

A BILL

*i n t i t u l e d*

An Act to amend the Criminal Procedure Code.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

1. (1) This Act may be cited as the Criminal Procedure Code (Amendment) (No. 2) Act 2022.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

**New Chapter XA**

2. The Criminal Procedure Code [Act 593], which is referred to as the “Code” in this Act, is amended by inserting after Chapter X the following chapter:

## "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.”.

### **Amendment of First Schedule**

3. The First Schedule to the Code is amended by inserting after the item relating to section 507 of the Penal Code the following items under the respective columns:

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”.

## EXPLANATORY STATEMENT

This Bill seeks to amend the Criminal Procedure Code ("Act 593").

2. *Clause 1* contains the short title and seeks to empower the Minister to appoint the date for the commencement of the proposed Act.
3. *Clause 2* seeks to introduce a new Chapter XA into Act 593 to empower the Court, upon application, to issue a protection order against a person who is being investigated for or is charged with an offence of stalking under the new section 507A of the Penal Code.
4. *Clause 3* seeks to amend the First Schedule to Act 593 consequential to the introduction of the new offence of stalking into the Penal Code.

*FINANCIAL IMPLICATIONS*

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

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