

A BILL

*i n t i t u l e d*

An Act to amend the Dangerous Drugs (Special Preventive Measures) Act 1985.

[ ]

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

**Short title**

**1.** This Act may be cited as the Dangerous Drugs (Special Preventive Measures) (Amendment) Act 2015.

**Amendment of section 1**

**2.** The Dangerous Drugs (Special Preventive Measures) Act 1985 [*Act 316*], which is referred to as the “principal Act” in this Act, is amended in section 1 by deleting subsections (3), (4) and (5).

**Amendment of section 4**

**3.** Subsection 4(1) of the principal Act is amended by inserting after the words “under this Act may” the words “direct any police officer not below the rank of Sergeant to”.

**Amendment of section 5**

4. Section 5 of the principal Act is amended by inserting after subsection (3) the following subsections:

“(3A) The Public Prosecutor may appear at an inquiry under paragraph (3)(c).

(3B) The Minister may prescribe the allowances to be paid to any person or witnesses summoned or required to be present under subsection (3).”.

**New section 5A**

5. The principal Act is amended by inserting after section 5 the following section:

**“Offence for failure to attend to give evidence, etc.**

**5A.** For the purpose of subsection 5(3), any person or witness summoned or required to attend who without reasonable excuse fails to attend at the time and place mentioned in the summons or who, having attended, refuses to answer any question that may lawfully be put to him, or to produce any document or thing which it is in his power to produce, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand ringgit or to both.”.

**Amendment of section 6**

6. Section 6 of the principal Act is amended—

(a) in subsection (3), by inserting after paragraph (h) the following paragraphs:

“(ha) that he shall use only equipment and facilities of communication which are declared to and approved by the Chief Police Officer of the State or Federal Territory concerned in which he is required to reside as may be provided in the restriction order;

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*(Amendment)*

(hb) that except so far as may be otherwise provided by the restriction order, he shall not access the internet;

(hc) that he shall be attached with an electronic monitoring device;” and

(b) by inserting after subsection (3) the following subsection:

“(3A) A restricted person shall be conveyed by the police to, and shall be in police custody up to, the area specified in the restriction order.”.

**Dangerous Drugs (Special Preventive Measures) Act 1985 shall continue in force**

7. (1) The amendment to section 1 of the principal Act in section 2 of this Act shall not affect the operation of the resolution passed under subsection 1(4) of the principal Act before the date of coming into operation of this Act which has not expired on the date of coming into operation of this Act.

(2) Notwithstanding the effective period specified in the resolution referred to in subsection (1), upon the expiry of the said resolution, the principal Act shall continue to remain in full force and effect as amended in this Act.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Dangerous Drugs (Special Preventive Measures) Act 1985 (“Act 316”).

2. *Clause 1* contains the short title of the proposed Act.
3. *Clause 2* seeks to amend section 1 of Act 316 by deleting subsections (3), (4) and (5) for Act 316 to continue to remain in force without having to be extended by way of resolution passed by both Houses of Parliament.
4. *Clause 3* seeks to amend subsection 4(1) of Act 316 to allow a police officer not below the rank of Sergeant to assist in an investigation.

5. *Clause 4* seeks to amend section 5 of Act 316 to introduce a new subsection (3A) to allow the Public Prosecutor to be present during an investigation and a new subsection (3B) to allow the Minister to prescribe allowances payable to witnesses and any person required to attend under subsection 5(3) of Act 316.

6. *Clause 5* seeks to introduce a new section 5A into Act 316 to make it an offence for any person or witness who is required to attend an investigation but fails to attend, refuses to answer any question, or fails to produce any document as required. The punishment for the offence is imprisonment for a term not exceeding six months or a fine not exceeding two thousand ringgit or both.

7. *Clause 6* seeks to amend section 6 of Act 316 to introduce new paragraphs (*ha*), (*hb*) and (*hc*) and a new section (3A). The new paragraph (*ha*) allows a restricted person to use only equipment and facilities of communication which are approved by the Chief Police Officer of the State or Federal Territory. The new paragraph (*hb*) does not allow a restricted person to have any access to the internet unless otherwise provided in the restriction order. Under the new paragraph (*hc*), an electronic monitoring device may be attached to a restricted person. The new subsection (3A) requires the police to convey and escort a restricted person to a restricted area.

8. *Clause 7* seeks to clarify that upon the expiry on 15 June 2020 of the resolution for the extension of Act 316 passed under subsection 1(4) of Act 316 with effect from 15 June 2015 for a further period of five years, Act 316 shall continue to remain in force without having to pass any new resolution. This is consequential to the amendment in *clause 1* of the proposed Act.

#### *FINANCIAL IMPLICATIONS*

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

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