

D.R. 24/2024

RANG UNDANG-UNDANG

b e r n a m a

Suatu Akta untuk meminda Kanun Tatacara Jenayah.

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DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Kanun Tatacara Jenayah (Pindaan) 2024.

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

Seksyen baharu 116D

2. Kanun Tatacara Jenayah [*Akta 593*], yang disebut “Kanun” dalam Akta ini, dipinda dengan memasukkan selepas seksyen 116C seksyen yang berikut:

“Power to seize or prohibit dealing in money

116D. (1) Any police officer not below the rank of Sergeant may seize or prohibit the dealing in, any money held or

suspected to be held in any payment instrument or any account at a financial institution in respect of which—

- (a) the police officer has reasonable cause to suspect that an offence has been committed;
- (b) the police officer has reasonable cause to suspect that the money has been used or is intended to be used to commit an offence; or
- (c) the police officer has reasonable cause to believe that the money constitutes evidence of an offence.

(2) For the purpose of seizing or prohibiting the dealing in any money under subsection (1), the police officer may by written order—

- (a) direct any person who has the possession, custody or control of the money to deliver the money to any police officer; or
- (b) direct any person who has the possession, custody or control of the money not to allow any dealing in respect of the money for such period as may be specified in the written order.

(3) Where any money held by any person who has the possession, custody or control is subject to a written order made by a police officer under subsection (2), any interest or other earnings derived from such money may be credited into the payment instrument or account at a financial institution after the date on which the written order was made and shall be deemed to be subjected to the written order.

(4) Any person who has the possession, custody or control of the money who fails to comply with the written order made under subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

(5) The written order issued under subsection (2) may be varied or revoked by a Sessions Court on the application of the person named or described in the written order.

(6) In considering the application under subsection (5), the Sessions Court shall have regard to—

- (a) the payment of debts incurred in good faith and due to any creditor before the making of the written order under subsection (2); and
- (b) the provision of an allocation for reasonable subsistence and other expenses of the person named or described in the written order, his family or employees.

(7) The written order issued under subsection (2) shall cease to have effect after the expiration of eighteen months from the date of the written order if no prosecution for any offence under any written law is instituted with regard to such money.”.

Pindaan Jadual Pertama

3. Jadual Pertama kepada Kanun dipinda dengan memasukkan selepas butiran yang berhubungan dengan seksyen 424 Kanun Keseksaan dan butir-butir yang berhubungan dengannya butiran dan butir-butir yang berikut:

1	2	3	4	5	6	7
<i>Penal Code section</i>	<i>Offence</i>	<i>Whether the police may ordinarily arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Whether bailable or not</i>	<i>Whether compoundable or not</i>	<i>Maximum punishment under the Penal Code</i>
“424A	Possession or control of payment instrument or account	May arrest without warrant	do.	do.	do.	Fine not less than five thousand ringgit but not exceeding fifty thousand ringgit or imprisonment not less than six months but not exceeding five years or both

Rang Undang-Undang

1 <i>Penal Code section</i>	2 <i>Offence</i>	3 <i>Whether the police may ordinarily arrest without warrant or not</i>	4 <i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	5 <i>Whether bailable or not</i>	6 <i>Whether compoundable or not</i>	7 <i>Maximum punishment under the Penal Code</i>
424B	Giving possession or control of payment instrument or account to other person	do.	do.	do.	do.	Fine not less than ten thousand ringgit but not exceeding one hundred thousand ringgit or imprisonment not less than one year but not exceeding seven years or both
424c(1)	Engaging in transaction using his payment instrument or his account without lawful purpose	do.	do.	do.	do.	Imprisonment not less than three years but not exceeding ten years or fine not less than ten thousand ringgit but not exceeding one hundred and fifty thousand ringgit or both
424c(2)	Engaging in transaction using payment instrument of other person or account of other person without lawful authority or lawful purpose	do.	do.	do.	do.	Imprisonment not less than three years but not exceeding ten years or fine not less than ten thousand ringgit but not exceeding one hundred and fifty thousand ringgit or both”.

HURAIAN

Rang Undang-Undang Kanun Tatacara Jenayah (Pindaan) 2024 bertujuan untuk meminda Kanun Tatacara Jenayah (“Akta 593”).

2. *Fasal 1* mengandungi tajuk ringkas dan peruntukan permulaan kuat kuasa Akta yang dicadangkan.

3. *Fasal 2* bertujuan untuk memasukkan seksyen baharu 116D yang dicadangkan ke dalam Akta 593 untuk memberi pegawai polis yang berpangkat tidak rendah daripada Sarjan kuasa untuk menyita atau melarang urusan dalam, apa-apa wang yang dipegang atau disyaki untuk dipegang dalam mana-mana instrumen pembayaran atau mana-mana akaun di institusi kewangan dan mengadakan peruntukan bagi perkara yang berkaitan.

4. *Fasal 3* bertujuan untuk meminda Jadual Pertama kepada Akta 593 berbangkit daripada kemasukan seksyen baharu 424A, 424B dan 424C yang dicadangkan ke dalam Kanun Keseksaan [*Akta 574*].

IMPLIKASI KEWANGAN

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

[PN(U2)3373]