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Private Security Industry (Amendment) Bill

Bill No. 22/2021.

Read the first time on 13 September 2021.

A BILL

i n t i t u l e d

An Act to amend the Private Security Industry Act and to make a related amendment to the Protection from Harassment Act.

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 is the Private Security Industry (Amendment) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 New Division heading of Part III

2. Part III of the Private Security Industry Act (called in this Act the principal Act) is amended by inserting, immediately above section 13, the following Division heading:

“Division 1 — Licensing and regulatory matters”.

10 New Division 2 of Part III

3. The principal Act is amended by inserting, immediately after section 17, the following Division:

“Division 2 — Protection from assault and harassment

Assaulting or using criminal force on security officer

15 **17A.**—(1) An individual who assaults or uses criminal force on a person (called in this section the target person) —

(a) in the execution of the target person’s duty as a security officer;

20 (b) with intent to prevent or deter the target person from discharging his or her duty as a security officer; or

(c) in consequence of anything done or attempted to be done by the target person in the lawful discharge of his or her duty as a security officer,

25 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$7,500 or to imprisonment for a term not exceeding 2 years or to both.

(2) In this section, “assault” and “criminal force” are to be construed in accordance with sections 349, 350 and 351 of the Penal Code.

Voluntarily causing hurt to security officer

17B.—(1) An individual who voluntarily causes hurt to a person (called in this section the target person) —

- (a) in the execution of the target person’s duty as a security officer; 5
- (b) with intent to prevent or deter the target person from discharging his or her duty as a security officer; or
- (c) in consequence of anything done or attempted to be done by the target person in the lawful discharge of his or her duty as a security officer, 10

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

(2) In this section, “voluntarily causes hurt” is to be construed in accordance with section 321 of the Penal Code. 15

Intentionally causing harassment, alarm or distress to security officer

17C.—(1) An individual must not by any means —

- (a) use any indecent, threatening, abusive or insulting words or behaviour; or 20
- (b) make any indecent, threatening, abusive or insulting communication,

towards a person (called in this section the target person) in relation to the execution of the target person’s duty as a security officer, with the intent to cause harassment, alarm or distress to the target person and as a result causing the target person harassment, alarm or distress. 25

(2) Subject to section 17D, an individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both. 30

(3) In any proceedings for an offence under subsection (2), it is a defence for the accused to prove, on a balance of probabilities, that —

- 5 (a) the accused did not know and had no reason to believe that the words or behaviour used, or the communication made, would be heard, seen or otherwise perceived by the target person; or
- (b) the accused's conduct was reasonable.

10 (4) However, for the purposes of this section, a target person is not treated as executing a duty as a security officer or acting in the capacity of a security officer if the target person is, at the relevant time, also a public service worker as defined in section 6(5) of the Protection from Harassment Act and acting in the capacity of such a public service worker.

15 **Enhanced penalty for section 17C offence committed subsequently**

17D. An individual who has been convicted of any offence under —

- 20 (a) the repealed section 13A, 13B, 13C or 13D of the Miscellaneous Offences (Public Order and Nuisance) Act as in force before 15 November 2014 (whether the conviction was before, on or after that date);
- (b) section 3, 4, 5, 6 or 7 of the Protection from Harassment Act; or
- 25 (c) section 17C,

shall, on a subsequent conviction for an offence under section 17C, be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

30 **Requisite knowledge that target person is acting as security officer**

17E. No offence is committed by an individual under section 17A(1), 17B(1) or 17C(2) unless the individual knows or ought reasonably to know that the target person mentioned in

section 17A(1), 17B(1) or 17C(1) was at the material time a security officer and acting in that capacity.

Application of Protection from Harassment Act

17F.—(1) A reference in sections 12(1), (2), (2A) and (2B)(b), 13(1)(a)(i) and (ii) and (1A) and 13A(1)(a) and (3)(a) of the Protection from Harassment Act to a contravention or an alleged contravention, or an offence, under section 3, 4, 5, 6 or 7 of that Act includes a contravention or an alleged contravention, or an offence, under section 17C(2), as the case may be.

(2) The following provisions of the Protection from Harassment Act apply with the necessary modifications because of subsection (1):

- (a) section 10;
- (b) Division 1 of Part 3 (except section 11);
- (c) sections 16C, 16CB and 16D;
- (d) Part 3A;
- (e) sections 19, 20 and 21;
- (f) the Schedule as it applies in relation to sections 12(2A)(a) and 13(1A)(a).

(3) Any word or expression used in, or relevant for the purpose of interpreting, section 17C, 17D, 17E or this section and that is defined in section 2(1) of the Protection from Harassment Act has the meaning given to it by section 2(1) of that Act.”.

Amendment of section 18

4. Section 18(1) of the principal Act is amended by deleting paragraphs (c), (d) and (e) and substituting the following paragraph:

“(c) providing product advice in relation to security equipment, other than basic household or automotive security items at approved classes of retail outlets;”.

Amendment of section 28

5. Section 28 of the principal Act is amended —

(a) by inserting, immediately after the words “under this Act” in subsection (1), the words “, other than an offence under section 17A, 17B or 17C”;

(b) by inserting, immediately after subsection (1), the following subsection:

“(1A) Despite the Criminal Procedure Code specifying what an arrestable offence means, an offence under section 17A, 17B or 17C is to be treated as a non-arrestable offence, unless a person offends in the view of a police officer against any of those sections.”; and

(c) by inserting, immediately after the words “under subsection (1)” in subsection (2), the words “, or any police officer arresting a person by virtue of subsection (1A),”.

Repeal and re-enactment of section 29

6. Section 29 of the principal Act is repealed and the following section substituted therefor:

“Power to investigate

29.—(1) In any case relating to the commission of an offence under this Act (other than section 17A, 17B or 17C), the licensing officer or any police officer duly authorised in writing in that behalf by the licensing officer may exercise all or any of the special powers in relation to arrestable offences given by the Criminal Procedure Code.

(2) To avoid doubt, section 16 of the Criminal Procedure Code (relating to the procedure in non-arrestable cases) applies in relation to an offence under section 17A, 17B or 17C that is treated as a non-arrestable offence by virtue of section 28(1A).”.

Related amendment to Protection from Harassment Act

7. Section 8(1) of the Protection from Harassment Act is amended by inserting, immediately after the words “who is convicted of any offence”, the words “under section 17C(2) of the Private Security Industry Act or”.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Private Security Industry Act mainly —

- (a) to introduce 3 new offences to protect security officers when they are executing their duties as such; and
- (b) to remove certain circumstances when a person is said to provide a security service.

The Bill also makes a related amendment to the Protection from Harassment Act.

Clause 1 relates to the short title and commencement.

Clause 2 divides the present Part III into 2 Divisions to better support the amendments in clause 3, which are focused on protection for the industry participant called the security officer, and not on the industry itself.

Clause 3 inserts a new Division 2 for Part III consisting of 6 new sections, including the 3 new offences dealing with certain abusive conduct against security officers.

The new section 17A makes it an offence for an individual to assault or use criminal force against a person in certain circumstances related to the execution of the person’s duty as a security officer.

The new section 17B makes it an offence for an individual to voluntarily cause hurt to a person in certain circumstances related to the execution of the person’s duty as a security officer.

The new section 17C makes it an offence for an individual to use any indecent, threatening, etc., words or behaviour, or to make any indecent, threatening, etc., communication against a person in relation to the execution of the person’s duty as a security officer, with intent to cause harassment, alarm or distress to the person and as a result causing the person harassment, alarm or distress.

In any proceedings for an offence under the new section 17C, it is a defence for the accused to prove, on a balance of probabilities, that the accused did not know and had no reason to believe that the words or behaviour used, or the

communication made, would be heard, seen or otherwise perceived by the person, or that the accused's conduct was reasonable.

A person is not treated as executing a duty as a security officer or acting in the capacity of a security officer if the person is, at the relevant time, also a public service worker as defined in section 6(5) of the Protection from Harassment Act and acting in the capacity of such a public service worker.

For example, if *A* is a security officer who is also executing *A*'s duty as a security guard at a public healthcare institution, and an individual uses any indecent, threatening, etc., words or behaviour, or makes any indecent, threatening, etc., communication towards or to *A* in relation to the execution of *A*'s duties as a security guard at the public healthcare institution, the individual will have committed an offence under section 6 of the Protection from Harassment Act, and not under the new section 17C(2).

The new section 17D provides for situations where a higher punishment may be meted out on conviction for an offence under the new section 17C. Where an individual has been convicted of an offence under the new section 17C, and the individual had previously been convicted of —

- (a) certain repealed offences under the Miscellaneous Offences (Public Order and Nuisance) Act;
- (b) an offence under section 3, 4, 5, 6 or 7 of the Protection from Harassment Act; or
- (c) an offence under the new section 17C,

the individual is liable to an enhanced sentence for the offence under the new section 17C.

Under the new section 17E, the offence in the new section 17A, 17B or 17C is also not made out unless the individual knows or ought reasonably to know that the person was at the material time a security officer and acting in that capacity.

The new section 17F makes indirect modifications to certain provisions of the Protection from Harassment Act with the object of extending their application (with the necessary modifications) to, or in relation to, an offence under the new section 17C.

Clause 4 amends section 18(1) by removing certain circumstances (related mainly to the provision of consultancy services) when a person is said to provide a security service.

Clause 5 amends section 28 by providing that the 3 new offences under the new sections 17A, 17B and 17C are non-arrestable. However, if a person commits in the view of a police officer an offence under the new section 17A, 17B or 17C, the offence becomes an arrestable offence.

Clause 6 repeals and re-enacts section 29. In any case relating to the commission of an offence under the Act (other than the new section 17A, 17B or 17C), the licensing officer or any police officer duly authorised in writing in that behalf by the licensing officer may exercise all or any of the special powers in relation to arrestable offences given by the Criminal Procedure Code. In relation to an offence under the new section 17A, 17B or 17C that is treated as a non-arrestable offence by virtue of the new section 28(1A), the procedure in section 16 of the Criminal Procedure Code will apply.

Clause 7 makes a related amendment to section 8(1) of the Protection from Harassment Act such that an individual convicted of an offence under the new section 17C(2) of the Private Security Industry Act is liable to enhanced penalty on a subsequent conviction under section 3, 4, 5, 6 or 7 of the Protection from Harassment Act.

EXPENDITURE OF PUBLIC MONEY

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