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Notification No. B 33 — The Penal Code (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 15th day of October 2012.

Penal Code (Amendment) Bill

Bill No. 33/2012.

Read the first time on 15th October 2012.

A BILL

i n t i t u l e d

An Act to amend the Penal Code (Chapter 224 of the 2008 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Penal Code (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Repeal and re-enactment of section 302

2. Section 302 of the Penal Code is repealed and the following section substituted therefor:

“Punishment for murder

10 **302.**—(1) Whoever commits murder within the meaning of section 300(a) shall be punished with death.

(2) Whoever commits murder within the meaning of section 300(b), (c) or (d) shall be punished with death or imprisonment for life and shall, if he is not punished with death, also be liable to caning.”.

15 Repeal and re-enactment of section 304

3. Section 304 of the Penal Code is repealed and the following section substituted therefor:

“Punishment for culpable homicide not amounting to murder

20 **304.** Whoever commits culpable homicide not amounting to murder shall —

(a) if the act by which death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death, be punished with —

25 (i) imprisonment for life, and shall also be liable to caning; or

(ii) imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning; or

30 (b) if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death, be

punished with imprisonment for a term which may extend to 10 years, or with fine, or with caning, or with any combination of such punishments.”.

Savings and transitional provisions

4.—(1) Where on or after the appointed day, a person is convicted of murder under section 302 of the Penal Code committed before that day, the person shall — 5

(a) if the person is guilty of murder within the meaning of section 300(a) of the Penal Code, be punished with death; or

(b) if the person is guilty of murder within the meaning of section 300(b), (c) or (d) of the Penal Code, be punished with death or imprisonment for life and shall, if he is not punished with death, also be liable to caning. 10

(2) Where before the appointed day, a person is convicted of murder under section 302 of the Penal Code but is to be sentenced on or after that day, the following provisions shall apply: 15

(a) the person so convicted or the Public Prosecutor may apply to the High Court to hear further arguments or admit further evidence for the purpose only of determining the meaning of murder that the person is guilty of; 20

(b) the High Court —

(i) may, if an application under paragraph (a) is made, hear such further arguments or admit such further evidence, and thereafter restate or clarify the meaning of murder that the person is guilty of; or 25

(ii) shall, if no application is made under paragraph (a), at the time of sentencing, restate or clarify the meaning of murder that the person is guilty of; and

(c) the High Court shall —

(i) if the person is determined to be guilty of murder within the meaning of section 300(a) of the Penal Code, sentence him to death; or 30

- (ii) if the person is determined to be guilty of murder within the meaning of section 300(*b*), (*c*) or (*d*) of the Penal Code, sentence him to death or imprisonment for life and he shall, if he is not sentenced to death, also be liable to caning.

(3) Where before the appointed day, a person is convicted of and sentenced for murder under section 302 of the Penal Code and the time to lodge a notice of appeal as prescribed in Division 1 of Part XX of the Criminal Procedure Code (Cap. 68) is still current on that day, the following provisions shall apply:

- (*a*) the person may not lodge an appeal against his conviction until after the High Court has affirmed the sentence of death imposed on him, or re-sentenced him, in accordance with paragraph (*d*);

- (*b*) the person so convicted or the Public Prosecutor may apply to the High Court to hear further arguments or admit further evidence for the purpose only of determining the meaning of murder that the person is guilty of;

- (*c*) the High Court —

- (i) may, if an application under paragraph (*b*) is made, hear such further arguments or admit such further evidence, and thereafter restate or clarify the meaning of murder that the person is guilty of; or

- (ii) shall, if no application is made under paragraph (*b*), at the time of the affirmation of the sentence or the re-sentencing, restate or clarify the meaning of murder that the person is guilty of;

- (*d*) the High Court shall —

- (i) if the person is determined to be guilty of murder within the meaning of section 300(*a*) of the Penal Code, affirm the sentence of death imposed on him; or

- (ii) if the person is determined to be guilty of murder within the meaning of section 300(*b*), (*c*) or (*d*) of the Penal Code, re-sentence him to death or imprisonment