

A BILL

i n t i t u l e d

An Act to amend the Penal Code.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Penal Code (Amendment) (No. 2) Act 2023.

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

Substitution of section 305

2. The Penal Code [*Act 574*], which is referred to as the “Code” in this Act, is amended by substituting for section 305 the following section:

“Abetment of suicide or attempted suicide of child or person who lacks mental capacity

305. (1) Whoever abets the commission of a suicide or an attempted suicide, and knows or ought reasonably to have known

that the person who committed the suicide or the attempted suicide is a child or a person who lacks mental capacity, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

(2) For the purpose of this section, “person who lacks mental capacity” means a person who lacks capacity to understand the consequences of committing or attempting to commit suicide, as the case may be, by reasons of unsoundness of mind, mental disorder, intoxication, or under the influence of any drug or other substance.”.

Substitution of section 306

3. The Code is amended by substituting for section 306 the following section:

“Abetment of suicide or attempted suicide

306. Whoever abets the commission of a suicide or an attempted suicide by any person, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.”.

Deletion of section 309

4. The Code is amended by deleting section 309.

EXPLANATORY STATEMENT

The Penal Code (Amendment) (No. 2) Bill 2023 (“the proposed Act”) seeks to amend the Penal Code (“Act 574”), among others, to remove the offence of attempt to commit suicide under Act 574.

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clause 2* seeks to substitute the existing section 305 of Act 574. Currently, the existing section 305 of Act 574 only provides for the offence of abetment of suicide of a child, an insane person, a delirious person, an idiot, or a person in a state of intoxication. With this amendment, abetment of the commission of an attempted suicide of a child or a person who lacks mental capacity will also be a criminal offence.

4. *Clause 3* seeks to substitute the existing section 306 of Act 574. Currently, the existing section 306 of Act 574 only provides for the offence of abetment of suicide by any person. With this amendment, an abetment of the commission of an attempted suicide by any person will also be a criminal offence.

5. *Clause 4* seeks to delete section 309 of Act 574 to remove the offence of attempt to commit suicide under Act 574. With this amendment, the act of attempted suicide is no longer a criminal offence under Act 574.

FINANCIAL IMPLICATIONS

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

[PN(U2)3328]