

QUICK SUMMARY

The proposed amendments cover 3 broad categories. The first category relates to the expansion and modification of the scope of existing offences and introduction of new offences. The changes cover potential crime areas which are not sufficiently addressed as well as to clarify the law. For example, the scope of section 298 (on uttering words, etc., with deliberate intent to wound the religious feelings of any person) has been expanded to cover the wounding of racial feelings as well. New provisions are also added to tackle credit-card fraud more effectively. To keep abreast of technological changes, the scope of certain offences have been expanded to cover offences committed via the electronic media. The existing provisions in the Penal Code relating to sexual offences have also been thoroughly reviewed and modified.

The proposed amendments relating to sexual offences include the repeal of section 377 which criminalises carnal intercourse against the order of nature, and the enactment of specific offences relating to non-consensual sexual assault by penetration, sexual penetration of minor under 16, bestiality and necrophilia. It is also proposed that a husband's marital immunity for rape be withdrawn in three situations. Other proposed amendments include the rescoping of incest, and clarification of the position of persons who have undergone sex reassignment. New sexual offences proposed include those relating to obtaining sexual services from prostitutes under 18, child sex tourism and procuring sexual activity with a person with mental disability.

The second category of proposed changes to the Penal Code relates to the updating and clarification of certain definitions, explanations and expressions. There are 21 such amendments. Examples include the amendment to the definitions of "document" (which will cover offences committed via electronic means) and "valuable security" (which will be expanded to include credit cards, charge cards and stored value cards).

The third category of proposed changes relates to the review of the penalties of existing offences. In the review of the penalties, where appropriate, the minimum mandatory penalties for some offences have been removed. The double-limb penalty provisions in the Penal Code have also been adjusted. Fines would either be: i) increased by a factor of 3 to adjust for changes in the purchasing power of money from 1961; or ii) increased by a factor of 5 if there is a need for deterrence purposes due to prevalence or to provide greater sentencing discretion to the courts in lieu of imprisonment.