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Law Enforcement and Other Matters Bill

Bill No. 14/2024.

Read the first time on 7 March 2024.

A BILL

i n t i t u l e d

An Act to amend the Miscellaneous Offences (Public Order and Nuisance) Act 1906, the Mental Health (Care and Treatment) Act 2008, the Police Force Act 2004 and certain other Acts to update and enhance certain procedures relating to law enforcement, insert new offences and update other matters.

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 Law Enforcement and Other Matters Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

PART 1

AMENDMENT OF MISCELLANEOUS OFFENCES (PUBLIC ORDER AND NUISANCE) ACT 1906

Amendment of section 14D

2. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, in section 14D, after subsection (1), insert —

“(1A) However, a person is not guilty of an offence under subsection (1) if the person proves, on a balance of probabilities, that the transmission of the message has a legitimate purpose related to public order, public safety or national security, or the prevention, investigation or prosecution of offences.

Illustration

As part of a campaign to raise public awareness against phishing scams, a government agency sends an email to various members of the public which contains a false message that entices its recipient to click on a link which would purportedly give free shopping vouchers. The link leads to a pop-up message informing the recipient that the message was a simulated phishing attempt, and had it been genuine, the recipient could have activated malware to allow a fraudster to steal money from his or her online account. The sending of the false message has a legitimate purpose related to the prevention of offences.”.

New Part 6A

3. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, after Part 6, insert —

“PART 6A

OFFENCES RELATING TO MISUSE OF SIM CARDS

Interpretation of this Part

39A.—(1) In this Part —

“compromised SIM card” means a SIM card that has been used either — 5

(a) to commit, or to facilitate the commission of, a criminal offence; or

(b) to cause, or to facilitate the causing of, wrongful gain or wrongful loss to any person; 10

“personal information” means any information, whether true or not, about a person of a type that is commonly used alone or in combination with other information to identify or purport to identify a person, including (but not limited to) biometric data, name, address, date of birth, unique identification number, a written, electronic or digital signature, user authentication code, credit card or debit card number, and password; 15

“retailer” means a person who, in the course of trade or business, provides the service of registering SIM cards for consumers; 20

“SIM card” means a prepaid or postpaid subscriber identification module (SIM) card (whether in physical or digital form) issued with a Singapore telephone number, but does not include a SIM card that is expired or that has been terminated; 25

“telecommunication licensee” has the meaning given by section 2 of the Telecommunications Act 1999;

“unique identification number” means —

(a) in relation to an individual — an identity card number, passport number or the number of any other similar document of identity issued by a government authority as evidence of the 30

individual's nationality or place of residence,
and includes a foreign identification number;
and

(b) in relation to an entity —

(i) if incorporated or registered in Singapore,
its Unique Entity Number (UEN); or

(ii) if not incorporated or registered in
Singapore, its foreign incorporation or
registration number;

“unregistered SIM card” means a SIM card that has not
been registered with a telecommunication licensee using
a person's personal information.

(2) In this Part, a reference to a person doing an act for any
gain is a reference to the person doing the act for any gain —

(a) whether or not the gain is a wrongful gain;

(b) whether or not the gain is realised; and

(c) whether the gain is to that person or to another person.

(3) For the purposes of this Part —

(a) a reference to a person (*A*) buying, renting, borrowing
or receiving a SIM card from another person (*B*)
includes a reference to *A* buying, renting, borrowing
or receiving from *B* —

(i) a mobile telephone or any other device
containing the SIM card; or

(ii) a means (such as an application, a code or a
link) through which the SIM card in digital form
can be downloaded; and

(b) a reference to *A* providing, selling, renting, lending or
supplying a SIM card to *B* includes a reference to *A*
providing, selling, renting, lending or supplying
to *B* —

- (i) a mobile telephone or any other device containing the SIM card; or
- (ii) a means (such as an application, a code or a link) through which the SIM card in digital form can be downloaded.

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Illustration

A registers for an eSIM using *A*'s personal information, and obtains a QR code which *A* can use to download the eSIM onto *A*'s phone. *A* provides the QR code to *B* for *B* to download the eSIM onto *B*'s phone. *A* has provided the eSIM to *B*.

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Unlawful provision of SIM card registered using person's personal information

39B.—(1) A person shall be guilty of an offence if the person —

(a) provides, or offers to provide, a SIM card registered using the person's personal information to another person; and

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(b) does so knowing, or having reasonable grounds to believe, that the provision of the SIM card is for any person —

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(i) to commit, or to facilitate the commission by any person of, any offence under any written law; or

(ii) to cause, or to facilitate the causing by any person of, wrongful gain or wrongful loss to any person.

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(2) In proceedings for an offence under subsection (1) involving the fault element mentioned in subsection (1)(b)(i), a person (*A*) who does an act mentioned in subsection (1)(a) is presumed, until the contrary is proved, to have reasonable grounds to believe that the purpose of the provision of the SIM card is for a person to commit, or to facilitate the commission by a person of, an offence under any written law, if —

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- (a) *A* does the act for any gain; or
- (b) at the time *A* does the act, *A* fails to take reasonable steps to ascertain —
 - (i) the identity and physical location of the person to whom the SIM card is provided; or
 - (ii) the purpose for which the person obtains the SIM card from *A*.

(3) For the purpose of proving a person's state of mind under subsection (1)(b), it is not necessary for the prosecution to prove that the SIM card was used to commit, or to facilitate the commission of, a specific offence.

(4) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; or
- (b) in any other case, to a fine not exceeding \$20,000.

Unlawful provision, etc., of person's personal information for purpose of registering SIM card

39C.—(1) A person shall be guilty of an offence if —

- (a) the person —
 - (i) provides, or offers to provide, the person's personal information to be used by another person; or
 - (ii) consents to, or offers to consent to, the person's personal information being used by another person; and
- (b) the person does so knowing, or having reasonable grounds to believe —
 - (i) that the person's personal information will be used to register a SIM card; and

(ii) that the SIM card will be used —

(A) to commit, or to facilitate the commission by any person of, any offence under any written law; or

(B) to cause, or to facilitate the causing by any person of, wrongful gain or wrongful loss to any person. 5

(2) In proceedings for an offence under subsection (1) involving the fault element mentioned in subsection (1)(b)(ii)(A), a person (*A*) who does an act mentioned in subsection (1)(a) is presumed, until the contrary is proved, to have reasonable grounds to believe that the SIM card will be used to commit, or to facilitate the commission by a person of, an offence under any written law, if — 10

(a) *A* does the act for any gain; or 15

(b) at the time *A* does the act, *A* fails to take reasonable steps to ascertain —

(i) the identity and physical location of the person who uses *A*'s personal information to register the SIM card; or 20

(ii) the purpose for which the person uses *A*'s personal information to register the SIM card.

(3) For the purpose of proving a person's state of mind under subsection (1)(b), it is not necessary for the prosecution to prove that the SIM card was used to commit, or to facilitate the commission of, a specific offence. 25

(4) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) in the case of an individual, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; or 30

(b) in any other case, to a fine not exceeding \$20,000.

Transacting of SIM card registered using another person's personal information for criminal activity

39D.—(1) A person shall be guilty of an offence if —

(a) the person buys, rents, borrows or otherwise receives, or offers to buy, rent, borrow or otherwise receive —

(i) a SIM card registered using another person's personal information; or

(ii) an unregistered SIM card; and

(b) the person does so intending to use the SIM card, or to supply the SIM card to any other person —

(i) to commit, or to facilitate the commission by any person of, any offence under any written law; or

(ii) to cause, or to facilitate the causing by any person of, wrongful gain or wrongful loss to any person.

(2) A person shall be guilty of an offence if —

(a) the person sells, rents, lends or otherwise supplies, or offers to sell, rent, lend or otherwise supply, to another person —

(i) a SIM card registered using any other person's personal information; or

(ii) an unregistered SIM card; and

(b) the person does so knowing, or having reasonable grounds to believe, that the SIM card will be used —

(i) to commit, or to facilitate the commission by any person of, any offence under any written law; or

(ii) to cause, or to facilitate the causing by any person of, wrongful gain or wrongful loss to any person.

(3) In proceedings for an offence under subsection (1) or (2) involving a SIM card registered using another person's personal information, it is a defence for the accused to prove that the accused did not know, and had no reason to believe, that the SIM card was registered using another person's personal information. 5

(4) In proceedings for an offence under subsection (1) involving the fault element mentioned in subsection (1)(b)(i), a person (*A*) who does an act mentioned in subsection (1)(a) is presumed, until the contrary is proved, to have the intent to use or supply (as the case may be) the SIM card to commit, or to facilitate the commission by a person of, an offence under any written law, if — 10

(a) where the SIM card is a SIM card registered using another person's personal information — *A* does the act for any gain; or 15

(b) it is proved that the SIM card is a compromised SIM card at the time *A* does the act.

(5) In proceedings for an offence under subsection (2) involving the fault element mentioned in subsection (2)(b)(i), a person (*A*) who does an act mentioned in subsection (2)(a) is presumed, until the contrary is proved, to have reasonable grounds to believe that the SIM card will be used to commit, or to facilitate the commission by a person of, an offence under any written law, if — 20

(a) where the SIM card is a SIM card registered using another person's personal information — *A* does the act for any gain; 25

(b) it is proved that the SIM card is a compromised SIM card at the time *A* does the act; or

(c) where the SIM card is registered using another person's personal information — at the time *A* does the act, *A* fails to take reasonable steps to ascertain — 30

(i) the identity and physical location of the person to whom the SIM card is supplied; or

- (ii) the purpose for which the person receives the SIM card from *A*.

(6) In addition to subsection (4), in proceedings for an offence under subsection (1) involving the fault element mentioned in subsection (1)(b)(i) where the charge is amalgamated or involves more than one SIM card, a person (*A*) who does an act mentioned in subsection (1)(a) is presumed, until the contrary is proved, to have the intent to use or supply (as the case may be) the SIM card to commit, or to facilitate the commission by a person of, an offence under any written law, if the act concerns more than a total of 10 SIM cards registered using another person's personal information or unregistered SIM cards, or a combination of both.

(7) In addition to subsection (5), in proceedings for an offence under subsection (2) involving the fault element mentioned in subsection (2)(b)(i) where the charge is amalgamated or involves more than one SIM card, a person (*A*) who does an act mentioned in subsection (2)(a) is presumed, until the contrary is proved, to have reasonable grounds to believe that the SIM card will be used to commit, or to facilitate the commission by a person of, an offence under any written law, if the act concerns more than a total of 10 SIM cards registered using another person's personal information or unregistered SIM cards, or a combination of both.

(8) For the purpose of proving whether a SIM card was used to commit, or to facilitate the commission of, an offence, it is not necessary for the prosecution to prove that a specific offence occurred.

(9) A person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction —

(a) in the case of an individual —

- (i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and

- (ii) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 5 years or to both; or

(b) in any other case —

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- (i) to a fine not exceeding \$20,000; and

- (ii) in the case of a second or subsequent conviction, to a fine not exceeding \$40,000.

Transacting of SIM card registered using another person's personal information for consideration

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39E.—(1) A person shall be guilty of an offence if the person, in exchange for any consideration —

- (a) buys or rents, or offers to buy or rent, a SIM card registered using another person's personal information; or

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- (b) sells or rents, or offers to sell or rent, a SIM card registered using another person's personal information to any other person.

(2) However, a person is not guilty of an offence under subsection (1) if the person proves, on a balance of probabilities, that —

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- (a) the person did not know, and had no reason to believe, that the SIM card was registered using another person's personal information;

- (b) in the case of an offence under subsection (1)(a), the person bought or rented the SIM card for a lawful purpose; or

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- (c) in the case of an offence under subsection (1)(b), the person did not know, and had no reason to believe, that the SIM card would be used to commit, or to facilitate the commission of, any offence.

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(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) in the case of an individual —

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and

(ii) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 5 years or to both; or

(b) in any other case —

(i) to a fine not exceeding \$20,000; and

(ii) in the case of a second or subsequent conviction, to a fine not exceeding \$40,000.

Possession of SIM card registered using another person's personal information for criminal activity

39F.—(1) A person shall be guilty of an offence if —

(a) the person possesses —

(i) a SIM card registered using another person's personal information; or

(ii) an unregistered SIM card; and

(b) the person intends to use the SIM card, or to supply the SIM card to any other person —

(i) to commit, or to facilitate the commission by any person of, any offence under any written law; or

(ii) to cause, or to facilitate the causing by any person of, wrongful gain or wrongful loss to any person.

(2) In proceedings for an offence under subsection (1) involving a SIM card registered using another person's personal information, it is a defence for the accused to prove that the accused did not know, and had no reason to believe, that

the SIM card was registered using another person's personal information.

(3) In proceedings for an offence under subsection (1) involving the fault element mentioned in subsection (1)(b)(i), a person (*A*) who does an act mentioned in subsection (1)(a) is presumed, until the contrary is proved, to have the intent to use or supply (as the case may be) a SIM card for the purpose of committing, or facilitating the commission by a person of, an offence under any written law, if it is proved that the SIM card in *A*'s possession is a compromised SIM card.

(4) In addition to subsection (3), in proceedings for an offence under subsection (1) involving the fault element mentioned in subsection (1)(b)(i) where the charge is amalgamated or involves more than one SIM card, a person (*A*) who does an act mentioned in subsection (1)(a) is presumed, until the contrary is proved, to have the intent to use or supply (as the case may be) a SIM card for the purpose of committing, or facilitating the commission by a person of, an offence under any written law, if *A* has in *A*'s possession more than a total of 10 SIM cards registered using another person's personal information or unregistered SIM cards, or a combination of both.

(5) For the purpose of proving whether a SIM card was used to commit, or to facilitate the commission of, an offence, it is not necessary for the prosecution to prove that a specific offence occurred.

(6) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) in the case of an individual —

- (i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (ii) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or

to imprisonment for a term not exceeding 5 years or to both; or

(b) in any other case —

(i) to a fine not exceeding \$20,000; and

(ii) in the case of a second or subsequent conviction, to a fine not exceeding \$40,000.

Facilitation of fraudulent registration of SIM card that facilitates criminal activity

39G.—(1) A retailer or telecommunication licensee shall be guilty of an offence if —

(a) the retailer or telecommunication licensee registers a SIM card using any person's personal information;

(b) the retailer or telecommunication licensee does so knowing, or having reasonable grounds to believe —

(i) that there was no authorisation given by the person whose personal information is being used to register the SIM card; or

(ii) that the personal information given by the person seeking to register the SIM card is false or misleading; and

(c) either of the following applies:

(i) the retailer or telecommunication licensee does the act mentioned in paragraph (a) knowing, or having reasonable grounds to believe, that the SIM card will be used —

(A) to commit, or to facilitate the commission by any person of, any offence under any written law; or

(B) to cause, or to facilitate the causing by any person of, wrongful gain or wrongful loss to any person;

(ii) the SIM card is used by any person —

(A) to commit, or to facilitate the commission by any person of, any offence under any written law; or

(B) to cause, or to facilitate the causing by any person of, wrongful gain or wrongful loss to any person. 5

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) in the case of an individual — 10

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and

(ii) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 5 years or to both; or 15

(b) in any other case —

(i) to a fine not exceeding \$20,000; and

(ii) in the case of a second or subsequent conviction, to a fine not exceeding \$40,000. 20

(3) For the purposes of this section, a reference to a retailer or telecommunication licensee includes a reference to an employee of the retailer or telecommunication licensee (as the case may be) acting in the course of the employee's employment. 25

Offences under this Part committed outside Singapore

39H. An offence under section 39B(1), 39C(1), 39D(1) or (2), 39F(1) or 39G(1) committed wholly or partly outside Singapore may be dealt with as if the offence had been committed wholly within Singapore, if — 30

(a) the accused was in Singapore at the time the offence was committed; or

- (b) the offence causes, or creates a significant risk of, direct and reasonably foreseeable harm in Singapore.

Arrestable offence

39I. Every offence under this Part is deemed to be an arrestable offence within the meaning of the Criminal Procedure Code 2010.”.

New sections 40A and 40B

4. In the Miscellaneous Offences (Public Order and Nuisance) Act 1906, after section 40, insert —

“Offences by corporations

40A.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind, is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

(i) an officer of the corporation; or

(ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the

commission of the offence by the corporation;
or

- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

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shall be guilty of the same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

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(4) To avoid doubt, this section does not affect the application of —

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- (a) Chapters 5 and 5A of the Penal Code 1871;
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence; or
- (c) section 39.

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(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

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“corporation” includes a limited liability partnership;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and

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- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

40B.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership (as the case may be) had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is —

- (i) an officer of the unincorporated association or a member of its governing body;
- (ii) a partner in the partnership; or
- (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871;
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence; or
- (c) section 39.

(5) To avoid doubt, subsection (2) does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.”.

PART 2

AMENDMENTS RELATING TO CRIMINAL PROCEDURE

Amendment of Casino Control Act 2006

5. In the Casino Control Act 2006, after section 183, insert —

“Bail and bond

183AA.—(1) A person who has been arrested by an inspector or authorised person under section 182(1) may be released on bail or on personal bond granted by any inspector or any authorised person.

(2) Division 5 (Bails and bonds) of Part 6 of the Criminal Procedure Code 2010 applies to the release of a person on bail or on personal bond under this section or section 92 or 93 of the Criminal Procedure Code 2010 (as the case may be) with the following modifications:

- (a) any reference to “officer”, “police officer” or “police officer of or above the rank of sergeant” is to be read to include an inspector or an authorised person;
- (b) the reference to the Commissioner of Police in section 92(1) of the Criminal Procedure Code 2010 is to be read to include the Chief Executive.”.

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Amendment of Criminal Procedure Code 2010

6. In the Criminal Procedure Code 2010, in section 16 —

- (a) in subsection (1), replace “a non-arrestable offence —” with “a non-arrestable offence, any one or more of the following applies:”;
- (b) in subsection (1)(b), replace “must, by order” with “may, by notice”;
- (c) in subsection (1)(b), delete “or” at the end;
- (d) after subsection (1), insert —
 - “(1A) Despite subsection (1), if the police officer has reason to believe that the matter is not of a serious nature or there are insufficient grounds for proceeding with the matter (whether or not any investigation has commenced under subsection (1)(a)), no further action need be taken by any police officer.”; and
- (e) in subsection (5), replace “not to investigate into any non-arrestable case” with “to take any course of action mentioned in subsection (1)(b) or (c) or (1A)”.

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Amendment of Gambling Control Act 2022

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7. In the Gambling Control Act 2022, after section 112, insert —

“Bail and bond

112A.—(1) A person who has been arrested by an authorised officer under section 112(1) may be released on bail or on personal bond granted by any authorised officer.

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(2) Division 5 (Bails and bonds) of Part 6 of the Criminal Procedure Code 2010 applies to the release of a person on bail or

on personal bond under this section or section 92 or 93 of the Criminal Procedure Code 2010 (as the case may be) with the following modifications:

- (a) any reference to “officer”, “police officer” or “police officer of or above the rank of sergeant” is to be read to include an authorised officer;
- (b) the reference to the Commissioner of Police in section 92(1) of the Criminal Procedure Code 2010 is to be read to include the Chief Executive of the Authority.”.

Amendment of Immigration Act 1959

8. In the Immigration Act 1959, before section 51A, insert —

“Bail and bond

51AF.—(1) A person who has been arrested by a police officer, an immigration officer or a customs officer under section 51(3) may be released on bail or on personal bond granted by any immigration officer.

(2) Division 5 (Bails and bonds) of Part 6 of the Criminal Procedure Code 2010 applies to the release of a person on bail or on personal bond under this section or section 92 or 93 of the Criminal Procedure Code 2010 (as the case may be) with the following modifications:

- (a) any reference to “officer”, “police officer” or “police officer of or above the rank of sergeant” is to be read to include an immigration officer;
- (b) the reference to the Commissioner of Police in section 92(1) of the Criminal Procedure Code 2010 is to be read to include the Controller.”.

Amendment of Intoxicating Substances Act 1987

9. In the Intoxicating Substances Act 1987, after section 7, insert —

“Bail and bond

7A.—(1) A person who has been arrested by an officer of the Bureau, police officer or special police officer under section 7(1) may be released on bail or on personal bond granted by any officer of the Bureau.

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(2) Division 5 (Bails and bonds) of Part 6 of the Criminal Procedure Code 2010 applies to the release of a person on bail or on personal bond under this section or section 92 or 93 of the Criminal Procedure Code 2010 (as the case may be) with the following modifications:

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- (a) any reference to “officer”, “police officer” or “police officer of or above the rank of sergeant” is to be read to include an officer of the Bureau;
- (b) the reference to the Commissioner of Police in section 92(1) of the Criminal Procedure Code 2010 is to be read to include the Director.”.

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Amendment of Misuse of Drugs Act 1973

10. In the Misuse of Drugs Act 1973, after section 25, insert —

“Bail and bond

25A.—(1) A person who has been arrested by an officer of the Bureau, police officer, special police officer or officer of customs under section 25(1) may be released on bail or on personal bond granted by any officer of the Bureau.

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(2) Division 5 (Bails and bonds) of Part 6 of the Criminal Procedure Code 2010 applies to the release of a person on bail or on personal bond under this section or section 92 or 93 of the Criminal Procedure Code 2010 (as the case may be) with the following modifications:

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- (a) any reference to “officer”, “police officer” or “police officer of or above the rank of sergeant” is to be read to include an officer of the Bureau;

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- (b) the reference to the Commissioner of Police in section 92(1) of the Criminal Procedure Code 2010 is to be read to include the Director.”.

Amendment of National Registration Act 1965

5 **11. In the National Registration Act 1965 —**

- (a) in section 22, replace the section heading with —

“Arrest, search and detention”;

- (b) in section 22, after subsection (5), insert —

10 “(6) Any person arrested under subsection (1) may be detained at —

- (a) a lock-up appointed as a place of confinement under section 4(1) of the Prisons Act 1933; or

- 15 (b) an immigration depot designated under the Immigration Act 1959.”; and

- (c) after section 23, insert —

“Bail and bond

20 **23A.**—(1) A person who has been arrested by a registration officer or police officer under section 22(1) may be released on bail or on personal bond granted by any registration officer.

25 (2) Division 5 (Bails and bonds) of Part 6 of the Criminal Procedure Code 2010 applies to the release of a person on bail or on personal bond under this section or section 92 or 93 of the Criminal Procedure Code 2010 (as the case may be) with the following modifications:

- 30 (a) any reference to “officer”, “police officer” or “police officer of or above the rank of sergeant” is to be read to include a registration officer;

- (b) the reference to the Commissioner of Police in section 92(1) of the Criminal Procedure Code 2010 is to be read to include the Commissioner.”.

Amendment of Passports Act 2007

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12. In the Passports Act 2007 —

- (a) in section 32, in the section heading, after “**arrest**”, insert “, **detention**”;

- (b) in section 32, after subsection (2), insert —

“(2A) Any person arrested under subsection (1) may be detained at — 10

- (a) a lock-up appointed as a place of confinement under section 4(1) of the Prisons Act 1933; or

- (b) an immigration depot designated under the Immigration Act 1959.”; and 15

- (c) after section 32, insert —

“Bail and bond

32A.—(1) A person who has been arrested by the Controller, an immigration officer or a police officer under section 32(1) may be released on bail or on personal bond granted by the Controller or any immigration officer. 20

(2) Division 5 (Bails and bonds) of Part 6 of the Criminal Procedure Code 2010 applies to the release of a person on bail or on personal bond under this section or section 92 or 93 of the Criminal Procedure Code 2010 (as the case may be) with the following modifications: 25

- (a) any reference to “officer”, “police officer” or “police officer of or above the rank of sergeant” is to be read to include the Controller or an immigration officer; 30

- (b) the reference to the Commissioner of Police in section 92(1) of the Criminal Procedure Code 2010 is to be read to include the Controller.”.

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PART 3

AMENDMENTS RELATING TO APPREHENSION

Amendment of Mental Health (Care and Treatment) Act 2008

13. In the Mental Health (Care and Treatment) Act 2008, in section 7 —

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- (a) in subsection (1), replace “any person believed to be dangerous to himself or herself or other persons and such danger is reasonably suspected to be attributable to a mental disorder and take the person” with “any person (“*P*”) where the police officer or special police officer believes that *P* may endanger *P*’s or any other person’s life or personal safety, and *P*’s conduct is reasonably suspected to be attributable to a mental disorder, and take *P*”; and

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- (b) in subsection (2), replace paragraph (a) with —

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- “(a) a police officer’s or special police officer’s reasonable belief that *P* is endangering *P*’s life or personal safety is sufficient basis for the police officer’s or special police officer’s reasonable suspicion that *P*’s conduct is attributable to a mental disorder;

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- (aa) it is sufficient that the danger to life or personal safety is only reasonably likely to occur and need not be imminent, and actual harm is not required; and”.

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Amendment of Police Force Act 2004

14. In the Police Force Act 2004 —

- (a) in Part 3, replace the Part heading with —

“DUTIES, DISCIPLINE AND POWERS
OF POLICE OFFICERS”;

- (b) in section 26A(1), after “Sections”, insert “26AA,”;
- (c) in section 26A(2), after “sections”, insert “26AA,”;
- (d) after section 26A, insert —

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**“Manner of apprehension in attempted suicide
cases**

26AA.—(1) In apprehending a person whom a police officer reasonably suspects is about to or has attempted to commit suicide —

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(a) the police officer must touch or confine the body of the person to be apprehended unless the person submits to the apprehension by word or action; and

(b) if the person forcibly resists or tries to evade apprehension, the police officer may use all reasonable means necessary to apprehend the person.

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(2) The person apprehended must not be restrained more than is necessary to prevent his or her escape.

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(3) If an apprehended person in lawful custody escapes or is rescued, the person from whose custody he or she escaped or was rescued, or any police officer, may immediately pursue and apprehend him or her for the purpose of returning him or her to the place where he or she was in lawful custody.

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(4) Section 26B applies to any apprehension under subsection (3) even if the person making the apprehension is not a police officer having authority to apprehend.

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(5) Every person is bound to help a police officer authorised to make an apprehension who reasonably demands the person’s aid in apprehending a person whom the police officer is authorised to apprehend.”;

(e) in section 26B, after subsection (2), insert —

“(2A) Whenever it is necessary to cause a woman to be searched under subsection (1)(b), the search must be made by a police officer who is a woman and with strict regard to decency.”;

(f) in section 26B, after subsection (5), insert —

“(6) A police officer may break open a place to free himself or herself or any other person who, having lawfully gone inside to make a search under subsection (1)(a), is detained in it.”; and

(g) after section 26E, insert —

“Powers upon apprehension of person in non-suicide cases

26F.—(1) Subject to subsection (2), this section applies where a police officer apprehends any person under any written law prescribed in the Police Regulations.

(2) This section does not apply where an apprehension is carried out in relation to a person whom the police officer reasonably suspects is about to or has attempted to commit suicide and to which sections 26A to 26D apply.

(3) Division 3 of Part 6 of the Criminal Procedure Code 2010 applies to an apprehension mentioned in subsection (1) as it applies to an arrest, with any exception or modification that the Minister may prescribe in the Police Regulations.

(4) For the purposes of subsection (3), the Minister may prescribe different modifications with respect to different provisions of written law mentioned in subsection (1).”.

PART 4

OTHER AMENDMENTS

Amendment of Singapore Corporation of Rehabilitative Enterprises Act 1975

15. In the Singapore Corporation of Rehabilitative Enterprises Act 1975 — 5

(a) after section 17, insert —

“Corporation’s symbol or representation

17A.—(1) The Corporation has the exclusive right to the use of one or more symbols or representations as the Corporation may select or devise (each called the Corporation’s symbol or representation), and to display or exhibit those symbols or representations in connection with the Corporation’s activities or affairs. 10

(2) A person who, without the prior written permission of the Corporation — 15

(a) uses a symbol or representation identical to the Corporation’s symbol or representation; or

(b) uses a symbol or representation which so resembles the Corporation’s symbol or representation as to deceive or to cause confusion, or to be likely to deceive or to cause confusion, 20

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 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.”; 25 30

(b) in section 36, renumber subsection (1) as section 36; and

(c) in section 36, delete subsection (2).

EXPLANATORY STATEMENT

This Bill seeks to amend the Miscellaneous Offences (Public Order and Nuisance) Act 1906, the Mental Health (Care and Treatment) Act 2008, the Police Force Act 2004 and certain other Acts, to update and enhance certain procedures relating to law enforcement, to insert new offences in relation to the misuse of SIM cards and to update various other matters.

Part 1 amends the Miscellaneous Offences (Public Order and Nuisance) Act 1906.

Part 2 amends certain other Acts to insert or update provisions relating to criminal procedure.

Part 3 amends the Mental Health (Care and Treatment) Act 2008 and the Police Force Act 2004 in relation to the apprehension of persons.

Part 4 amends the Singapore Corporation of Rehabilitative Enterprises Act 1975.

Clause 1 relates to the short title and commencement.

PART 1

AMENDMENT OF MISCELLANEOUS OFFENCES (PUBLIC ORDER AND NUISANCE) ACT 1906

Part 1 (clauses 2, 3 and 4) amends the Miscellaneous Offences (Public Order and Nuisance) Act 1906.

Clause 2 amends section 14D to provide that a person is not guilty of the offence of communicating a false message if the person proves that the person transmitted the false message for a legitimate purpose related to public order, public safety or national security, or the prevention, investigation or prosecution of offences. An illustration on the sending of simulated phishing scam emails to increase public awareness is inserted to illustrate a legitimate purpose related to the prevention of offences.

Clause 3 inserts a new Part 6A containing new sections 39A to 39I. The new Part 6A deals with offences relating to the misuse of subscriber identification module (SIM) cards including eSIM cards. Only SIM cards that have Singapore telephone numbers and that are not expired or terminated are covered under this Part.

The new section 39A sets out the definitions applicable to the new Part 6A. Definitions of relevant terms such as “compromised SIM card”, “personal information”, “retailer”, “SIM card” and “unregistered SIM card” are inserted. Apart from these definitions, the term “written law” is defined in section 2(1) of the Interpretation Act 1965 to mean the Constitution of the Republic of Singapore and all other legislation in force in Singapore. The terms “fault element”, and “wrongful gain” and “wrongful loss”, are respectively defined in sections 22A(1) and 23 of the Penal Code 1871. It is also made clear in the new section 39A that a reference to a person (*A*) buying, renting, borrowing or receiving a SIM card from another person (*B*) includes a reference to *A* buying, renting, borrowing or receiving from *B* any device containing the SIM card, or any means through which the SIM card can be downloaded in digital form, and a reference to *A* providing, selling, renting, lending or supplying a SIM card to *B* includes a reference to *A* providing, selling, renting, lending or supplying to *B* any device containing the SIM card, or any means through which the SIM card can be downloaded in digital form.

The new section 39B makes it an offence for a person to provide (or offer to provide) a SIM card registered using the person’s personal information to another person, knowing or having reasonable grounds to believe that the provision of the SIM card is for any person to commit (or facilitate the commission of) an offence under any written law, or to cause (or facilitate the causing of) wrongful gain or wrongful loss to any person. The person who provides the SIM card is presumed to have reasonable grounds to believe that the provision of the SIM card is for the commission of, or facilitation of the commission of, an offence, if the person does the act for any gain, or fails to take reasonable steps to ascertain the identity and physical location of the recipient of the SIM card, or the purpose for which the SIM card is provided.

The new section 39C makes it an offence for a person to provide or consent to (or offer to provide or consent to) the person’s personal information to be used by someone else, if the person does this knowing, or having reasonable grounds to believe, that the person’s personal information will be used to register a SIM card that will be used to commit (or facilitate the commission of) an offence, or to cause (or facilitate the causing of) wrongful gain or wrongful loss to any person. The person is presumed to have reasonable grounds to believe that the registration of the SIM card is for the commission of, or facilitation of the commission of, an offence, if the person does the act for any gain, or fails to take reasonable steps to ascertain the identity and physical location of the person registering the SIM card, or the purpose for which the SIM card is registered.

The new section 39D makes it an offence for a person to transact (whether in exchange for any consideration or not) in a SIM card registered using another person’s personal information or an unregistered SIM card for criminal purposes.

First, a person who receives such a SIM card commits an offence if the person does this intending to use or supply the SIM card for the purpose of committing (or facilitating the commission of) an offence, or to cause (or facilitate the causing of) wrongful gain or wrongful loss to any person. A person who receives such a SIM card is presumed to have the intent to use or supply (as the case may be) that SIM card to commit (or facilitate the commission of) an offence if (in the case of a SIM card registered using another person's personal information) the person does the act for any gain, the SIM card is proved to have been used in a previous criminal offence or in causing wrongful gain or wrongful loss (such a SIM card being defined as a "compromised SIM card"), or (where the offence involves more than one SIM card) the person receives more than 10 such SIM cards.

Second, a person who supplies such a SIM card commits an offence if the person does this knowing, or having reasonable grounds to believe, that that SIM card will be used to commit (or facilitate the commission of) an offence, or to cause (or facilitate the causing of) wrongful gain or wrongful loss to any person. A person who supplies such a SIM card is presumed to have reasonable grounds to believe that the SIM card will be used to commit (or facilitate the commission of) an offence if (in the case of a SIM card registered using another person's personal information) the person does the act for any gain, or the person fails to take reasonable steps to ascertain the identity and physical location of the person to whom the SIM card is supplied, or the purpose for which the SIM card is supplied. A similar presumption will apply if the SIM card is proved to have been used in a previous criminal offence or in causing wrongful gain or wrongful loss, or if the person supplies more than 10 SIM cards (where the offence involves more than one SIM card).

The new section 39E makes it an offence for a person to receive or supply, in exchange for consideration, a SIM card that is registered using another person's personal information. However, a person is not guilty of this offence if the person proves that the person did not know, and had no reason to believe, that the SIM card was registered to someone else, that the person bought or rented the SIM card for a lawful purpose, or that the person did not know, and had no reason to believe, that the SIM card supplied would be used to commit (or facilitate the commission of) an offence.

The new section 39F makes it an offence for a person to possess a SIM card registered using another person's personal information or an unregistered SIM card, if the person intends to use or supply it for the purpose of committing (or facilitating the commission of) an offence, or to cause (or facilitate the causing of) wrongful gain or wrongful loss to any person. The person who possesses such a SIM card is presumed to have the intent to use or supply (as the case may be) that SIM card for the purpose of committing (or facilitating the commission of) an offence, if the SIM card is proved to have been used in a previous criminal offence or in causing wrongful gain or wrongful loss, or (where the offence involves more

than one SIM card) the person is found in possession of more than 10 such SIM cards.

The new section 39G makes it an offence for a retailer or telecommunication licensee to register a SIM card using a person's personal information, if the retailer or telecommunication licensee knows (or has reasonable grounds to believe) that the person whose personal information is used did not authorise the registration, or that the personal information given by the customer is false or misleading, and either of the following factors are applicable: either that the retailer or telecommunication licensee knew (or had reasonable grounds to believe) that the SIM card would be used to commit (or facilitate the commission of) an offence or cause (or facilitate the causing of) wrongful gain or wrongful loss to any person, or the SIM card is in fact used for such purposes. The new section 39G will also apply to an employee of a retailer or telecommunications licensee acting in the course of the employee's employment.

The new section 39H provides that offences under sections 39B(1), 39C(1), 39D(1) or (2), 39F(1) and 39G(1) have extra-territorial effect in certain circumstances. Where a person commits an offence under any of those sections wholly or partly outside Singapore, the person may be dealt with as if the offence had been committed wholly within Singapore if any of these circumstances applies.

The new section 39I provides that every offence under the new Part 6A will be deemed to be an arrestable offence within the meaning of the Criminal Procedure Code 2010.

Clause 4 inserts new sections 40A and 40B which are standard provisions on proving the state of mind of a corporation or an unincorporated association and the liability of officers of a corporation or an unincorporated association, respectively.

PART 2

AMENDMENTS RELATING TO CRIMINAL PROCEDURE

Part 2 (clauses 5 to 12) amends several Acts in relation to provisions on criminal procedure including police reports, custody and bail and bond.

Clause 5 amends the Casino Control Act 2006 to insert a new section 183AA. Under the new section 183AA, an inspector or authorised person may release a person arrested under section 182(1) on bail or on personal bond. Division 5 of Part 6 of the Criminal Procedure Code 2010 (CPC), which deals with bails and bonds, applies to the release of a person on bail or personal bond under the new section 183AA or section 92 or 93 of the CPC, with the necessary modifications.

Clause 6 amends section 16 of the CPC to provide that where a police officer receives information relating to a non-arrestable offence, the police officer may opt to take no further action if there is reason to believe that the matter is not of a

serious nature or there are insufficient grounds for proceeding with the matter. This applies whether or not any investigation has started. The police officer must record the reasons for the course of action taken, if the course of action is not to investigate or investigate further.

Clause 7 amends the Gambling Control Act 2022 to insert a new section 112A. Under the new section 112A, an authorised officer may release a person arrested under section 112(1) on bail or on personal bond. Division 5 of Part 6 of the CPC, which deals with bails and bonds, applies to the release of a person on bail or personal bond under the new section 112A or section 92 or 93 of the CPC, with the necessary modifications.

Clause 8 amends the Immigration Act 1959 to insert a new section 51AF. Under the new section 51AF, an immigration officer may release a person arrested under section 51(3) on bail or on personal bond. Division 5 of Part 6 of the CPC, which deals with bails and bonds, applies to the release of a person on bail or personal bond under the new section 51AF or section 92 or 93 of the CPC, with the necessary modifications.

Clause 9 amends the Intoxicating Substances Act 1987 to insert a new section 7A. Under the new section 7A, an officer of the Central Narcotics Bureau may release a person arrested under section 7(1) on bail or on personal bond. Division 5 of Part 6 of the CPC, which deals with bails and bonds, applies to the release of a person on bail or personal bond under the new section 7A or section 92 or 93 of the CPC, with the necessary modifications.

Clause 10 amends the Misuse of Drugs Act 1973 to insert a new section 25A. Under the new section 25A, an officer of the Central Narcotics Bureau may release a person arrested under section 25(1) on bail or on personal bond. Division 5 of Part 6 of the CPC, which deals with bails and bonds, applies to the release of a person on bail or personal bond under the new section 25A or section 92 or 93 of the CPC, with the necessary modifications.

Clause 11 amends the National Registration Act 1965. First, section 22 is amended to provide that a person arrested under section 22(1) may be detained at a lock-up or a designated immigration depot. Second, a new section 23A is inserted to provide that a registration officer may release a person arrested under section 22(1) on bail or on personal bond. Division 5 of Part 6 of the CPC, which deals with bails and bonds, applies to the release of a person on bail or personal bond under the new section 23A or section 92 or 93 of the CPC, with the necessary modifications.

Clause 12 amends the Passports Act 2007. First, section 32 is amended to provide that a person arrested under section 32(1) may be detained at a lock-up or a designated immigration depot. Second, a new section 32A is inserted to provide that the Controller of Immigration or an immigration officer may release a person arrested under section 32(1) on bail or on personal bond. Division 5 of Part 6 of the

CPC, which deals with bails and bonds, applies to the release of a person on bail or personal bond under the new section 32A or section 92 or 93 of the CPC, with the necessary modifications.

PART 3

AMENDMENTS RELATING TO APPREHENSION

Part 3 (clauses 13 and 14) amends the Mental Health (Care and Treatment) Act 2008 and the Police Force Act 2004 in relation to the apprehension of persons.

Clause 13 amends section 7 of the Mental Health (Care and Treatment) Act 2008, to modify the threshold at which a police officer or special police officer may apprehend a mentally disordered person in certain circumstances. Under the amended section 7(1), a police officer or special police officer may apprehend a person (*P*) if the officer believes *P* may endanger *P*'s or any other person's life or personal safety, and *P*'s conduct is reasonably suspected to be attributable to a mental disorder. The officer's reasonable belief that *P* is endangering *P*'s own life or personal safety is sufficient basis for a reasonable suspicion that *P*'s conduct is attributable to a mental disorder. It is sufficient, for the apprehension to take place, that the danger posed to human life or personal safety is only reasonably likely to occur and need not be imminent. In addition, actual harm to a person is not required.

Clause 14 amends Part 3 of the Police Force Act 2004. A new section 26AA is inserted to clarify the manner of apprehension of a person whom a police officer reasonably suspects is about to or has attempted to commit suicide. The clause also inserts new subsections (2A) and (6) into section 26B which provide for certain powers relating to search. These provisions supplement the current provisions relating to attempted suicide cases in sections 26A to 26D.

Clause 14 also inserts a new section 26F into the Police Force Act 2004 to apply Division 3 of Part 6 of the CPC to the apprehension of a person under certain prescribed written laws in non-attempted suicide cases. Division 3 of Part 6 of the CPC (which contains general provisions for arrests) will apply to an apprehension in the same way as it applies to an arrest, subject to any prescribed exception or modification.

PART 4

OTHER AMENDMENTS

Part 4 (clause 15) amends the Singapore Corporation of Rehabilitative Enterprises Act 1975.

Clause 15 inserts a new section 17A to give the Singapore Corporation of Rehabilitative Enterprises (the Corporation) the exclusive rights in relation to its

symbols or representations. It is an offence for a person to use a symbol or representation identical to the Corporation's, or use a symbol or representation that so resembles the Corporation's as to deceive or cause confusion, or to be likely to deceive or cause confusion, without the Corporation's prior written permission.

Clause 15 also deletes subsection (2) of section 36 so that it is no longer necessary to make regulations to govern the appointment, promotion, dismissal, disciplinary control and terms and conditions of service of the Corporation's employees. A consequential amendment is also made to renumber section 36(1) as section 36.

EXPENDITURE OF PUBLIC MONEY

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