

D.R. 6/2023

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) 2023.

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

Bab baharu XA

2. Kanun Tatacara Jenayah [*Akta 593*], yang disebut sebagai “Kanun” dalam Akta ini, dipinda dengan memasukkan selepas Bab X bab yang berikut:

“CHAPTER XA

PROTECTION ORDER IN CASES OF STALKING

Power to issue protection order in cases of stalking

98A. (1) The Court may, upon an *ex parte* application, issue a protection order against a person who is being investigated for or is charged with an offence under section 507A of the Penal Code, and such order shall be effective until the completion of the investigation or disposal of a criminal proceeding, whichever is later.

(2) An application for a protection order under this section shall be made by—

- (a) the victim;
- (b) the victim’s counsel; or
- (c) in the case where the victim is a child or an incapacitated adult, the guardian, relative or person responsible for the care of such child or incapacitated adult.

(3) A person against whom the protection order is made may apply to set aside the protection order.

(4) The protection order made under this section may be served—

- (a) personally;
- (b) by registered post to the last known address of the person; or
- (c) by electronic means to the electronic address of the person.

(5) The protection order shall be deemed to be served on the person against whom the order is made if—

- (a) the order is sent by registered post to the last known address of the person; or

(b) the order is transmitted to the electronic address of the person.

(6) The protection order issued under subsection (1) shall prohibit the person against whom the order is made from further committing any act under section 507A of the Penal Code.

(7) The Court may, in addition to the order under subsection (6), if it is satisfied that it is necessary for the protection and personal safety of the victim or any other person related to or associated with the victim, prohibit or restrain the person against whom the order is made from going near the victim or any other person related to or associated with the victim at a distance the Court thinks reasonable, and make any other orders as may be necessary.

(8) Any person who contravenes the protection order issued under subsection (1) shall be punished with imprisonment for a term which may extend to one year or with fine or with both.”.

Pindaan Jadual Pertama

3. Jadual Pertama kepada Kanun dipinda dengan memasukkan selepas butiran yang berhubungan dengan seksyen 507 Kanun Keseksaan butiran yang berikut di bawah ruang masing-masing:

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>
“507A	Stalking	do.	do.	do.	do.	Imprisonment for three years, or fine, or both”.

HURAIAN

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

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

3. *Fasal 2* bertujuan untuk memasukkan Bab baharu XA ke dalam Akta 593 untuk memberi Mahkamah kuasa, atas permohonan, untuk mengeluarkan suatu perintah perlindungan terhadap seseorang yang sedang disiasat bagi atau dipertuduh dengan kesalahan menghendap di bawah seksyen baharu 507A Kanun Keseksaan.

4. *Fasal 3* bertujuan untuk meminda Jadual Pertama kepada Akta 593 berbangkit daripada kemasukan kesalahan baharu menghendap ke dalam Kanun Keseksaan.

IMPLIKASI KEWANGAN

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

[PN(U2)3232]