

# **Intoxicating Substances (Amendment) Bill**

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**Bill No: 41/2005**

*Read the first time: 21st November 2005*

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## **Intoxicating Substances (Amendment) Bill**

**Bill No. 41/2005**

*Read the first time on 21st November 2005.*

An Act to amend the Intoxicating Substances Act (Chapter 146A of the 2001 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 Intoxicating Substances (Amendment) Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### **Amendment of section 2**

2. Section 2 of the Intoxicating Substances Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the words “the Deputy Director” in the definition of “Director” and substituting the words “any Deputy Director”; and
- (b) by deleting the definition of “officer of the Bureau” and substituting the following definition:

““officer of the Bureau” means the Director or any person appointed under section 3 of the Misuse of Drugs Act as a Deputy Director, an Assistant Director or an officer of the Central Narcotics Bureau;”.

### **Repeal and re-enactment of section 14**

3. Section 14 of the principal Act is repealed and the following section substituted therefor:

#### **“Presumption of misuse of intoxicating substance**

14. A person shall be presumed, until the contrary is proved, to have used or inhaled any intoxicating substance for the purpose of inducing or causing in himself a state of intoxication if the specimen of blood provided by him under section 13 is certified by —

- (a) an analyst employed by the Health Sciences Authority; or
- (b) such other person as the Minister may, by notification in the *Gazette*, appoint,

to contain an amount of any chemical compound specified in the first column of the Schedule in excess of the amount specified in the second column thereof in

relation to that chemical compound.”.

#### **Amendment of section 15**

4. Section 15 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) A certificate purporting —

(a) to be signed by —

(i) an analyst employed by the Health Sciences Authority; or

(ii) such other person as the Minister may, by notification in the *Gazette*, appoint; and

(b) to relate to any chemical compound specified in the Schedule,

shall be admitted in evidence, in any proceedings for an offence under this Act, on its production by the prosecution without proof of signature and, until the contrary is proved, shall be proof of all matters contained therein.”; and

(b) by deleting the section heading and substituting the following section heading:

“**Certificate of analyst, etc.**”.

#### **Amendment of section 16**

5. Section 16 of the principal Act is amended by deleting subsection (2) and substituting the following subsections:

“(2) The Director may make a supervision order requiring —

(a) a person who has been convicted of an offence under section 3(2); or

(b) a person who has been discharged from an approved centre under section 21,

to be subject to supervision by an officer of the Bureau or a person appointed by the Director for that purpose for a supervision period not exceeding 12 months.

(2A) Where the person referred to in subsection (2)(a) is sentenced to a term of imprisonment, the supervision order shall commence upon the expiration of that

sentence.”.

## **New Part IVA**

6. The principal Act is amended by inserting, immediately after section 26, the following Part:

### **“PART IVA**

#### **TAKING OF PHOTOGRAPHS, FINGER IMPRESSIONS, PARTICULARS AND BODY SAMPLES**

#### **Interpretation of this Part**

**26A.—**(1) In this Part, unless the context otherwise requires —

“appropriate consent” means —

- (a) for a person aged 16 years and above, the written consent of that person;
- (b) for a person aged 14 years and above but below the age of 16 years, the written consent of both that person and of his parent or guardian; and
- (c) for a person below the age of 14 years, the written consent of his parent or guardian,

given to —

- (i) a police officer or an officer of the Bureau in charge of the case; or
- (ii) a prison officer,

after that officer has informed the person concerned, his parent or guardian or both, as the case may be, of the purpose for which a body sample is required from such person and the manner by which such body sample is to be taken from him;

“authorised analyst” means a person appointed by the Commissioner of Police to be an analyst for the purposes of this Part;

“body sample” means —

- (a) a sample of blood;

- (b) a sample of head hair, including the roots thereof;
- (c) a swab taken from a person's mouth; or
- (d) such other sample as may be prescribed under subsection (2);

“DNA” means deoxyribonucleic acid;

“DNA information” means genetic information derived from the forensic DNA analysis of a body sample;

“finger impression” includes thumb impression and palmar impression;

“intimate sample” means any body sample that is obtained by means of any invasive procedure, but does not include any sample described in subsection (3);

“particulars”, in relation to a person, means any particulars, information or description of that person that may be relevant or useful in the identification of that person;

“photograph”, in relation to a person, includes the photograph of any distinguishing feature or mark on the body of that person;

“registered medical practitioner” has the same meaning as in the Medical Registration Act (Cap. 174) and includes a dentist registered under the Dentists Act (Cap. 76).

(2) Subject to subsection (3), the Minister may prescribe additional types of body samples that may be taken under section 26B.

(3) The additional types of body samples that may be prescribed under subsection (2) shall not include samples to be obtained from —

- (a) the genital or anal area of a person's body;
- (b) a person's body orifice other than the mouth; or
- (c) the breast of a woman.

### **Taking of photographs, finger impressions, particulars and body samples from person convicted, subject to supervision or in approved centres**

**26B.**—(1) Any police officer, prison officer, officer of the Bureau or person authorised by the Commissioner of Police may exercise all or any of the following powers in respect of any person referred to in subsection (2):