of such object by any means (electronic or otherwise); or

20 (ii) knowing or having reason to believe that such object will be sold, let to hire, distributed, publicly exhibited or put into circulation by any means (electronic or otherwise);

25 (d) takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any obscene object is —

30 (i) made, produced, purchased, kept, imported, exported or conveyed for the purposes of sale, hire, distribution, public exhibition or

circulation of such object by any means (electronic or otherwise); or

(ii) sold, let to hire, distributed, publicly exhibited or put into circulation, by any means (electronic or otherwise);

5

(e) advertises, or makes known by any means whatsoever, that any person is engaged or is ready to engage in any act which is an offence under this section, or that any obscene object can be procured from or through any person; or

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(f) offers or attempts to do any act which is an offence under this section,

shall be guilty of an offence and shall on conviction be punished with imprisonment for a term which may extend to 3 months, or with fine, or with both.”;

15

(c) replace subsection (1A) with —

“(1A) Subject to subsection (1B)(a), a person who is guilty of an offence under subsection (1) shall, in the following cases be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both:

20

(a) for an offence under subsection (1)(a) — if the person sells, lets to hire, distributes, publicly exhibits or circulates, by electronic means, the obscene object to 10 or more individuals;

25

(b) for an offence under subsection (1)(b) — if the person makes, produces or has in his possession the obscene object for the purposes of sale, hire, distribution, public exhibition or circulation of such object by electronic means, to 10 or more individuals;

30

(c) for an offence under subsection (1)(c)(i) — if the person imports, exports or conveys the obscene object for the purposes of sale, hire, distribution, public exhibition or circulation of such object by electronic means, to 10 or more individuals;

(d) for an offence under subsection (1)(c)(ii) — if the person imports, exports or conveys the obscene object knowing or having reason to believe that such object will be sold, let to hire, distributed, publicly exhibited or circulated, by electronic means, to 10 or more individuals;

(e) for an offence under subsection (1)(d)(i) — if the person takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such obscene object is made, produced, purchased, kept, imported, exported or conveyed, for the purposes of sale, hire, distribution, public exhibition or circulation of such object by electronic means, to 10 or more individuals;

(f) for an offence under subsection (1)(d)(ii) — if the person takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such obscene object is sold, let to hire, distributed, publicly exhibited or put into circulation, by electronic means, to 10 or more individuals;

(g) for an offence under subsection (1)(e) — if the person advertises, or makes known by any means whatsoever, that —

- (i) any person is engaged or is ready to engage in any act mentioned in paragraph (a), (b), (c), (d), (e) or (f) which is an offence under subsection (1)(a), (b), (c) or (d); or 5
- (ii) any such obscene object can be procured from or through any person for the purposes of sale, hire, distribution, public exhibition or circulation, by electronic means, to 10 or more individuals; 10
- (h) for an offence under subsection (1)(f) — if the person offers or attempts to do any act mentioned in paragraph (a), (b), (c), (d), (e), (f) or (g) which is an offence under subsection (1)(a), (b), (c), (d) or (e). 15

(1B) A person who is guilty of an offence under subsection (1) in the case where the obscene object mentioned in that subsection depicts an image of a person who is, or who appears to a reasonable observer to be, or is implied to be, below 18 years of age — 20

- (a) in the case of any offence under subsection (1)(a), (b), (c), (d), (e) or (f) for any act mentioned in paragraph (a), (b), (c), (d), (e), (f), (g) or (h) of subsection (1A) — shall be punished with imprisonment for a term which may extend to 4 years, and shall also be liable to a fine; or 25
- (b) in any other case — shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both. 30

(1C) Whoever, on 2 or more occasions, sells, lets to hire, distributes, publicly exhibits or puts into circulation, by electronic means, any obscene 35

object, to a total number of 10 or more individuals,
shall be guilty of an offence and on conviction —

(a) if the obscene object depicts an image of a
person who is, or who appears to a
reasonable observer to be, or is implied to
be, below 18 years of age — shall be
punished with imprisonment for a term
which may extend to 4 years, and shall also
be liable to a fine; or

(b) in any other case — shall be punished with
imprisonment for a term which may extend
to 2 years, or with fine, or with both.”;

(d) replace subsection (2) with —

“(2) For the purposes of this section and
sections 292B and 293 —

“object” includes data stored in a computer disc,
or by other electronic means, that is capable
of conversion to images, writing or any other
form of representation;

“obscene object” means any obscene book,
pamphlet, paper, drawing, painting,
representation or figure, or any other
obscene object whatsoever.”;

(e) in subsection (3), replace “this section and section 293”
with “this section and sections 292B and 293”; and

(f) in subsection (3), in the *Exception*, replace “This section
does not” with “This section and section 292B do not”.

New section 292B

43. In the Penal Code 1871, after section 292A, insert —

“Obscene object on online location

292B.—(1) If any obscene object is sold, let for hire,
distributed, publicly exhibited or circulated to 10 or more
individuals on an online location, any person —

(a) who (whether or not the person provides an online service on or through which the online location can be accessed) —

- (i) develops and maintains the online location;
- (ii) organises, manages or supervises the use of the online location;
- (iii) manages or regulates membership of, or access to, the online location; or
- (iv) has the authority to decide whether any material may be included or excluded on the online location, or where to place the material on the online location or otherwise exercise editorial control over the online location; and

(b) who, in doing the act mentioned in paragraph (a), intended that the online location be used to enable or facilitate the sale, hire, distribution, public exhibition or circulation of obscene objects generally,

shall be guilty of an offence and shall be punished with imprisonment for a term which may extend to 5 years, and shall also be liable to fine.

(2) A person who is guilty of an offence under subsection (1) in the case where the obscene object mentioned in that subsection depicts an image of a person who is, or who appears to a reasonable observer to be, or who is implied to be, below 18 years of age shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

(3) In this section —

“online location” means any internet domain, website, webpage, chatroom, channel, group, forum or any other location, that can be accessed by means of the Internet;

“online service” means the whole or any part of any service on or through which online activity can be conducted and which can be accessed by means of the Internet.”.

Amendment of section 293

44. In the Penal Code 1871, in section 293, replace “such obscene object as is referred to in section 292” with “obscene object as defined in section 292(2)”.

Amendment of section 304B

45. In the Penal Code 1871, in section 304B, replace subsection (1) with —

“(1) A relevant person who causes the death of any child, domestic worker or vulnerable person by sustained abuse shall be punished with —

(a) imprisonment for life and shall also be liable to caning; or

(b) imprisonment for a term which may extend to 30 years, and shall also be liable to fine or to caning.”.

Amendment of section 304C

46. In the Penal Code 1871, in section 304C, replace subsection (4) with —

“(4) Any person who is guilty of an offence under this section shall be punished with —

(a) imprisonment for life and shall also be liable to caning; or

(b) imprisonment for a term which may extend to 30 years, and shall also be liable to fine or to caning.”.

Amendment of section 376E

47. In the Penal Code 1871, in section 376E —

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

“(a) any of the following acts takes place:

(i) *A* intentionally meets *B* in Singapore;

(ii) *A* travels in Singapore with the intention of meeting *B* in Singapore;

- (iii) *A* travels from a location in Singapore with the intention of meeting *B* outside Singapore;
 - (iv) *B* travels in Singapore to attend a meeting with *A* in Singapore which *A* has either initiated or agreed to whether expressly or by implication; 5
 - (v) *B* travels from a location in Singapore to attend a meeting with *A* outside Singapore which *A* has either initiated or agreed to whether expressly or by implication; and”; 10
- (b) in subsection (1)(b), replace sub-paragraph (i) with —
- “(i) *A* intends, during or after the meeting — 15
 - (A) to do (in Singapore) anything to or in respect of *B* which will involve the commission by *A* of a relevant offence; or
 - (B) to do (outside Singapore) anything to or in respect of *B* which would, if done in Singapore, involve the commission by *A* of a relevant offence;”; 20 25
- (c) in subsection (4)(a), replace “4 years” with “7 years”; and
- (d) in subsection (4)(b), replace “3 years” with “5 years”.

Amendment of section 376EA

48. In the Penal Code 1871, in section 376EA —

- (a) in subsection (1), replace paragraph (a) with — 30
 - “(a) any of the following acts takes place:
 - (i) *A* intentionally meets *B* in Singapore;

- (ii) *A* travels in Singapore with the intention of meeting *B* in Singapore;
- (iii) *A* travels from a location in Singapore with the intention of meeting *B* outside Singapore;
- (iv) *B* travels in Singapore to attend a meeting with *A* in Singapore which *A* has either initiated or agreed to whether expressly or by implication;
- (v) *B* travels from a location in Singapore to attend a meeting with *A* outside Singapore which *A* has either initiated or agreed to whether expressly or by implication; and”;

(b) in subsection (1)(b), replace sub-paragraph (i) with —

“(i) *A* intends, during or after the meeting —

(A) to do (in Singapore) anything to or in respect of *B* which will involve the commission by *A* of a relevant offence; or

(B) to do (outside Singapore) anything to or in respect of *B* which would, if done in Singapore, involve the commission by *A* of a relevant offence;”;

(c) in subsection (2)(c), replace “section 7 of the Children and Young Persons Act” with “section 8 of the Children and Young Persons Act 1993”; and

(d) in subsection (4), replace “3 years” with “5 years”.

Amendment of section 377BD

49. In the Penal Code 1871, in section 377BD —

(a) in the section heading, after “**recording**”, insert
“**and production of intimate image or recording**”;

(b) in subsection (2), replace “this section” with
“subsection (1)”;

(c) in subsection (3), after “subsection (1)(a)”, insert “or (b)”;
and

(d) after subsection (4), insert —

“(5) Any person who intentionally produces an
intimate image or recording (as defined in
section 377BE(5)) of another person (*B*) —

(a) without the consent of *B*; and

(b) knowing or having reason to believe that
the production of the image or recording
will or is likely to cause humiliation, alarm
or distress to *B*,

shall be guilty of an offence.

(6) Subject to subsection (7), a person who is guilty
of an offence under subsection (5) shall on conviction
be punished with imprisonment for a term which may
extend to 2 years, or with fine, or with both.

(7) If the intimate image or recording mentioned in
subsection (5) is of a person below 14 years of age, a
person who is guilty of an offence under
subsection (5) shall on conviction be punished with
imprisonment for a term which may extend to 2 years,
and shall also be liable to fine or to caning.

(8) For the purposes of subsection (5), the ways in
which material is produced may include —

(a) filming, printing, photographing,
recording, writing, drawing or otherwise
generating material;

- (b) altering or manipulating material; or
- (c) reproducing or copying material.”.

Amendment of section 377BE

50. In the Penal Code 1871, in section 377BE —

- 5 (a) in subsection (5)(b), after “that has been altered”, insert
 “or generated”;
- (b) in subsection (5)(b), after “so altered”, insert
 “or generated”; and
- (c) after subsection (5), insert —
- 10 “(6) For the purposes of subsection (2), it is not
 necessary for the prosecution to prove —
- (a) that the image or recording mentioned in
 the threat exists; or
- (b) if the image or recording mentioned in the
- 15 threat exists, that it is in fact an intimate
 image or recording.”.

Amendment of section 377BM

51. In the Penal Code 1871, in section 377BM(2)(a) and (b), replace “section 377BD(1)(b)” with “section 377BD(1)(b) or (5)”.

Amendment of section 377BN

52. In the Penal Code 1871, in section 377BN —

- 20 (a) in subsection (2)(b), delete “or the abusive material, as the
 case may be,”; and
- (b) in subsection (5), replace “child abuse material” wherever
25 it appears with “child abuse material or abusive material
 (as the case may be)”.

Amendment of section 377C

53. In the Penal Code 1871, in section 377C(1) —

(a) in the definition of “child abuse material”, after “following”, insert “(whether or not any child was involved in the production of the material)”; and

5

(b) replace the second definition of “image” with —

““image”, in relation to a person, means —

(a) an image of a human being who is not fictional or imaginary (whether identifiable or not); or

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(b) an image of a fictional or imaginary human being that so closely resembles an image of a human being who is not fictional or imaginary (whether identifiable or not) as to make it difficult for an ordinary person to distinguish the firstmentioned image from an image of a human being who is not fictional or imaginary;”.

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Amendment of section 382

54. In the Penal Code 1871, in section 382, replace “punished with caning with not less than 3 strokes” with “liable to caning”.

Amendment of section 384

55. In the Penal Code 1871, in section 384, replace “with caning” with “shall also be liable to caning”.

25

Amendment of section 385

56. In the Penal Code 1871, in section 385, replace “with caning” with “shall also be liable to caning”.

Amendment of section 387

57. In the Penal Code 1871, in section 387, replace “with caning” with “shall also be liable to caning”.

Amendment of section 393

- 5 **58.** In the Penal Code 1871, in section 393, replace “punished with caning with not less than 6 strokes” with “liable to caning”.

Amendment of section 399

59. In the Penal Code 1871, in section 399, replace “punished with caning with not less than 12 strokes” with “liable to caning”.

10 **Amendment of section 400**

60. In the Penal Code 1871, in section 400, replace “punished with caning with not less than 6 strokes” with “liable to caning”.

Amendment of section 401

- 15 **61.** In the Penal Code 1871, in section 401, delete “, and shall also be punished with caning with not less than 4 strokes”.

Amendment of section 402

62. In the Penal Code 1871, in section 402, replace “punished with caning with not less than 4 strokes” with “liable to caning”.

New section 416B

- 20 **63.** In the Penal Code 1871, after section 416A, insert —

“Cheating by remote communication

- 25 **416B.**—(1) A person (*A*) is said to “cheat by remote communication” if *A* cheats by deceiving another person (*Z*), and the deception is conducted mainly by way of remote communication with *Z*.

(2) In this section, “remote communication” means communication through —

(a) the Internet;

- (b) telephone or any other communication device;
- (c) television or radio; or
- (d) any other kind of electronic or other technology for facilitating communication,

but excludes any specific system or method of communication that the Minister, by order in the *Gazette*, declares is not remote communication for the purposes of this section.”. 5

Amendment of section 420

64. In the Penal Code 1871, in section 420 —

- (a) renumber the section as subsection (1) of that section; 10
- (b) in subsection (1), after “fine”, insert “or to caning or to both”; and
- (c) after subsection (1), insert —

“(2) Whoever cheats by remote communication and thereby dishonestly induces any of the acts mentioned in subsection (1) shall be punished with imprisonment for a term which may extend to 10 years and with caning with not less than 6 strokes, and shall also be liable to fine.”. 15

PART 11

AMENDMENT OF PREVENTION OF HUMAN TRAFFICKING ACT 2014

Amendment of section 4

65. In the Prevention of Human Trafficking Act 2014, in section 4(1)(b), replace “with caning” with “shall be liable to caning”. 25

Amendment of section 6

66. In the Prevention of Human Trafficking Act 2014, in section 6(2)(b), replace “with caning” with “shall be liable to caning”.

PART 12

AMENDMENT OF PRISONS ACT 1933

Amendment of section 71

5 **67.** In the Prisons Act 1933, in section 71(1)(a), before “corporal punishment”, insert “except for the aggravated prison offence mentioned in item 6 of the table in section 73(1),”.

PART 13

AMENDMENT OF PROTECTION FROM
HARASSMENT ACT 201410 **Amendment of section 6**

68. In the Protection from Harassment Act 2014, in section 6 —

(a) replace subsection (1A) with —

15 “(1A) An individual or entity that, by any means, publishes any identity information of a public servant or public service worker or a related person of a public servant or public service worker —

(a) with intent to cause harassment, alarm or distress to the public servant or public service worker; and

20 (b) either —

(i) with intent to prevent or deter the public servant or public service worker from discharging the duty of that public servant or public service worker; or

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- (ii) in consequence of anything done or attempted to be done by the public servant or public service worker in the lawful discharge of the duty of that public servant or public service worker,

5

shall be guilty of an offence.”; and

- (b) in subsection (1A)(a) (as amended by paragraph (a)), replace “or distress” with “, distress or humiliation”.

PART 14

10

AMENDMENT OF RAILWAYS ACT 1905

Amendment of section 86

69. In the Railways Act 1905, in section 86 —

- (a) delete “to caning, or”; and
- (b) replace “any 2 of these punishments” with “both”.

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Amendment of section 87

70. In the Railways Act 1905, in section 87 —

- (a) delete “to caning, or”; and
- (b) replace “any 2 of these punishments” with “both”.

PART 15

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AMENDMENT OF ROAD TRAFFIC ACT 1961

Amendment of section 67A

71. In the Road Traffic Act 1961, in section 67A —

- (a) replace subsection (1) with —

“(1) If —

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- (a) a person having been convicted of 2 or more specified offences is again convicted of any one of the specified offences

(whether or not the same specified offence); and

(b) the court is satisfied, by reason of the person's previous convictions or the person's antecedents, that it is expedient for the protection of the public or with the view to the prevention of further commission of any such offence that a punishment in excess of that prescribed for such a conviction should be awarded,

the court may punish the offender with punishment not exceeding 3 times the amount of punishment to which he or she would otherwise have been liable for the conviction except that where imprisonment is imposed it shall not exceed 10 years.”; and

(b) in subsection (3), delete the definition of “serious injury”.

PART 16

AMENDMENT OF VANDALISM ACT 1966

Amendment of section 2

72. In the Vandalism Act 1966, in section 2, after the definition of “act of vandalism”, insert —

““designated private property” means —

(a) any private property that is of national, cultural or religious significance, including (but not limited to) —

- (i) any national monument;
- (ii) any place of worship;
- (iii) any place of sepulture;
- (iv) any place set apart for the performance of funeral rites; and

(v) any place set apart as a depository for the remains of the dead; and

(b) any private property that is prescribed by order made under section 9;”.

Replacement of section 3

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73. In the Vandalism Act 1966, replace section 3 with —

“Penalty for acts of vandalism

3.—(1) Despite the provisions of any other written law, any person who commits any act of vandalism or attempts to do any such act or causes any such act to be done shall be guilty of an offence and shall be liable on conviction to a punishment set out in the following table:

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Type of vandalism	Property vandalised	Conviction	Punishment on conviction	
1. Delible vandalism	Any property	First conviction under this Act	Liable to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years	15
2. Delible vandalism	Any private property that is not designated private property	Second or subsequent conviction under this Act	Liable to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years	20
3. Delible vandalism	(a) Any public property; or	Second or subsequent conviction under this Act	Liable to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years and, subject to sections 325(1) and 330(1) of the Criminal Procedure Code 2010, liable to caning with not more than 8 strokes	25
	(b) Any designated private property			30
				35

5	4. Indelible vandalism	Any private property that is not designated private property	Any conviction	Liable to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years
10	5. Indelible vandalism	(a) Any public property; or (b) Any designated private property	Any conviction	Liable to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years and, subject to sections 325(1) and 330(1) of the Criminal Procedure Code 2010, liable to caning with not more than 8 strokes
15				
20	6. Destructive vandalism	Public property	Any conviction	Liable to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years and, subject to sections 325(1) and 330(1) of the Criminal Procedure Code 2010, liable to caning with not more than 8 strokes.
25				

(2) In this section —

“delible vandalism” means an act falling within —

30 (a) paragraph (a)(i) of the definition of “act of vandalism” in section 2, if the writing, drawing, mark or inscription is done with pencil, crayon, chalk or other delible substance or thing and not with paint, tar or other indelible substance or thing; or

35 (b) paragraph (a)(ii) or (iii) of that definition;

“destructive vandalism” means an act falling within paragraph (b) of the definition of “act of vandalism” in section 2;

“indelible vandalism” means an act falling within paragraph (a)(i) of the definition of “act of vandalism” in section 2, other than an act of delible vandalism.”.

New section 9

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74. In the Vandalism Act 1966, after section 8, insert —

“Designated private property

9.—(1) The Minister may, by order in the *Gazette*, prescribe private property for the purposes of the definition of “designated private property” in section 2.

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(2) Any order made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.”.

PART 17

AMENDMENT OF WOMEN’S CHARTER 1961

Amendment of section 140

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75. In the Women’s Charter 1961, in section 140, delete subsection (2).

Amendment of section 146

76. In the Women’s Charter 1961, in section 146, delete subsection (2).

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PART 18

SAVING AND TRANSITIONAL PROVISION

Saving and transitional provision

77. For a period of 2 years after the date of commencement of any provision of this Act, the Minister charged with the responsibility for law and order may, by regulations, prescribe any provision of a saving or transitional nature consequent on the enactment of that provision that the Minister may consider necessary or expedient.

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EXPLANATORY STATEMENT

This Bill seeks to amend various Acts to provide for the punishment of caning for certain offences relating to scams, to create certain new offences, to increase the penalties for certain offences, to remove caning or mandatory caning for certain offences, to prescribe court procedures for certain young persons who commit offences, and to provide for other criminal law matters and related matters.

Clause 1 relates to the short title and commencement.

PART 1

AMENDMENT OF CASINO CONTROL ACT 2006

Part 1 (clause 2) amends the Casino Control Act 2006.

Clause 2 amends section 116(9) of the Casino Control Act 2006 to increase the maximum fine for an offence under that provision from \$1,000 to \$1,500.

PART 2

AMENDMENT OF CHILDREN AND YOUNG PERSONS ACT 1993

Part 2 (clauses 3, 4 and 5) amends the Children and Young Persons Act 1993.

Clause 3 inserts new subsections (2E) and (2F) in section 39 of the Children and Young Persons Act 1993. Under the new subsection (2E), if a child or young person is charged with offence *A* (not being an offence triable only by the General Division of the High Court) that may be tried together with offence *B*, and offence *B* is to be tried by the General Division of the High Court under subsection (2) of section 39, then offence *A* may be heard and tried by the General Division of the High Court.

Under the new subsection (2F), if a young person of 16 years of age or older but below 18 years of age is charged with offence *A* that may be tried together with offence *B*, and offence *B* is to be tried by a court of appropriate jurisdiction other than the Youth Court under the new subsection (2A) of section 39, then offence *A* may be heard and tried in that other court of appropriate jurisdiction.

Clause 4 amends section 42 of the Children and Young Persons Act 1993 to provide for circumstances in which a person who is 16 years of age or older but below 18 years of age may be imprisoned or sentenced to corporal punishment.

Clause 5 amends section 49(1) of the Children and Young Persons Act 1993 to amend the circumstances in which a Youth Court has the power to deal with an

offender under section 305 of the Criminal Procedure Code 2010, or to order an offender to be brought before a District Court to be dealt with under that section. Clause 5 replaces section 32(a) of the Children and Young Persons (Amendment) Act 2019, which is to be deleted by clause 6(a) without coming into operation.

PART 3

PROVISIONS RELATED TO CHILDREN AND YOUNG PERSONS (AMENDMENT) ACT 2019

Part 3 (clauses 6, 7 and 8) amends the Children and Young Persons (Amendment) Act 2019 and the Statutes (Miscellaneous Amendments) Act 2022, and provides for a transitional provision for section 2(2)(b) of the Children and Young Persons (Amendment) Act 2019.

Clause 6(a) deletes section 32(a) of the Children and Young Persons (Amendment) Act 2019, which amended the previous section 44(1)(k) of the Children and Young Persons Act (Chapter 38 of the 2001 Revised Edition) (now renumbered as section 49(1)(k) of the Children and Young Persons Act 1993 of the 2020 Revised Edition). The amendment made by clause 5 replaces the amendment made by section 32(a) of the Children and Young Persons (Amendment) Act 2019.

Clause 6(b) deletes section 59(b) of the Children and Young Persons (Amendment) Act 2019, which amended section 305(1) of the Criminal Procedure Code (Chapter 68 of the 2012 Revised Edition). The amendment made by clause 23 replaces the amendment made by section 59(b) of the Children and Young Persons (Amendment) Act 2019.

Clause 7 deletes section 4(1)(c) of the Statutes (Miscellaneous Amendments) Act 2022.

Clause 8 provides for a transitional provision for section 2(2)(b) of the Children and Young Persons (Amendment) Act 2019, which amends the definition of “young person” in section 2(1) of the Children and Young Persons Act 1993 to include persons 14 years of age or older but below 18 years of age. Clause 8 provides for the transfer of cases to the Youth Court in relation to persons who have been charged in a District Court or Magistrate’s Court before the date of commencement of section 2(2)(b) of the Children and Young Persons (Amendment) Act 2019, if certain conditions are satisfied.

PART 4
AMENDMENT OF
COMPUTER MISUSE ACT 1993

Part 4 (clauses 9 to 14) amends the Computer Misuse Act 1993.

Clauses 9, 12, 13 and 14 make amendments to define “scam offence” and to provide for scam offences to be set out in the Second Schedule, which may be amended by order in the *Gazette*. A scam offence is an offence under the new section 420(2) of the Penal Code 1871 (inserted by clause 64(c)), or an abetment of, or a conspiracy or an attempt to commit, that offence.

Clauses 10 and 11 amend sections 8A and 8B, respectively, of the Computer Misuse Act 1993 to provide for caning as an additional punishment for offences committed by individuals under those sections, in certain cases relating to scam offences.

PART 5
AMENDMENT OF
CORROSIVE AND EXPLOSIVE SUBSTANCES
AND OFFENSIVE WEAPONS ACT 1958

Part 5 (clauses 15, 16 and 17) amends the Corrosive and Explosive Substances and Offensive Weapons Act 1958.

Clauses 15, 16 and 17 amend sections 3, 6(1) and 7(1), respectively, of the Corrosive and Explosive Substances and Offensive Weapons Act 1958 to replace mandatory punishments of caning for offences under those provisions with punishments of caning at the discretion of the court.

PART 6
AMENDMENT OF
CORRUPTION, DRUG TRAFFICKING AND OTHER SERIOUS CRIMES
(CONFISCATION OF BENEFITS) ACT 1992

Part 6 (clauses 18 to 22) amends the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992.

Clauses 18, 21 and 22 make amendments to define “serious scam offence” and to provide for serious scam offences to be set out in the Fourth Schedule, which may be amended by order in the *Gazette*. A serious scam offence is an offence under the new section 420(2) of the Penal Code 1871 (inserted by clause 64(c)).

Clauses 19 and 20 amend sections 51 and 54, respectively, of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 to

provide for caning as an additional punishment for offences committed by individuals under those sections, in certain cases relating to serious scam offences.

PART 7

AMENDMENT OF CRIMINAL PROCEDURE CODE 2010

Part 7 (clauses 23 and 24) amends the Criminal Procedure Code 2010.

Clause 23 amends section 305(1) of the Criminal Procedure Code 2010 to amend the circumstances where a court may, under certain circumstances, impose a sentence of reformatory training in lieu of any other sentence on persons aged between 14 and 21 years convicted of offences punishable with imprisonment. In all cases, the court has to be satisfied, having regard to the person's character, previous conduct and the circumstances of the offence, that to reform the person and to prevent crime, the person should undergo a period of training in a reformatory training centre. Clause 23 replaces section 59(b) of the Children and Young Persons (Amendment) Act 2019, which is to be deleted by clause 6(b) without coming into operation.

Clause 24 makes consequential amendments to the First Schedule to the Criminal Procedure Code 2010.

PART 8

AMENDMENT OF MISCELLANEOUS OFFENCES (PUBLIC ORDER AND NUISANCE) ACT 1906

Part 8 (clauses 25 to 35) amends the Miscellaneous Offences (Public Order and Nuisance) Act 1906.

Clause 25 inserts a new section 14E in the Miscellaneous Offences (Public Order and Nuisance) Act 1906 to create a new offence. It will be an offence to publish any identity information of a public servant or a related person of a public servant, accompanied by a false statement of fact relating to the public servant that the person knows or has reason to believe is false, if the identity information is published —

- (a) with intent to prevent or deter the public servant from discharging his or her duty; or
- (b) in consequence of anything done or attempted to be done by the public servant in the lawful discharge of his or her duty.

By way of illustration, a person (*A*) writes a post which publishes the identity information of a public servant (*P*). In the same post, *A* claims that *P* had solicited a bribe from *A*, which is a false statement of fact that *A* knew or had reason to

believe was false. *A* did so in consequence of *P*'s unfavourable assessment of *A*'s application for a licence, which was done by *P* in the lawful discharge of *P*'s duty. *A* is guilty of the offence. *A* would also be guilty of the offence if, for example, *A* had communicated *P*'s identity information in one post and the false statement of fact in another separate post.

Clause 26 replaces section 37 of the Miscellaneous Offences (Public Order and Nuisance) Act 1906. The current section provides for an offence if any pawnbroker, dealer in secondhand goods, worker in platinum, gold or silver, or dealer in platinum, gold or silver articles, melts, alters, defaces, or puts away any goods or any such metals or articles within 3 days of receipt, or after receiving information from a police officer that the goods, metals or articles have been stolen or fraudulently obtained.

Under the new section 37 —

- (a) the existing period of 3 days after receipt of the goods, metals or articles is increased to 5 days;
- (b) the offence is made out only if the goods, metals or articles are received from a person other than a pawnbroker, dealer in secondhand goods, worker in platinum, gold or silver, or dealer in platinum, gold or silver articles; and
- (c) the offence is also widened to include the acts of disposing or selling the goods, metals or articles, or causing the goods, metals or articles to be disposed of or sold.

Clause 27 deletes section 38 of the Miscellaneous Offences (Public Order and Nuisance) Act 1906. Workers in platinum, gold or silver and dealers in platinum, gold or silver articles will no longer be required to be registered by the Director, Criminal Investigation Department.

Clause 28 amends section 39 of the Miscellaneous Offences (Public Order and Nuisance) Act 1906. As a consequence of workers and dealers not being required to be registered (clause 27), section 39 refers to the person's business generally and not the business on any premises as registered.

Clauses 29 and 35 make amendments to define "scam offence" and to provide for scam offences to be set out in the new Schedule, which may be amended by order in the *Gazette*. A scam offence is an offence under the new section 420(2) of the Penal Code 1871 (inserted by clause 64(c)), or an abetment of, or a conspiracy or an attempt to commit, that offence.

Clauses 30, 31, 32, 33 and 34 amend sections 39B, 39C, 39D, 39F and 39G, respectively, of the Miscellaneous Offences (Public Order and Nuisance) Act 1906 to provide for caning as an additional punishment for offences committed by individuals under those sections, in certain cases relating to scam offences.

PART 9
AMENDMENT OF
ORGANISED CRIME ACT 2015

Part 9 (clauses 36 to 39) amends the Organised Crime Act 2015.

Clause 36 inserts new definitions of “locally-linked organised criminal scam group” and “organised criminal scam group” in section 2(1) of the Organised Crime Act 2015. The term “locally-linked organised criminal scam group” is a subset of “organised criminal scam group”, and the term “organised criminal scam group” is a subset of “organised criminal group”. Clauses 36 and 39 make amendments to define “serious scam offence” and to provide for serious scam offences to be set out in Part 2 of the Schedule, which may be amended by order in the *Gazette*. A serious scam offence is an offence under the new section 420(2) of the Penal Code 1871 (inserted by clause 64(c)).

Clause 37 inserts a new subsection (1A) in section 5 of the Organised Crime Act 2015 to provide for a new offence of being, or acting as, a member of a group, knowing that the group is a locally-linked organised criminal scam group, and for the punishment for that offence.

Clause 38 inserts new subsections (5) to (10) in section 6 of the Organised Crime Act 2015. The new subsections (5) and (6) provide for 2 new offences of recruiting members for organised criminal scam groups or locally-linked organised criminal scam groups. The new subsection (7) provides for punishments for those offences, and the new subsection (8) provides for different punishments if it is proved that the offender knew or had reasonable grounds to believe that the recruit was a vulnerable person or below 21 years of age. The new subsection (10) defines “vulnerable person”.

PART 10
AMENDMENT OF
PENAL CODE 1871

Part 10 (clauses 40 to 64) amends the Penal Code 1871.

Clauses 40, 54, 55, 56, 57, 58, 59, 60 and 62 amend sections 130B, 382, 384, 385, 387, 393, 399, 400 and 402, respectively, of the Penal Code 1871 to replace mandatory punishments of caning for offences under those provisions with punishments of caning at the discretion of the court. Clauses 41 and 61 remove the punishment of caning for offences under sections 195 and 401, respectively, of the Penal Code 1871.

Clause 42 amends section 292 of the Penal Code 1871 to provide that the acts mentioned in subsection (1) relating to obscene objects are caught whether they are done by electronic means or other means, whereas the existing provision

provides that transmission by electronic means is caught as an independent act. A new subsection (1A) is inserted to provide for a higher penalty if an act mentioned in subsection (1) relating to an obscene object is done in relation to 10 or more individuals. The new subsection (1B) provides for higher penalties if the obscene object in relation to an offence under subsection (1) depicts an image of a person who is, or who appears to a reasonable observer to be, or is implied to be, below 18 years of age. The new subsection (1C) provides for a new offence if a person, by electronic means, on 2 or more occasions, sells, lets to hire, distributes, publicly exhibits or puts into circulation any obscene object, to a total number of 10 or more individuals.

Clause 43 inserts a new section 292B in the Penal Code 1871 to provide for a new offence. The offence targets persons who exercise control over online locations on which obscene objects are sold, let for hire, distributed, publicly exhibited or circulated and who intended that the online location be used to enable or facilitate the sale, hire, distribution, public exhibition or circulation of obscene objects generally. The forms of control that are caught are set out in the new section 292B(1)(a)(i) to (iv). As examples, such persons may include the owner of a website, the administrator of a chat group or channel, the moderator of a forum, or the developer of an application. Higher punishments are provided where the obscene object depicts an image of a person who is, or who appears to a reasonable observer to be, or is implied to be, below 18 years of age.

Clause 44 amends section 293 of the Penal Code 1871 to refer to an obscene object as defined in section 292(2) (as amended by clause 42(c)).

Clauses 45 and 46 amend sections 304B and 304C, respectively, of the Penal Code 1871 to provide for life imprisonment and to increase the maximum imprisonment term (if life imprisonment is not imposed) to 30 years.

Clauses 47 and 48 amend sections 376E and 376EA, respectively, of the Penal Code 1871, to provide that the sexual grooming offences in those sections apply to intended, initiated or agreed meetings in Singapore and outside Singapore. If the intended, initiated or agreed meeting is in Singapore, the offence is made out if either the groomer or the victim travels in Singapore. If the intended, initiated or agreed meeting is outside Singapore, the offence is made out if either the groomer or the victim travels from a location in Singapore. The amendments also provide that, if the groomer intends to do a sexual act overseas in respect of the victim, the groomer is caught if the act would, if done in Singapore, involve the commission by the groomer of a relevant offence (defined in sections 376E(2) and 376EA(2)). Clause 48(c) corrects an outdated cross-reference in section 376EA(2)(c).

Clause 49 amends section 377BD of the Penal Code 1871 to insert a new offence (under the new section 377BD(5)) of intentionally producing an intimate image or recording without the consent of the person depicted in the image or recording and knowing or having reason to believe that the production of the image or recording will or is likely to cause humiliation, alarm or distress to the

person depicted in the image or recording. Under the definition of “intimate image or recording” in section 377BE(5) as amended by clause 50, an intimate image or recording includes an image or recording that is generated.

Clause 50 amends the definition of “intimate image or recording” in section 377BE(5) of the Penal Code 1871 to include generated images or recordings. Clause 50 also inserts a new subsection (6) in section 377BE to provide that, for the purposes of the offence under section 377BE(2) of knowingly threatening the distribution of an intimate image or recording of another person, it is not necessary to prove that the image or recording mentioned in the threat exists or that, if the image or recording mentioned in the threat exists, that it is in fact an intimate image or recording.

Clause 51 amends section 377BM(2)(a) and (b) of the Penal Code 1871 to provide that the defence in that provision applies to the new offence under section 377BD(5) inserted by clause 49(d).

Clause 52 amends section 377BN of the Penal Code 1871 to amend erroneous references in relation to abusive material and child abuse material.

Clause 53 amends the definition of “child abuse material” in section 377C(1) of the Penal Code 1871 to provide that child abuse material includes material that is produced without the involvement of any child or any image of a real child. Clause 53 also amends the definition of “image” in relation to a person in that section.

Under paragraph (a) of the definition, “image”, in relation to a person, means an image of a human being who is not fictional or imaginary (whether identifiable or not). This refers to images of real humans who exist or once existed, whether identifiable or not. Examples of images that would fall within paragraph (a) include —

- (a) a photograph of an individual, clearly identifiable as a known individual;
- (b) a photograph of an individual taken from behind the individual, such that it is not possible to identify the individual; and
- (c) a video featuring an individual whose features can be discerned, but whose identity is not known.

Under paragraph (b) of the definition, “image”, in relation to a person, means an image of a fictional or imaginary human being that so closely resembles an image of a human being who is not fictional or imaginary (whether identifiable or not) as to make it difficult for an ordinary person to distinguish the firstmentioned image from an image of a human being who is not fictional or imaginary. This refers to images of fictional or imaginary humans, whether identifiable or not. Examples of images that would come within paragraph (b) include —

- (a) a video, generated by artificial intelligence, of an individual who so closely resembles a known individual (*A*) as to make it difficult for an ordinary person to distinguish from a video of *A*;
- (b) a video, generated by artificial intelligence, of an individual who is fictional or imaginary, that is, who does not exist and has never existed, whose facial features so closely resemble the facial features of a normal human being that one might ordinarily encounter, as to make it difficult for an ordinary person to distinguish from a video of a real human being produced by video recording; and
- (c) a video, generated by artificial intelligence, of the back view of an individual who is fictional or imaginary, that is, who does not exist and has never existed, whose physical features (as seen from the back) so closely resemble the physical features (as seen from the back) of a normal human being that one might ordinarily encounter, as to make it difficult for an ordinary person to distinguish from a video of a back view of a real human being produced by video recording.

Clause 63 inserts a new section 416B in the Penal Code 1871. The new section 416B defines the phrase “cheat by remote communication”. A person is said to “cheat by remote communication” if the person cheats (within the meaning of section 415 of the Penal Code 1871) by deceiving another person, and the deception is conducted mainly by way of remote communication with that other person. “Remote communication” is defined in the new subsection (2). The phrase “cheat by remote communication” is used in the new section 420(2) of the Penal Code 1871 (inserted by clause 64(c)).

To illustrate, a person (*A*) cheats another person (*Z*) by remote communication if *A* dishonestly tells *Z*, in messages on an Internet-based social media application, that, if *Z* hands over money in the form of physical currency to *A*, *A* will invest the money in gold on behalf of *Z*. *Z* is deceived by the messages and is induced to hand over money in the form of physical currency to *A* (who uses the money for *A*’s own purposes). *A* cheats *Z* by remote communication because *A*’s deception of *Z* is conducted mainly by way of remote communication (messages on an Internet-based social media application).

Clause 64(a) and (b) amends section 420 of the Penal Code 1871 to provide that an offender under that section shall be liable to caning, on top of the existing punishments under that section, and to renumber that section as section 420(1) of the Penal Code 1871.

Clause 64(c) inserts a new subsection (2) in section 420 of the Penal Code 1871. The new section 420(2) provides that it is an offence to cheat by remote communication and thereby dishonestly induces the person deceived to deliver or cause the delivery of any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or

sealed, and which is capable of being converted into a valuable security. The new section 420(2) also provides for the punishment for that offence, which includes mandatory caning.

PART 11
AMENDMENT OF
PREVENTION OF HUMAN TRAFFICKING ACT 2014

Part 11 (clauses 65 and 66) amends the Prevention of Human Trafficking Act 2014.

Clauses 65 and 66 amend sections 4(1)(b) and 6(2)(b), respectively, of the Prevention of Human Trafficking Act 2014 to replace mandatory punishments of caning for offences under those provisions with punishments of caning at the discretion of the court.

PART 12
AMENDMENT OF
PRISONS ACT 1933

Part 12 (clause 67) amends section 71(1)(a) of the Prisons Act 1933 to provide that corporal punishment cannot be ordered for the aggravated prison offence of a prisoner wilfully causing to himself or herself any illness, injury or disability.

PART 13
AMENDMENT OF
PROTECTION FROM HARASSMENT ACT 2014

Part 13 (clause 68) replaces section 6(1A) of the Protection from Harassment Act 2014 to provide that the offence of publishing identity information of a public servant or public service worker or a related person of a public servant or public service worker is made out even if no harassment, alarm or distress was caused to the victim as a result of the publication. Clause 68(b) provides for a subsequent amendment to the new section 6(1A) to include the intent to cause humiliation in the fault element of the offence.

PART 14
AMENDMENT OF
RAILWAYS ACT 1905

Part 14 (clauses 69 and 70) amends the Railways Act 1905.

Clauses 69 and 70 amend sections 86 and 87, respectively, of the Railways Act 1905 to remove punishments of caning for offences under those provisions.

PART 15
AMENDMENT OF
ROAD TRAFFIC ACT 1961

Part 15 (clause 71) amends the Road Traffic Act 1961.

Clause 71 amends section 67A(1) of the Road Traffic Act 1961 to remove caning as an enhanced punishment for third and subsequent convictions of certain offences and makes a consequential amendment.

PART 16
AMENDMENT OF
VANDALISM ACT 1966

Part 16 (clauses 72, 73 and 74) amends the Vandalism Act 1966.

Clause 72 amends section 2 of the Vandalism Act 1966 to introduce a new definition of “designated private property”. Under the existing section 2 of the Vandalism Act 1966, private property means movable or immovable property that does not belong to the Government or to the government of any Commonwealth or foreign country or to any statutory body or authority or to any armed force lawfully present in Singapore. Designated private property will include —

- (a) private property that is of national, cultural or religious significance, including (but not limited to) —
 - (i) any national monument;
 - (ii) any place of worship;
 - (iii) any place of sepulture;
 - (iv) any place set apart for the performance of funeral rites; and
 - (v) any place set apart as a depository for the remains of the dead; and
- (b) private property prescribed by the Minister by order under the new section 9 of the Vandalism Act 1966 inserted by clause 74.

Clause 73 replaces section 3 of the Vandalism Act 1966. The new section 3 provides for differentiated punishments for vandalism depending on —

- (a) the nature of the act of vandalism;
- (b) the property vandalised; and
- (c) whether the conviction was the offender’s first conviction or second or subsequent conviction for vandalism.

The different punishments are set out in a table in the new section 3(1) of the Vandalism Act 1966.

Clause 74 inserts a new section 9 in the Vandalism Act 1966 to empower the Minister to make orders for the purpose of the definition of “designated private property” in section 2 of that Act.

PART 17

AMENDMENT OF WOMEN’S CHARTER 1961

Part 17 (clauses 75 and 76) amends the Women’s Charter 1961.

Clauses 75 and 76 amend sections 140 and 146, respectively, of the Women’s Charter 1961 to remove the additional punishment of caning for male repeat offenders.

PART 18

SAVING AND TRANSITIONAL PROVISION

Part 18 (clause 77) provides for a saving and transitional provision.

Clause 77 provides that the Minister may make regulations to prescribe any provision of a saving or transitional nature consequent on the enactment of any provision of the Bill for a period of 2 years after the date of commencement of the provision.

EXPENDITURE OF PUBLIC MONEY

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