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**Notification No. B 19** — The Registration of Criminals (Amendment) Bill is published for general information. It was introduced in Parliament on 1 August 2022.



# Registration of Criminals (Amendment) Bill

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**Bill No. 19/2022.**

*Read the first time on 1 August 2022.*

A BILL

*i n t i t u l e d*

An Act to amend the Registration of Criminals Act 1949 and to make consequential and related amendments to certain other Acts.

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 Registration of Criminals (Amendment) Act 2022 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 2

2. Section 2 of the Registration of Criminals Act 1949 (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the definition of “authorised officer”, the following definition:

10 ““body sample” means —

(a) a sample of blood;

(b) a sample of head hair, including the roots of the head hair;

15 (c) a swab taken from an individual’s mouth; or

(d) any other sample that is prescribed under subsection (2);”;

(b) by deleting the definition of “crime”;

20 (c) by deleting the words “section 13F” in the definition of “DNA database” and substituting the words “section 31”;

(d) by inserting, immediately after the definition of “DNA information”, the following definitions:

25 ““DNA officer” means an individual who is qualified and authorised under section 18(1) to take body samples;

“eligible crime” means any offence that is, at the time of the commission of the offence —

(a) punishable by imprisonment;

(b) not a registrable crime; and

30 (c) not compoundable under any written law (unless the offence is specified in

the third column of the Fourth Schedule to the Criminal Procedure Code 2010);”;

(e) by deleting the words “section 13A(3)” in paragraphs (a) and (b) of the definition of “forensic procedure” and substituting in each case the words “subsection (3)”;

(f) by inserting, immediately after the definition of “forensic specialist”, the following definitions:

““identification database” means the database maintained under section 29;

“identifying information”, in relation to an individual, means all of the following information:

(a) any description of the individual, including —

(i) the individual’s sex;

(ii) the individual’s age or apparent age;

(iii) the individual’s bodily appearance; and

(iv) the individual’s height;

(b) any document that contains information that identifies the individual;

(c) any finger impression of the individual;

(d) any name of the individual or any name by which the individual is or is believed to have been known;

(e) any photograph of the individual;”;

(g) by deleting the words “registrable particulars” in the definition of “other particulars” and substituting the words “identifying information”;

(h) by deleting the definition of “registrable particulars” and substituting the following definitions:

“registrable crime” means any offence included for the time being in the First Schedule;

“registrable particulars”, in relation to an individual, means —

(a) the individual’s identifying information;

(b) any record of any other particulars about the individual that has been made under section 9(2)(b)(iii), 10(2)(a)(ii)(C) or 11(4)(a)(ii)(C) or (6)(b)(iii);

(c) the particulars of —

(i) any conviction for a registrable crime;

(ii) any sentence or order for that conviction; or

(iii) any order of banishment, deportation, expulsion or removal,

in respect of the individual; and

(d) any particulars of any charge for an offence (whether or not a registrable crime) that was taken into consideration in determining and passing sentence on the conviction for the registrable crime;”;

- (i) by deleting the full-stop at the end of the definition of “Registrar” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

““Reviewing Tribunal” means a Reviewing Tribunal established by section 41;

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“volunteer” means an individual who voluntarily gives his or her consent under section 14 or 23 for the taking of any identifying information or body sample (as the case may be) from him or her.”; and

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- (j) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) Subject to subsection (3), the Minister may prescribe any additional type of sample of or from an individual’s body that may be taken under this Act.

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

(a) an individual’s genital or anal region;

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(b) an individual’s body orifice other than the mouth; or

(c) the breasts of a woman.”.

#### **Amendment of section 4**

3. Section 4 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

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“(1) The Registrar must maintain a register of criminals in which must be recorded the following information and records:

(a) the registrable particulars of an individual convicted of a registrable crime that are —

(i) sent to the Registrar under section 10(3) or 11(7); or

(ii) recorded in the register under section 30(2)(b);

(b) the registrable particulars —

(i) of an individual ordered to be banished, deported or expelled and under detention in any prison or reformatory training centre, that are sent to the Registrar under section 11(7) or 12; or

(ii) of an individual ordered to be removed from Singapore under the Immigration Act 1959 and under detention in any immigration depot, police station, prison or other place appointed by the Controller of Immigration mentioned in section 34(4) of that Act, that are sent to the Registrar under section 11(8);

(c) the registrable particulars of an individual —

(i) convicted of any offence committed within, and registrable under the law of, Malaysia; or

(ii) ordered to be banished, deported or expelled from Malaysia,

sent to the Registrar by any officer of Malaysia who is authorised by the law of that territory to send the registrable particulars for registration;

(d) the registrable particulars of an individual —

(i) convicted of any offence in, or banished, deported or expelled from, any place outside the principal registration area; and



(ii) whose registration is approved under section 5, sent to the Registrar by the officer in charge of any criminal records, register of criminals or prison in the place outside the principal registration area.”.

### **Repeal of section 6**

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4. Section 6 of the principal Act is repealed.

### **Repeal of section 7**

5. Section 7 of the principal Act is repealed.

### **Repeal and re-enactment of Parts 3 and 4 and new Parts 5, 6 and 7**

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6. Parts 3 and 4 of the principal Act are repealed and the following Parts substituted therefor:

#### **“PART 3**

#### **IDENTIFICATION OF INDIVIDUALS**

#### *Division 1 — Preliminary*

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

8. In this Part, unless the context otherwise requires —

“appropriate consent” means —

(a) in relation to an individual who has attained 16 years of age — the written consent of the individual;

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(b) in relation to an individual who has not attained 16 years of age but has attained 14 years of age — the written consent of both the individual and the individual’s parent or guardian; and

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(c) in relation to an individual who has not attained 14 years of age — the written consent of the individual’s parent or guardian,

5 given to an authorised officer after the individual concerned or the individual’s parent or guardian (as the case may be) has been informed by the authorised officer of the purpose for which and the manner by which any identifying information or a body sample is to be taken from the individual;

10 “authorised analyst” means —

(a) a forensic specialist; or

(b) a person appointed by the Commissioner of Police to be an analyst for the purposes of this Part;

15 “invasive sample” means any body sample that is obtained by means of any invasive procedure and includes a sample of blood;

20 “registered medical practitioner” means a medical practitioner registered under the Medical Registration Act 1997 and includes a dentist registered under the Dental Registration Act 1999 or any corresponding previous written law.

*Division 2 — Taking of identifying information*

**Taking identifying information from accused individuals**

25 **9.—(1)** This section applies to or in relation to an individual who —

(a) is accused of an eligible crime or a registrable crime; and

(b) is either —

30 (i) under arrest or in lawful custody; or

(ii) released on bail or personal bond, whether or not by a court.

(2) An authorised officer may do any one or more of the following:

- (a) take or cause to be taken the finger impressions and photographs of the individual;
- (b) make or cause to be made a record of — 5
  - (i) any other identifying information of the individual that the authorised officer thinks necessary;
  - (ii) the particulars of the eligible crime or registrable crime that the individual is accused of; or 10
  - (iii) any other particulars about the individual that the authorised officer thinks necessary;
- (c) subject to section 15, carry out any forensic procedure for the purpose of paragraph (a) or (b). 15

(3) The authorised officer must send a copy of all identifying information and records taken or made under subsection (2) to the Registrar for identification and report.

### **Taking identifying information from individuals convicted of eligible crime or registrable crime**

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**10.—**(1) When an individual is convicted of an eligible crime, the authorised officer in charge of the case may do any one or more of the following:

- (a) take or cause to be taken the finger impressions and photographs of the individual; 25
- (b) make or cause to be made a record of —
  - (i) any other identifying information of the individual that the authorised officer thinks necessary;
  - (ii) the particulars of the conviction and the sentence or order in respect of the individual; or 30

(iii) any other particulars about the individual that the authorised officer thinks necessary;

(c) subject to section 15, carry out any forensic procedure for the purpose of paragraph (a) or (b).

5 (2) When an individual is convicted of a registrable crime, the authorised officer in charge of the case —

(a) must do all of the following:

(i) take or cause to be taken the finger impressions and photographs of the individual;

10 (ii) make or cause to be made a record of —

(A) all other identifying information of the individual;

(B) the particulars of the conviction and the sentence or order in respect of the individual; and

15 (C) any other particulars about the individual that the authorised officer thinks necessary; and

(b) subject to section 15, may carry out any forensic procedure for the purpose of paragraph (a).

(3) The authorised officer in charge of a case must send a copy of all identifying information and records taken or made under subsection (1) or (2) to the Registrar for identification and report.

25 **Taking identifying information from prisoners, etc.**

**11.**—(1) Subsection (2) applies to or in relation to an individual who is —

(a) convicted of an eligible crime; and

(b) under detention in any prison or reformatory training centre.

30 (2) The Superintendent of the prison or reformatory training centre may do any one or more of the following:

- (a) take or cause to be taken the finger impressions and photographs of the individual;
  - (b) make or cause to be made a record of —
    - (i) any other identifying information of the individual that the Superintendent thinks necessary; 5
    - (ii) the particulars of the conviction and the sentence or order in respect of the individual; or
    - (iii) any other particulars about the individual that the Superintendent thinks necessary; 10
  - (c) subject to section 15, carry out any forensic procedure for the purpose of paragraph (a) or (b).
- (3) Subsection (4) applies to or in relation to an individual who is —
- (a) convicted of a registrable crime or ordered to be banished, deported or expelled; and 15
  - (b) under detention in any prison or reformatory training centre.
- (4) The Superintendent of the prison or reformatory training centre — 20
- (a) must do all of the following:
    - (i) take or cause to be taken the finger impressions and photographs of the individual;
    - (ii) make or cause to be made a record of —
      - (A) all other identifying information of the individual; 25
      - (B) the particulars of the conviction and the sentence or order, or the order of banishment, deportation or expulsion, in respect of the individual; and 30

(C) any other particulars about the individual that the Superintendent thinks necessary; and

(b) subject to section 15, may carry out any forensic procedure for the purpose of paragraph (a).

(5) Subsection (6) applies to or in relation to an individual who is —

(a) ordered to be removed from Singapore under the Immigration Act 1959; and

(b) under detention in any immigration depot, police station, prison or other place appointed by the Controller of Immigration mentioned in section 34(4) of the Immigration Act 1959.

(6) An authorised officer may do any one or more of the following:

(a) take or cause to be taken the finger impressions and photographs of the individual;

(b) make or cause to be made a record of —

(i) any other identifying information of the individual that the authorised officer thinks necessary;

(ii) the particulars of the order of removal; or

(iii) any other particulars about the individual that the authorised officer thinks necessary;

(c) subject to section 15, carry out any forensic procedure for the purpose of paragraph (a) or (b).

(7) The Superintendent must send any number of copies (that the Registrar requires) of all identifying information and records taken or made under subsection (2) or (4) to the Registrar for identification and report.

(8) The authorised officer must send a copy of all identifying information and records taken or made under subsection (6) to the Registrar for identification and report.

### Particulars of removal of banishee

12.—(1) When an individual is removed from Singapore or from any part of Singapore in execution of an order of banishment, deportation or expulsion, the police officer responsible for the execution of the order —

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(a) must take or cause to be taken a thumb impression of the individual on —

(i) the warrant of execution; or

(ii) if no warrant of execution has been issued — the order of banishment, deportation or expulsion;

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(b) subject to section 15, may carry out any forensic procedure for the purpose of paragraph (a);

(c) must endorse the particulars of the date, place and manner of removal on —

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(i) the warrant of execution; or

(ii) if no warrant of execution has been issued — the order of banishment, deportation or expulsion;

(d) must authenticate the endorsement mentioned in paragraph (c) with the police officer's signature; and

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(e) must return the warrant of execution or order of banishment, deportation or expulsion, that has been endorsed and authenticated according to paragraphs (c) and (d), to the Minister.

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(2) The Minister must cause every warrant of execution or order of banishment, deportation or expulsion that is returned to him or her under subsection (1)(e) to be sent as soon as possible to the Registrar.

**Taking identifying information from individuals arrested, etc., under Internal Security Act 1960**

13.—(1) Subsection (2) applies to an individual who is —

5 (a) arrested and detained pending enquiries under section 74 of the Internal Security Act 1960;

(b) detained in a place of detention pursuant to —

(i) an order made under section 8(1)(a) of the Internal Security Act 1960; or

10 (ii) a direction given under section 8(2) of the Internal Security Act 1960; or

(c) served with an order made under section 8(1)(b) of the Internal Security Act 1960.

(2) An authorised officer may do any one or more of the following:

15 (a) take or cause to be taken the finger impressions and photographs of the individual;

(b) make or cause to be made a record of —

20 (i) any other identifying information of the individual that the authorised officer thinks necessary;

(ii) the particulars of the arrest, order or direction under the Internal Security Act 1960; or

(iii) any other particulars about the individual that the authorised officer thinks necessary;

25 (c) subject to section 15, carry out any forensic procedure for the purpose of paragraph (a) or (b).

(3) The authorised officer must send a copy of all identifying information and records taken or made under subsection (2) to the Registrar for identification and report.



### **Taking identifying information from volunteers**

**14.**—(1) Subject to subsection (2), an authorised officer may do any one or more of the following:

- (a) take or cause to be taken the finger impressions and photographs of a volunteer; 5
- (b) make or cause to be made a record of any other identifying information of a volunteer that the authorised officer thinks necessary;
- (c) subject to section 15, carry out any forensic procedure for the purpose of paragraph (a) or (b), 10

if the appropriate consent is given for the taking of the identifying information.

(2) Despite subsection (1), an authorised officer may, without the appropriate consent, do anything mentioned in subsection (1) in relation to a volunteer below 16 years of age, if — 15

- (a) the consent of the parent or guardian of the volunteer is refused without good cause or cannot be obtained despite all reasonable efforts;
- (b) the volunteer is still willing to give the identifying information; and 20
- (c) a Magistrate sanctions the taking of the identifying information.

(3) The authorised officer must send a copy of all identifying information and records of the identifying information taken or made under subsection (1) or (2) to the Registrar for identification and report. 25

### **Only forensic specialists may carry out forensic procedure to take identifying information**

**15.** An authorised officer or the Superintendent of a prison or reformatory training centre must not carry out a forensic procedure to do anything mentioned in section 9(2), 10(1) or 30

(2), 11(2), (4) or (6), 12(1)(a), 13(2) or 14(1) or (2) unless the authorised officer or Superintendent is a forensic specialist.

**Offence for refusal to submit to taking identifying information, etc.**

5       **16.**—(1) This section applies to an individual mentioned in section 9(1), 10(1) or (2), 11(1), (3) or (5), 12(1) or 13(1).

(2) An individual mentioned in subsection (1) commits an offence if the individual, without reasonable excuse —

(a) refuses to submit to —

10                   (i) the taking of his or her finger impressions or photographs; or

                     (ii) any forensic procedure carried out, for the purposes of obtaining the individual's identifying information, by an authorised officer or the Superintendent of a prison or reformatory training centre, who is a forensic specialist;

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(b) refuses to provide any of the individual's identifying information or other particulars when lawfully required to do so by an authorised officer or the Superintendent of a prison or reformatory training centre, as the case may be; or

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(c) otherwise hinders or obstructs the taking of any finger impression, photograph or other identifying information from him or her.

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(3) An individual commits an offence under subsection (2) regardless of whether the individual's finger impressions, photographs or other identifying information was obtained by reasonable force under section 17.

30       (4) An individual who is guilty of an offence under subsection (2) shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one month or to both.

**Reasonable force to take finger impressions, photographs, etc.**

17.—(1) This section applies to an individual mentioned in section 9(1), 10(1) or (2), 11(1), (3) or (5), 12(1) or 13(1) who refuses to submit to —

(a) the taking of his or her finger impressions or photographs; or

(b) any forensic procedure carried out, for the purposes of obtaining the individual's identifying information, by an authorised officer or the Superintendent of a prison or reformatory training centre, who is a forensic specialist.

(2) The authorised officer or Superintendent of the prison or reformatory training centre (as the case may be) may, with such assistance as is required, use any force that is reasonably necessary for the purposes of taking the finger impressions or photographs of that individual or carrying out the forensic procedure, as the case may be.

*Division 3 — Taking of DNA information*

**Who may take body samples**

18.—(1) For the purposes of this Division, any of the following persons (each called in this Act a DNA officer) may take a body sample for forensic DNA analysis:

(a) a registered medical practitioner;

(b) an authorised officer who has received training for that purpose;

(c) a suitably qualified or trained individual who is authorised by the Commissioner of Police for the purpose.

(2) Before taking any body sample, a DNA officer must satisfy himself or herself that the taking of the body sample does not endanger the individual.

(3) The DNA officer who takes a body sample must record the fact that the body sample has been taken, in the form and manner required by the Commissioner of Police.

### **Taking body samples from accused individuals**

5       **19.**—(1) Subsection (2) applies to or in relation to an individual who is —

(a) accused of an eligible crime or a registrable crime; and

(b) either —

10               (i) under arrest or in lawful custody; or

(ii) released on bail or personal bond, whether or not by a court.

(2) Subject to section 24, a DNA officer may take a body sample from the individual mentioned in subsection (1) for forensic DNA analysis.

(3) The DNA officer must send any body sample taken under subsection (2) to an authorised analyst for forensic DNA analysis.

### **Taking body samples from individuals convicted of eligible crime or registrable crime**

20       **20.**—(1) Subject to section 24, when an individual is convicted of an eligible crime or a registrable crime, a DNA officer may take a body sample from the individual for forensic DNA analysis.

25       (2) The DNA officer must send any body sample taken under subsection (1) to an authorised analyst for forensic DNA analysis.

### **Taking body samples from prisoners, etc.**

30       **21.**—(1) Subsection (2) applies to or in relation to any of the following individuals:

- (a) an individual who is —
  - (i) convicted of an eligible crime or a registrable crime, or ordered to be banished, deported or expelled; and
  - (ii) under detention in any prison or reformatory training centre; 5
- (b) an individual who is —
  - (i) ordered to be removed from Singapore under the Immigration Act 1959; and
  - (ii) under detention in an immigration depot, police station, prison or other place appointed by the Controller of Immigration mentioned in section 34(4) of the Immigration Act 1959. 10

(2) Subject to section 24, a DNA officer may take a body sample from the individual mentioned in subsection (1) for forensic DNA analysis. 15

(3) The DNA officer must send any body sample taken under subsection (2) to an authorised analyst for forensic DNA analysis.

**Taking body samples from individuals arrested, etc., under Internal Security Act 1960** 20

22.—(1) Subsection (2) applies to or in relation to an individual who is —

- (a) arrested and detained pending enquiries under section 74 of the Internal Security Act 1960; 25
- (b) detained in a place of detention pursuant to —
  - (i) an order made under section 8(1)(a) of the Internal Security Act 1960; or
  - (ii) a direction given under section 8(2) of the Internal Security Act 1960; or 30
- (c) served with an order made under section 8(1)(b) of the Internal Security Act 1960.

(2) Subject to section 24, a DNA officer may take a body sample from the individual mentioned in subsection (1) for forensic DNA analysis.

5 (3) The DNA officer must send any body sample taken under subsection (2) to an authorised analyst for forensic DNA analysis.

### **Taking body samples from volunteers**

10 **23.**—(1) Subject to section 26, a DNA officer may take a body sample for forensic DNA analysis from an individual who voluntarily consents to the body sample being taken.

(2) The DNA officer must send any body sample taken under subsection (1) to an authorised analyst for forensic DNA analysis.

### **Appropriate consent for taking invasive samples under section 19, 20, 21 or 22**

15 **24.** An invasive sample must not be taken from an individual under section 19, 20, 21 or 22 unless the appropriate consent is given for the taking of the invasive sample.

### **Reasonable force to take body samples other than invasive samples**

20 **25.** If an individual mentioned in section 19(1), 20(1), 21(1) or 22(1) —

(a) refuses to give a body sample that is not an invasive sample;

25 (b) refuses to allow a body sample that is not an invasive sample to be taken from him or her; or

(c) otherwise hinders or obstructs the taking of a body sample that is not an invasive sample from him or her,

30 a DNA officer may, with such assistance as is required, use such force as is reasonably necessary for the purpose of taking that body sample.

### **Appropriate consent for taking body samples from volunteers**

**26.**—(1) Subject to subsection (2), a body sample must not be taken from a volunteer under section 23 unless the appropriate consent is given for the taking of the body sample. 5

(2) Despite subsection (1), a DNA officer may take a body sample for forensic DNA analysis from a volunteer below 16 years of age without the appropriate consent if —

- (a) the consent of the parent or guardian of the volunteer is refused without good cause or cannot be obtained despite all reasonable efforts; 10
- (b) the volunteer is still willing to give the body sample; and
- (c) a Magistrate sanctions the taking of the body sample.

### **Offence for refusal to give, etc., body sample**

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**27.**—(1) Subsections (2), (3) and (4) apply to an individual mentioned in section 19(1), 20(1), 21(1) or 22(1).

(2) Except where subsection (3) or (4) applies, an individual mentioned in subsection (1) commits an offence if the individual, without reasonable excuse — 20

- (a) refuses to give a body sample;
- (b) refuses to allow a body sample to be taken from him or her; or
- (c) otherwise hinders or obstructs the taking of a body sample (other than an invasive sample) from him or her. 25

(3) In a case where an individual mentioned in subsection (1) has not attained 16 years of age but has attained 14 years of age, both the parent or guardian of the individual and the individual who, without reasonable excuse, refuse to give the appropriate consent for an invasive sample to be taken from the individual each commits an offence. 30

(4) In a case where an individual mentioned in subsection (1) has not attained 14 years of age, the parent or guardian of the individual who, without reasonable excuse, refuses to give the appropriate consent for an invasive sample to be taken from the individual commits an offence.

(5) An individual commits an offence under subsection (2) regardless of whether the individual's body sample (that is not an invasive sample) was obtained by reasonable force under section 25.

(6) An individual who is guilty of an offence under subsection (2) or (3) or a parent or guardian who is guilty of an offence under subsection (3) or (4) shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one month or to both.

**Inferences against individual mentioned in section 19 from refusal of appropriate consent for invasive samples**

**28.**—(1) Where in any criminal proceeding, it is shown that the appropriate consent required under section 24 for the taking of an invasive sample from an individual under section 19 is refused without good cause, the court may in determining —

(a) whether to commit that individual for trial in connection with the eligible crime or registrable crime of which he or she is accused of committing;

(b) whether there is a case to answer against the individual; or

(c) whether the individual is guilty of the eligible crime or registrable crime with which he or she has been charged,

draw any inference from the refusal that the court thinks proper.

(2) The refusal of the appropriate consent may, on the basis on the inference mentioned in subsection (1), be treated as, or as capable of amounting to, corroboration of any evidence given against that individual in relation to which the refusal is material.



## PART 4

## IDENTIFICATION DATABASE

**Maintaining identification database**

**29.** The Registrar must maintain an identification database in which must be recorded the following information and records: 5

- (a) any identifying information or record of an individual accused of an eligible crime or a registrable crime, sent to the Registrar under section 9(3);
- (b) any identifying information or record of an individual convicted of an eligible crime sent to the Registrar under section 10(3) or 11(7); 10
- (c) any identifying information or record of an individual arrested or detained under the Internal Security Act 1960, sent to the Registrar under section 13(3);
- (d) any identifying information and records of the identifying information of a volunteer sent to the Registrar under section 14(3); 15
- (e) the information mentioned in section 34(2)(b);
- (f) any finger impression, photograph or record taken or made under section 8 as in force immediately before the date of commencement of section 6 of the Registration of Criminals (Amendment) Act 2022. 20

**Moving of particulars to register upon conviction of registrable crime**

**30.—(1)** Where — 25

- (a) the identifying information or records of an individual who is accused of a registrable crime —
  - (i) have been sent to the Registrar under section 9(3); or
  - (ii) had been sent to the Registrar under section 8(c) as in force immediately before the date of 30

commencement of section 6 of the Registration of Criminals (Amendment) Act 2022; and

(b) the individual is convicted of a registrable crime with which the individual has been charged,

5 the authorised officer in charge of the case must, as soon as practicable, notify the Registrar of the conviction.

(2) The Registrar must, on receiving the notice from the authorised officer mentioned in subsection (1) —

10 (a) remove the identifying information or records of the individual from the identification database; and

(b) record the registrable particulars of the individual in the register.

## PART 5

### DNA DATABASE

#### 15 **Maintaining DNA database**

**31.** The Registrar must maintain a DNA database (whether in electronic form or otherwise) in which must be stored —

(a) all DNA information derived from a body sample taken from an individual under Division 3 of Part 3;

20 (b) all DNA information derived from a body sample taken from an individual under Part 4 as in force immediately before the date of commencement of section 6 of the Registration of Criminals (Amendment) Act 2022; and

25 (c) all DNA information stored in the DNA database under section 13F as in force immediately before that date.

#### **Use of DNA information**

30 **32.** Any information stored in the DNA database may be used for any of the following purposes:

- (a) for administering the DNA database for the purposes of this Act;
- (b) for any investigation into a death conducted by a police officer, a Coroner or a forensic pathologist (including a post-mortem examination) or any inquiry into any death held by a Coroner, under the Coroners Act 2010; 5
- (c) for any proceedings for any offence;
- (d) for comparison with DNA information in the DNA database maintained under — 10
  - (i) section 27C of the Criminal Law (Temporary Provisions) Act 1955;
  - (ii) section 26D of the Intoxicating Substances Act 1987; or
  - (iii) section 40D of the Misuse of Drugs Act 1973; 15
- (e) for forensic comparison with any other DNA information in the course of an investigation of an offence conducted by a police officer;
- (f) for identifying a dead individual or any part of an individual; 20
- (g) for identifying an individual in order to provide police assistance to the individual;
- (h) for such other purposes as may be prescribed.

## PART 6

REMOVAL OF REGISTRABLE PARTICULARS,  
IDENTIFYING INFORMATION, RECORDS AND DNA  
INFORMATION FROM REGISTER, IDENTIFICATION  
DATABASE AND DNA DATABASE**Removal of information of individual upon death or  
attainment of 100 years of age**

33. The Registrar must remove from the register, identification database and DNA database, all identifying information, records and DNA information relating to an individual —

- (a) whose death has been registered under the Registration of Births and Deaths Act 2021; or
- (b) who, the Registrar is satisfied, has attained 100 years of age.

**Acquittal of individuals of registrable crimes**

34.—(1) Where —

- (a) the registrable particulars of an individual who is convicted of a registrable crime have been recorded in the register in relation to that registrable crime; and
- (b) the individual is acquitted of the registrable crime or of all the registrable crimes (as the case may be) with which the individual has been charged, whether or not on appeal or review,

the authorised officer in charge of the case must, as soon as practicable, notify the Registrar of the acquittal.

(2) The Registrar must, on receiving the notice from the authorised officer mentioned in subsection (1) —

- (a) remove the registrable particulars of the individual from the register; and

(b) record the following information in the identification database:

- (i) the identifying information and records of the individual sent to the Registrar in relation to the registrable crime; 5
- (ii) the circumstances under which the registrable particulars of the individual were removed from the register.

**Individuals not involved in commission of eligible crime or registrable crime** 10

**35.—**(1) This section applies to or in relation to an individual who is accused of an eligible crime or a registrable crime.

(2) Where —

(a) either or both of the following are satisfied:

- (i) the identifying information or records of the individual have been recorded in the identification database in relation to the eligible crime or registrable crime; 15
- (ii) the DNA information of the individual has been recorded in the DNA database in relation to the eligible crime or registrable crime; and 20

(b) investigations reveal that the individual is not involved in the commission of the eligible crime or registrable crime,

the authorised officer in charge of the case must, as soon as practicable, notify the Registrar of the findings of the investigations. 25

(3) The Registrar must, on receiving the notice from the authorised officer mentioned in subsection (2) —

- (a) remove the identifying information and records of the individual (if any) from the identification database; and
- (b) remove the DNA information of the individual (if any) from the DNA database.

**Individuals not found to have acted or about to act in manner prejudicial to security of Singapore**

36.—(1) This section applies to or in relation to an individual who is arrested and detained pending enquiries under section 74 of the Internal Security Act 1960.

(2) Where —

(a) either or both of the following are satisfied:

- (i) the identifying information or records of the individual have been sent to the Registrar under section 13(3) and recorded in the identification database;
- (ii) any body sample has been taken from the individual under section 22(2) and the DNA information derived from the body sample has been recorded in the DNA database; and

(b) investigations reveal that —

- (i) there are no grounds to justify the individual's detention under section 8 of the Internal Security Act 1960; and
- (ii) the individual has not acted or was not about to act in any manner prejudicial to the security of Singapore or any part of Singapore,

the police officer or law enforcement officer, who is in charge of the case must, as soon as practicable, notify the Registrar of the findings of the investigations.

(3) The Registrar must, on receiving the notice from the police officer or law enforcement officer mentioned in subsection (2) —

(a) remove the identifying information and records of the individual (if any) from the identification database; and

5

(b) remove the DNA information of the individual (if any) from the DNA database.

(4) In this section, “law enforcement officer” has the meaning given by section 2(1) of the Police Force Act 2004.

10

### **Application for removal of information from identification database or DNA database**

37.—(1) Subsection (2) applies where —

(a) any identifying information has been taken from a volunteer under section 14 and recorded in the identification database; or

15

(b) any body sample has been taken from a volunteer under section 23 or 26 or section 13D as in force immediately before the date of commencement of section 6 of the Registration of Criminals (Amendment) Act 2022 and the DNA information derived from the body sample has been recorded in the DNA database.

20

(2) The volunteer may apply, in the prescribed form and manner, to the Registrar to remove the identifying information or DNA information, or both, from the identification database or DNA database, as the case may be.

25

(3) Subsection (4) applies to or in relation to an individual who is accused or convicted of an eligible crime or a registrable crime (called in this section a specified crime) where —

30

(a) either or both of the following are satisfied:

(i) the identifying information or records of the individual have been recorded in the

identification database in relation to the specified crime;

- (ii) the DNA information of the individual has been recorded in the DNA database in relation to the specified crime; and

(b) any one of the following circumstances is met:

- (i) the specified crime is compounded under any written law;

- (ii) the individual is discharged by a court before conviction of the specified crime or of all the specified crimes (as the case may be) with which the individual has been charged (unless the discharge does not amount to an acquittal);

- (iii) the individual is acquitted of the specified crime or of all the specified crimes (as the case may be) with which the individual has been charged, whether or not at trial or on appeal or review.

(4) The individual may apply, in the prescribed form and manner and within the prescribed time, to the Registrar to remove the individual's identifying information or DNA information, or both, from the identification database or DNA database, as the case may be.

### **Removal of identifying information or DNA information of volunteers**

**38.** Where the Registrar receives an application from a volunteer in accordance with section 37(2), the Registrar must remove the volunteer's identifying information or DNA information, or both, from the identification database or DNA database, as the case may be.

### **Removal of identifying information or DNA information of individuals other than volunteers**

**39.—(1)** Where the Registrar receives an application from an individual in accordance with section 37(4), the Registrar must



remove the individual's identifying information or DNA information, or both, from the identification database or DNA database (as the case may be) unless the Registrar determines that any one or both of the following circumstances exist:

- (a) the individual's identifying information or DNA information is relevant to another ongoing prosecution or investigation;
- (b) it is in the interests of the security of Singapore to retain the individual's identifying information or DNA information.

(2) Where the Registrar determines in accordance with subsection (1) not to remove the individual's identifying information or DNA information from the identification database or DNA database (as the case may be), the Registrar must notify the individual of the Registrar's determination and that the individual's identifying information or DNA information will not be removed from the identification database or DNA database, as the case may be.

## PART 7

### APPEAL AGAINST REGISTRAR'S DETERMINATION UNDER SECTION 39

#### *Division 1 — Rights of appeal*

#### **Right of appeal against Registrar's determination**

**40.** An individual who receives a notice mentioned in section 39(2) may, on payment of such fee as may be prescribed, appeal to a Reviewing Tribunal in accordance with this Part against the determination of the Registrar.

#### *Division 2 — Reviewing Tribunals*

#### **Reviewing Tribunals — composition**

**41.—(1)** One or more bodies each called a Reviewing Tribunal is established by this section.

(2) Every Reviewing Tribunal consists of a District Judge or Magistrate who is appointed by the President on the advice of the Cabinet subject to subsection (3).

5 (3) An individual must not be, or be appointed as, a member of any Reviewing Tribunal if he or she is not a citizen of Singapore.

(4) A member of a Reviewing Tribunal must vacate office at the end of a period of 3 years starting the day of his or her appointment, but is eligible for reappointment.

10 (5) A member of a Reviewing Tribunal may resign his or her office by giving written notice to the President.

(6) In the performance of his or her functions and duties under this Act, a member of a Reviewing Tribunal has the same protection and immunity as a District Judge or Magistrate, as the case may be.

15 (7) The proceedings of a Reviewing Tribunal are deemed to be judicial proceedings and a member of the Reviewing Tribunal is deemed to be a public servant within the meaning of the Penal Code 1871.

### **Reviewing Tribunal — remuneration and other terms**

20 **42.**—(1) The Minister may pay to a member of a Reviewing Tribunal out of moneys provided by Parliament such remuneration or allowances as the Minister may, with the approval of the President, fix.

25 (2) The remuneration and other terms of service of a member of a Reviewing Tribunal must not be altered to his or her disadvantage during his or her continuance in office as such.

### **Reviewing Tribunal — resources**

**43.**—(1) All expenses of every Reviewing Tribunal are to be defrayed out of moneys provided by Parliament.

30 (2) The Minister must appoint a Secretary to the Reviewing Tribunals and any other public officers that are necessary for a Reviewing Tribunal to discharge its functions under this Act.

### **Reviewing Tribunal — function**

**44.**—(1) It is the function and duty of every Reviewing Tribunal to consider and determine any appeal made under section 40 and served on the Secretary to the Reviewing Tribunals by an individual who receives a notice mentioned in section 39(2). 5

(2) However, a Reviewing Tribunal must dismiss any appeal if the Registrar, when called by the Reviewing Tribunal for a defence, presents to the Reviewing Tribunal a certificate issued by the Minister certifying that — 10

(a) the individual’s identifying information or DNA information in question was taken in relation to an offence under the Foreign Interference (Countermeasures) Act 2021 or the Internal Security Act 1960; and 15

(b) it is in the interests of the security of Singapore to retain the individual’s identifying information or DNA information.

(3) A Reviewing Tribunal may determine an appeal made to the Reviewing Tribunal by — 20

(a) dismissing the appeal and confirming the decision appealed against; or

(b) revoking the decision appealed against.

(4) Every Reviewing Tribunal has to carry out its work expeditiously. 25

### **Procedure before Reviewing Tribunal**

**45.**—(1) Except where a Reviewing Tribunal, having regard to all the circumstances, is satisfied that it is equitable to do so, the Reviewing Tribunal must not consider or determine any appeal against the Registrar’s determination under section 39(1), if the appeal is made more than 30 days after the date of the notice of that determination given under section 39(2). 30

(2) A Reviewing Tribunal may at any stage in the appeal proceedings, and without calling for a defence from the Registrar whose determination is appealed against, dismiss an appeal made to or before it if the Reviewing Tribunal is satisfied that —

- (a) the appellant is not an individual entitled to appeal under section 40;
- (b) the bringing of the appeal is or the proceedings of the appeal are frivolous or vexatious; or
- (c) the appellant has, without reasonable excuse, failed to comply with the time delimited by any provision of the rules made under section 49 for the submission of any notice, document or other information in the appeal proceedings, or with any direction of the Reviewing Tribunal under those rules.

(3) Subject to the rules made under section 49, every Reviewing Tribunal is entitled to determine its own procedure in relation to any appeal under section 40 made to or before the Reviewing Tribunal.

**Reviewing Tribunal’s decision final, etc.**

**46.**—(1) Every determination, order and other decision of a Reviewing Tribunal made or purportedly made under this Act is final and is not to be called in question in any court.

(2) For the purpose of subsection (1), a determination, an order and other decision includes a determination, an order and other decision purportedly made, proposed to be made, or required to be made, under this Act or any rules made under section 49 if there were not an excess of jurisdiction or a failure to exercise jurisdiction, in the making of the determination, order or other decision.

(3) A certificate issued by the Minister under section 44(2) is conclusive evidence of the matters stated in the certificate.”

## Renumbering of Part 5

7. Part 5 of the principal Act is renumbered as Part 8.

## Repeal of section 13H

8. Section 13H of the principal Act is repealed.

## Renumbering of provisions of Act

5

9. The principal Act is amended by renumbering each section of the principal Act in the first column of the following table with the section number set out opposite in the second column of the table:

<i>Section number</i>	<i>New section number</i>
13I	47
14	48
14A	49
15	50
16	51

10

## Amendment of section 47

15

10. Section 47(6) of the principal Act (as renumbered by section 9) is amended by deleting the definition of “register information” and substituting the following definition:

““register information” means the registrable particulars or DNA information of an individual who is convicted by a court in Singapore of a registrable crime, that is recorded in the register or DNA database, whether recorded before, on or after 1 August 2016, but excludes registrable particulars and DNA information of —

20

(a) an individual who is acquitted by a court in Singapore of the registrable crime, whether or not on appeal or review;

25

(b) an individual in respect of whom a direction by the Commissioner of Police is given under section 7 as in force before the date of

30

commencement of section 5 of the Registration of Criminals (Amendment) Act 2022; or

(c) an individual whose conviction in the register is spent or is treated as spent under Part 2A;”.

5 **Amendment of section 48**

**11.** Section 48(1) of the principal Act (as renumbered by section 9) is amended —

(a) by inserting, immediately after paragraph (a), the following paragraph:

10 “(aa) any identifying information or record recorded in the identification database;”;  
and

(b) by inserting, immediately after the word “register” in paragraph (c), the words “, identification database”.

15 **Amendment of section 49**

**12.** Section 49 of the principal Act (as renumbered by section 9) is amended by inserting, immediately after subsection (1), the following subsection:

20 “(1A) In particular, the Minister may make rules to provide for any of the following:

(a) the safeguards that the Registrar must implement to protect the information recorded in the register, identification database or DNA database, and any computer system used to keep and maintain the register, identification database or DNA database, against —

(i) accidental or unlawful loss, modification or destruction; and

(ii) unauthorised access, disclosure, copying, use or modification;

30 (b) the practice and procedure to be followed on, or in connection with, the hearing or consideration of any

proceedings or appeal (including, where applicable, the mode and burden of proof and the admissibility of evidence) before a Reviewing Tribunal, including —

- (i) requiring individuals making an appeal under section 40 to take any preliminary steps, and to make any disclosures, that may be specified in the rules for the purpose of facilitating a determination whether the making of the appeal is frivolous or vexatious; 5
- (ii) enabling or requiring a Reviewing Tribunal to hear or consider any appeal without the individual who brought the appeal having been given full particulars of the grounds which are the subject of the appeal; 10
- (iii) the need to secure that matters which are the subject of appeals brought before or made to a Reviewing Tribunal are properly heard and considered; 15
- (iv) prescribing the circumstances and manner in which appeals under section 40 in relation to the same determination, or involving the same or similar issues, may be consolidated or heard together; 20
- (v) enabling or requiring a Reviewing Tribunal to take any steps in exercise of its jurisdiction in the absence of any individual (including the individual making the appeal and any legal representative of the individual); 25
- (vi) enabling or requiring a Reviewing Tribunal to give a summary of any evidence taken in its absence to the individual who made the appeal under section 40; 30
- (vii) securing that the information is not disclosed to an extent, or in a manner, that is contrary to Singapore's national security, the prevention or 35

detection of serious crime, the economic wellbeing of Singapore or the continued discharge of the functions of any of the intelligence services of Singapore; and

5 (viii) providing for the manner in which the interests of an individual who has made an appeal under section 40 are to be represented, such as for the appointment in accordance with the rules, by such person as may be determined in  
10 accordance with the rules, of a person to represent those interests;

(c) such saving, transitional and other consequential, incidental and supplemental provisions as are necessary or expedient for rules made under this  
15 section.”.

### **Amendment of First Schedule**

**13.** The First Schedule to the principal Act is amended —

(a) by deleting the Schedule reference and substituting the following Schedule reference:

20 “Sections 2(1) and 50”;

(b) by inserting, immediately after the item relating to “Sections 131-136” in Part 1, the following items:

	“Sections 143-150, 152-158	... Unlawful assembly, rioting, etc.
25	Section 151A	... Posting placards, etc. (as in force immediately before 1 February 2008).
	Sections 161, 162, 164 and 165	... Illegal gratification.
30	Sections 167, 169 and 170	... Relating to public servants.
	Sections 177, 181 and 189	... False information, etc.
	Sections 193-201	... False evidence.
	Sections 203-222	... Screening offenders, etc.



Sections 224, 225, 225A ... Escapes, etc.”;  
and 229

(c) by inserting, immediately after the item relating to  
“Section 226” in Part 1, the following item:

“Section 227 ... Violation of condition of 5  
remission of punishment (as in  
force immediately before 1 July  
2014).”;

(d) by inserting, immediately after the item relating to  
“Chapter 12, the whole” in Part 1, the following item: 10

“Sections 270, 281 and 295 ... Public safety, religion.”;

(e) by inserting, immediately after the item relating to  
“Sections 312-318” in Part 1, the following items:

“Sections 324-333, ... Causing hurt. 15  
335-338

Sections 343 and 344 ... Wrongful confinement for 3 or  
more days or 10 or more days  
(as in force immediately before  
1 January 2020).

Sections 345-348 ... Wrongful confinement. 20

Sections 353-356 ... Criminal force.”;

(f) by inserting, immediately after the item relating to  
“Sections 379-424” in Part 1, the following items:

“Section 427 ... Committing mischief causing 25  
disruption to key service, etc.

Section 428 ... Mischief by killing or maiming  
any animal.

Section 429 ... Mischief by killing or maiming 30  
cattle, etc., or any animal of the  
value of \$25 (as in force  
immediately before 1 February  
2008).

Sections 430, 430A, 431, ... Mischief, etc. (as in force  
431A, 432 and 433 immediately before 1 January  
2020).”;

5 (g) by deleting “429-433,” in the item relating to  
“Sections 429-433, 435-440” in Part 1;

(h) by inserting, immediately after the item relating to  
“Sections 489A-489D” in Part 1, the following items:

10 “Sections 493-496 ... Offences relating to marriage  
(as in force immediately before  
1 January 2020).

Sections 504-507 ... Criminal intimidation.”;

(i) by inserting, immediately after the item relating to  
“Section 130E” in Part 1A, the following items:

15 “Section 204A ... Obstructing, preventing,  
perverting or defeating course  
of justice.

Section 204B ... Bribery of witnesses.

20 Section 298A ... Promoting enmity between  
different groups on grounds of  
religion or race and doing acts  
prejudicial to maintenance of  
harmony.”;

25 (j) by inserting, immediately after the word “counterfeit” in  
the item relating to “Section 241A” in Part 1A, the words  
“(as in force immediately before 1 January 2020)”;

(k) by inserting, immediately after the word “altered” in the  
item relating to “Section 254A” in Part 1A, the words “(as  
in force immediately before 1 January 2020)”;

30 (l) by inserting, immediately after the words “Government,  
etc.” in the item relating to “Section 364A” in Part 1A, the  
words “(as in force immediately before 21 November  
2010).”;

(*m*) by inserting, immediately before the item relating to “Armed Offences Act 1973” in Part 2, the following item:

“Arms and Explosives ... Sections 10, 13, 22, 26 and  
Act 1913 27(2).”;

(*n*) by inserting, immediately after the item relating to “Bankruptcy Act (Cap. 20, 2009 Revised Edition) (as in force before 30 July 2020)” in Part 2, the following item:

“Betting Act 1960 (as in ... Sections 3 and 4.”;  
force before 1 August  
2022)

(*o*) by inserting, immediately after the item relating to “Customs Act 1960” in Part 2, the following item:

“Dangerous Fireworks ... Section 6.”;  
Act 1972

(*p*) by inserting, immediately after the item relating to “Employment Act 1968” in Part 2, the following item:

“Employment of Foreign ... Sections 5(6) and 22(1)(*c*), (*d*),  
Manpower Act 1990 (*e*) and (*f*).

Section 20 in respect of any officer of a body corporate, or other person in such capacity, guilty of any of the above offences.

Section 23 in respect of any person who abets the commission of any of the above offences.”;

(*q*) by inserting, immediately after the item relating to “Hostage-Taking Act 2010” in Part 2, the following item:

“Immigration Act 1959 ... Sections 5, 6, 8(5), 9(5), 19, 26,  
36 and 57.”;

(*r*) by inserting, immediately after the item relating to “Land Titles Act (Cap. 157, 1985 Revised Edition) (as in force before 1 March 1994)” in Part 2, the following item:

5                   “Maintenance of Religious ... Sections 17E and 17F.”; and  
Harmony Act 1990

(*s*) by inserting, immediately after the item relating to “Trade Disputes Act 1941” in Part 2, the following item:

                  “Trade Marks Act 1998       ... Sections 46 and 48.”.

### **Repeal of Second Schedule**

10       **14.** The Second Schedule to the principal Act is repealed.

### **Amendment of Third Schedule**

**15.** The Third Schedule to the principal Act is amended by deleting the Schedule reference and substituting the following Schedule reference:

15                   “Sections 7C(*a*) and 50”.

### **Miscellaneous amendments**

**16.** The principal Act is amended —

(*a*) by deleting the words “a person” in the following provisions and substituting in each case the words “an individual”:

20

Section 2(1) (definitions of “other particulars” and “photograph”)

Section 7A(1) (definition of “criminal record”) and (2)

Section 7B(4) (definitions of “crime-free period” and “relevant date”)

25

Section 7E(2)(*d*)

Section 7F(1) and (2);

- (b) by deleting the words “that person” wherever they appear in the following provision and substituting in each case the words “that individual”:

Section 2(1) (definitions of “other particulars” and “photograph”);

5

- (c) by deleting the words “or person” in section 5(1) and substituting the words “or prison”;

- (d) by deleting the words “any person” in the following provisions and substituting in each case the words “any individual”:

10

Section 5(1)

Section 7B(1)

Section 7D(2) and (6);

- (e) by deleting the word “crime” wherever it appears in the following provisions and substituting in each case the words “registrable crime”:

15

Section 7A(1) (paragraph (a) of the definition of “criminal record”)

Section 7B(1), (2) and (4) (paragraphs (a) and (b) of the definition of “crime-free period”) and section heading

20

Section 7C(c)

Section 7D(1)

Section 7DA(1) and (2);

- (f) by deleting the words “a person’s” in the following provisions and substituting in each case the words “an individual’s”:

25

Section 7B(2) and (3)

Section 7DA(1)

Section 7E(1);

(g) by deleting the words “the person” in the following provisions and substituting in each case the words “the individual”:

Section 7B(2), (3) and (4) (definition of “crime-free period” and paragraphs (a) and (b) of the definition of “relevant date”)

Section 7D(5)

Section 7E(1)(a), (2)(b) and (d) and (3)

Section 7F(1);

(h) by deleting the words “A person” in the following provisions and substituting in each case the words “An individual”:

Section 7C

Section 7D(1);

(i) by deleting the word “Person” in the section heading of section 7C and substituting the word “Individual”;

(j) by deleting the words “the person’s” wherever they appear in the following provisions and substituting in each case the words “the individual’s”:

Section 7D(5)

Section 7E(1)(c); and

(k) by deleting the word “person” in the section heading of section 7D and substituting the word “individual”.

### **Related amendments to Criminal Law (Temporary Provisions) Act 1955**

17. The Criminal Law (Temporary Provisions) Act 1955 is amended —

(a) by deleting the definition of “intimate sample” in section 27(1) and substituting the following definition:

““invasive sample” means any body sample that is obtained by means of any invasive procedure,

but does not include any sample described in subsection (3);”;

(b) by deleting the words “intimate sample” in section 27A(5)(b) and substituting the words “invasive sample”;

5

(c) by deleting paragraph (b) of section 27C(2) and substituting the following paragraph:

“(b) for comparison with information in the register of criminals or identification database maintained under section 4 or 29 of the Registration of Criminals Act 1949 or with DNA information in the DNA database maintained under section 31 of that Act, as the case may be;”;

10

15

(d) by inserting, immediately after paragraph (e) of section 27C(2), the following paragraphs:

“(ea) for any investigation into a death conducted by a police officer, a Coroner or a forensic pathologist (including a post-mortem examination) or any inquiry into any death held by a Coroner, under the Coroners Act 2010;

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(eb) for identifying a dead person or any part of a person;

25

(ec) for identifying a person in order to provide police assistance to the person;”.

### **Consequential amendment to Employment of Foreign Manpower Act 1990**

**18.** Section 2A(2) of the Employment of Foreign Manpower Act 1990 is amended by deleting the words “intimate sample within the meaning of section 13A” in paragraph (b) and substituting the words “invasive sample within the meaning given by section 8”.

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**Consequential and related amendments to Immigration Act 1959**

19. The Immigration Act 1959 is amended —

(a) by repealing section 53; and

5 (b) by deleting the words “intimate sample within the meaning given by section 13A” in section 61A(b) and substituting the words “invasive sample within the meaning given by section 8”.

**Related amendment to Internal Security Act 1960**

10 20. Section 79 of the Internal Security Act 1960 is repealed.

**Related amendments to Intoxicating Substances Act 1987**

21. The Intoxicating Substances Act 1987 is amended —

(a) by deleting the definition of “intimate sample” in section 26A(1) and substituting the following definition:

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

20 (b) by deleting the words “intimate sample” in section 26B(5)(b) and substituting the words “invasive sample”;



(c) by deleting paragraph (b) of section 26D(2) and substituting the following paragraph:

“(b) for comparison with information in the register of criminals or identification database maintained under section 4 or 29 of the Registration of Criminals Act 1949 or with DNA information in the DNA database maintained under section 31 of that Act, as the case may be;”;

(d) by inserting, immediately after paragraph (e) of section 26D(2), the following paragraphs:

“(ea) for any investigation into a death conducted by a police officer, a Coroner or a forensic pathologist (including a post-mortem examination) or any inquiry into any death held by a Coroner, under the Coroners Act 2010;

(eb) for identifying a dead person or any part of a person;

(ec) for identifying a person in order to provide police assistance to the person;”.

### **Related amendments to Misuse of Drugs Act 1973**

**22.** The Misuse of Drugs Act 1973 is amended —

(a) by deleting the definition of “intimate sample” in section 40A(1) and substituting the following definition:

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

(b) by deleting the words “intimate sample” in section 40B(5)(b) and substituting the words “invasive sample”;

(c) by deleting paragraph (b) of section 40D(2) and substituting the following paragraph:

5 “(b) for comparison with information in the register of criminals or identification database maintained under section 4 or 29 of the Registration of Criminals Act 1949 or with DNA information in the DNA database maintained under section 31 of that Act, as the case may be;” and

10 (d) by inserting, immediately after paragraph (e) of section 40D(2), the following paragraphs:

15 “(ea) for any investigation into a death conducted by a police officer, a Coroner or a forensic pathologist (including a post-mortem examination) or any inquiry into any death held by a Coroner, under the Coroners Act 2010;

20 (eb) for identifying a dead person or any part of a person;

(ec) for identifying a person in order to provide police assistance to the person;”.

### **Consequential and related amendments to National Registration Act 1965**

25 **23.** The National Registration Act 1965 is amended —

(a) by deleting the words “intimate sample from the human body within the meaning of section 13A” in section 2(3)(b) and substituting the words “invasive sample from the human body within the meaning given by section 8”; and

30 (b) by repealing section 18.

### **Consequential amendment to Passports Act 2007**

**24.** Section 3(2) of the Passports Act 2007 is amended by deleting the words “intimate sample within the meaning of section 13A” in

paragraph (b) and substituting the words “invasive sample within the meaning given by section 8”.

### **Consequential amendment to Police Force Act 2004**

**25.** Section 65B(3) of the Police Force Act 2004 is amended by deleting the words “or 4” in paragraph (e).

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### **Saving and transitional provisions**

**26.—**(1) Despite section 5 —

(a) section 7(2) of the principal Act as in force before the date of commencement of section 5 of this Act continues to apply to or in relation to any direction made by the Commissioner of Police before that date; and

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(b) the Commissioner of Police may continue to revoke a direction made under section 7(3) of the principal Act before that date as if section 5 of this Act had not been enacted, and for this purpose, the reference to sections 4 and 6 in section 7(3) of the principal Act is to be construed as referring to section 4 of the principal Act as amended by section 3 of this Act.

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(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by rules, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

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## **EXPLANATORY STATEMENT**

This Bill seeks to amend the Registration of Criminals Act 1949 (the Act) to —

(a) create a new class of offences (called an eligible crime) in relation to which an individual’s identifying information or DNA information may be taken and stored;

(b) establish a new identification database and provide for the identifying information and records that must be recorded in the identification database;

- (c) create a new offence for a parent or guardian of an individual who has not attained 16 years of age and is accused of an eligible crime or a registrable crime, etc., to refuse, without reasonable excuse, to give written consent for an invasive sample to be taken from the individual;
- (d) expand the purposes for which any information stored in the DNA database may be used;
- (e) provide for the grounds on which and the procedure by which the registrable particulars, identifying information, records and DNA information relating to an individual must be removed from the register, identification database and DNA database, as the case may be;
- (f) provide for appeals against the determination of the Registrar of Criminals (the Registrar) under the new section 39(1); and
- (g) make miscellaneous amendments.

The opportunity is also taken to improve the organisation and drafting of the affected provisions.

The Bill also makes consequential and related amendments to the Criminal Law (Temporary Provisions) Act 1955, the Employment of Foreign Manpower Act 1990, the Immigration Act 1959, the Internal Security Act 1960, the Intoxicating Substances Act 1987, the Misuse of Drugs Act 1973, the National Registration Act 1965, the Passports Act 2007 and the Police Force Act 2004.

Clause 1 relates to the short title and commencement.

## PART 1

### ELIGIBLE CRIMES AND REGISTRABLE CRIMES

Clause 2(d) amends section 2 to define an eligible crime. An eligible crime means any offence that is, at the time of the commission of the offence, punishable by imprisonment, not a registrable crime and not compoundable under any written law (unless the offence is specified in the third column of the Fourth Schedule to the Criminal Procedure Code 2010).

A registrable crime is the new term for an offence included for the time being in the First Schedule. Clause 2(h) inserts the definition of registrable crime while clause 2(b) deletes the definition of crime (previous term). Clause 16(e) updates sections 7A, 7B, 7C, 7D and 7DA to refer to the new term.

Clause 6 repeals and re-enacts Parts 3 and 4 and inserts the new Parts 5, 6 and 7. The substantive changes relating to eligible crimes are as follows:

- (a) under the new section 9, which re-enacts section 8, an authorised officer may take or cause to be taken the finger impressions and

photographs of an individual who is under arrest or in lawful custody or released on bail or personal bond (whether or not by a court) and accused of an eligible crime (or a registrable crime). The authorised officer may also make or cause to be made a record of any other identifying information of the individual that the authorised officer thinks necessary, the particulars of the eligible crime (or registrable crime) that the individual is accused of or any other particulars about the individual that the authorised officer thinks necessary. Subject to the new section 15, the authorised officer may carry out any forensic procedure for these purposes;

- (b) under the new section 10, which re-enacts section 9, an authorised officer may take or cause to be taken the finger impressions and photographs of an individual who is convicted of an eligible crime. The authorised officer may also make or cause to be made a record of any other identifying information of the individual that the authorised officer thinks necessary, the particulars of the conviction and the sentence or order made in respect of the individual or any other particulars about the individual that the authorised officer thinks necessary. Where the individual is convicted of a registrable crime, the authorised officer must (instead of may) do the acts mentioned. Subject to the new section 15, the authorised officer may carry out any forensic procedure for these purposes;
- (c) under the new section 11, which re-enacts section 11, the Superintendent of a prison or reformatory training centre may take or cause to be taken the finger impressions and photographs of an individual who is convicted of an eligible crime and under detention in the prison or reformatory training centre. The Superintendent may also make or cause to be made a record of any other identifying information of the individual that the Superintendent thinks necessary, the particulars of the conviction and the sentence or order made in respect of the individual or any other particulars about the individual that the Superintendent thinks necessary. Where the individual is convicted of a registrable crime, the Superintendent must do the acts mentioned. Subject to the new section 15, the Superintendent may carry out any forensic procedure for these purposes. Where the individual is ordered to be banished, deported or expelled, the Superintendent must make or cause to be made a record of the order of banishment, deportation or expulsion;
- (d) the new section 18(1) re-enacts section 13E(1) and lists the persons who may take a body sample for forensic DNA analysis (called a DNA officer — the definition of which will be inserted into section 2 by clause 2(d)), for the purposes of the new Division 3 of the new Part 3;

- (e) under the new section 19, which re-enacts section 13B(1)(a), a DNA officer may take a body sample for forensic DNA analysis from an individual who is accused of an eligible crime (or a registrable crime) and is either under arrest or in lawful custody or released on bail or personal bond (whether or not by a court);
- (f) under the new section 20, which re-enacts section 13B(1)(b), a DNA officer may take a body sample for forensic DNA analysis from an individual who is convicted of an eligible crime (or a registrable crime);
- (g) under the new section 21, which re-enacts section 13B(1)(c), a DNA officer may take a body sample for forensic DNA analysis from an individual who is convicted of an eligible crime (or a registrable crime or ordered to be banished, deported or expelled) and under detention in any prison or reformatory training centre.

## PART 2

### OTHER TAKING OF IDENTIFYING INFORMATION AND PARTICULARS

The new section 13 enables an authorised officer to take or cause to be taken the finger impressions and photographs of an individual who is arrested and detained pending enquiries under section 74 of the Internal Security Act 1960, detained in a place of detention pursuant to an order made under section 8(1)(a) of that Act or a direction given under section 8(2) of that Act or served with an order under section 8(1)(b) of that Act. The authorised officer may also make or cause to be made a record of any other identifying information of the individual that the authorised officer thinks necessary, any particulars of the arrest, order or direction under the Internal Security Act 1960 or any other particulars about the individual that the authorised officer thinks necessary. Section 79 of the Internal Security Act 1960 (Registration of persons arrested or detained) is accordingly not necessary and clause 20 repeals this provision.

The new section 14 enables an authorised officer to take or cause to be taken the finger impressions and photographs of a volunteer, make or cause to be made a record of any other identifying information of a volunteer that the authorised officer thinks necessary and subject to the new section 15, carry out any forensic procedure for these purposes, if the appropriate consent is given for the taking of the identifying information. The authorised officer may also do so without the appropriate consent if the consent of the parent or guardian of the volunteer below 16 years of age is refused without good cause or cannot be obtained despite all reasonable efforts, but the volunteer is still willing to give the identifying information and a Magistrate sanctions the taking of the identifying information.

## PART 3

OFFENCE FOR, WITHOUT REASONABLE EXCUSE, REFUSING TO  
CONSENT FOR INVASIVE SAMPLE TO BE TAKEN

New sections 16 and 17 (inserted by clause 6) re-enact with modifications section 13 relating to the refusal to submit to the taking of identifying information and the consequences thereof.

Under the new section 24, an invasive sample must not be taken from an individual unless the appropriate consent is given for the taking of the invasive sample. The new section 8 defines appropriate consent to be —

- (a) in relation to an individual who has attained 16 years of age — the written consent of the individual;
- (b) in relation to an individual who has not attained 16 years of age but has attained 14 years of age — the written consent of both the individual and the individual's parent or guardian; and
- (c) in relation to an individual who has not attained 14 years of age — the written consent of the individual's parent or guardian,

given to an authorised officer after the individual concerned or the individual's parent or guardian (as the case may be) has been informed by the authorised officer of the purpose for which and the manner by which any identifying information or a body sample is to be taken from the individual.

The new section 25 re-enacts with modifications section 13E(5)(b) which empowers a DNA officer to use reasonable force to take a body sample but not an invasive sample.

Clause 6 inserts a new section 27, which re-enacts section 13E(5)(a) and creates a new offence that applies to a parent or guardian of an individual who has not attained 16 years of age and is accused of an eligible crime or a registrable crime, etc.

Except where the new section 27(3) or (4) applies, the new section 27(2)(a) and (b) will make it an offence for the individual to refuse, without reasonable excuse, to give a body sample or allow a body sample to be taken from him or her. This applies even if the body sample is an invasive sample. The offence for an individual to hinder or obstruct the taking of a body sample under the new section 27(2)(c) does not apply to an invasive sample because an invasive sample will not be taken by force under the new section 25. The new section 27(5) states that an individual commits an offence under subsection (2) regardless of whether the individual's body sample (that is not an invasive sample) was obtained by reasonable force under the new section 25.

Under the new section 27(3), where the individual has not attained 16 years of age but has attained 14 years of age, both the parent or guardian of the individual

and the individual who, without reasonable excuse, refuse to give the appropriate consent for an invasive sample to be taken from the individual each commits an offence.

Under the new section 27(4), where the individual has not attained 14 years of age, the parent or guardian of the individual who, without reasonable excuse, refuses to give the appropriate consent for an invasive sample to be taken from the individual commits an offence.

An individual who is guilty of an offence under the new section 27(2) or (3) or a parent or guardian who is guilty of an offence under the new section 27(3) or (4) shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one month or to both.

The new section 28 re-enacts with modifications section 13C(3) as to the inferences that may be drawn from a refusal to give appropriate consent.

## PART 4

### IDENTIFICATION DATABASE

Clause 6 inserts a new section 29 which provides that the Registrar must maintain an identification database in which must be recorded the following information and records:

- (a) any identifying information or record of an individual accused of an eligible crime or a registrable crime, sent to the Registrar under the new section 9(3);
- (b) any identifying information or record of an individual convicted of an eligible crime sent to the Registrar under the new section 10(3) or 11(7);
- (c) any identifying information or record of an individual arrested or detained under the Internal Security Act 1960, sent to the Registrar under the new section 13(3);
- (d) any identifying information and records of the identifying information of a volunteer sent to the Registrar under the new section 14(3);
- (e) the information mentioned in the new section 34(2)(b);
- (f) any finger impression, photograph or record taken or made under section 8 as in force immediately before the date of commencement of clause 6.

Where the individual is convicted of the registrable crime, the new section 30 provides that the identifying information or records of the individual must be removed from the identification database and the registrable particulars (which includes the individual's identifying information) must be recorded in the register.



Clause 6 inserts a new section 34 which provides that the registrable particulars of an individual who is acquitted of the registrable crime or of all the registrable crimes (as the case may be) with which the individual has been charged, whether or not on appeal or review, must be removed from the register. The individual's identifying information and records and the circumstances under which the registrable particulars were removed from the register must then be recorded in the identification database.

This ensures that the individual's registrable particulars are only recorded in the register if the individual is convicted of the registrable crime and has not been subsequently acquitted of the registrable crime.

Clause 11 makes consequential amendments to section 48(1) (as renumbered by clause 9) to refer to the identification database.

Clause 17(c) amends section 27C(2) of the Criminal Law (Temporary Provisions) Act 1955 to allow for the information stored in the register or DNA database under section 27C(1) of that Act to be compared with the information in the identification database.

Clause 21(c) amends section 26D(2) of the Intoxicating Substances Act 1987 to allow for the information stored in the register or DNA database under section 26D(1) of that Act to be compared with the information in the identification database.

Clause 22(c) amends section 40D(2) of the Misuse of Drugs Act 1973 to allow for the information stored in the register or DNA database under section 40D(1) of that Act to be compared with the information in the identification database.

## PART 5

### USE OF DNA INFORMATION

Clause 6 inserts a new section 32, which re-enacts section 13F(2), to expand the purposes for which any information stored in the DNA database may be used, to include the following:

- (a) for any investigation into a death conducted by a police officer, a Coroner or a forensic pathologist (including a post-mortem examination) or any inquiry into any death held by a Coroner, under the Coroners Act 2010;
- (b) for identifying a dead individual or any part of an individual;
- (c) for identifying an individual in order to provide police assistance to the individual.

Clause 17(d) amends section 27C(2) of the Criminal Law (Temporary Provisions) Act 1955 to provide that any information stored in the register and

the DNA database under section 27C(1) of that Act may also be used for these purposes.

Clause 21(*d*) amends section 26D(2) of the Intoxicating Substances Act 1987 to provide that any information stored in the register and the DNA database under section 26D(1) of that Act may also be used for these purposes.

Clause 22(*d*) amends section 40D(2) of the Misuse of Drugs Act 1973 to provide that any information stored in the register and the DNA database under section 40D(1) of that Act may also be used for these purposes.

## PART 6

### REMOVAL OF REGISTRABLE PARTICULARS, IDENTIFYING INFORMATION, RECORDS AND DNA INFORMATION FROM REGISTER, IDENTIFICATION DATABASE AND DNA DATABASE

Clause 6 inserts the new Part 6 which relates to the removal of registrable particulars, identifying information, records and DNA information from the register, identification database and DNA database.

The new section 33 re-enacts section 13H which is repealed by clause 8.

The new section 35 provides a mechanism by which the identifying information or records and DNA information of an individual (who is accused of an eligible crime or a registrable crime but whom investigations reveal is not involved in the commission of that eligible crime or registrable crime) must be removed from the identification database or DNA database.

The new section 36 provides a mechanism by which the identifying information or records of an individual (who is arrested and detained pending enquiries under section 74 of the Internal Security Act 1960 but investigations reveal that there are no grounds to justify the individual's detention under section 8 of that Act and the individual has not acted or was not about to act in any manner prejudicial to the security of Singapore or any part of Singapore) must be removed from the identification database or DNA database.

The new section 37 sets out the circumstances under which an individual may apply to the Registrar to remove the individual's identifying information or DNA information, or both, from the identification database or DNA database. The circumstances are situations where the individual is a volunteer or is acquitted or effectively acquitted of the eligible crime or registrable crime.

Where the individual is a volunteer, the new section 38 provides that the Registrar must remove the volunteer's identifying information or DNA information, or both, from the identification database or DNA database.

The new section 39 provides that where the Registrar receives an application from an individual in accordance with the new section 37(4), the Registrar must

remove the individual's identifying information or DNA information, or both, from the identification database or DNA database unless the Registrar determines that the individual's identifying information or DNA information is relevant to another ongoing prosecution or investigation or that it is in the interests of the security of Singapore to retain the individual's identifying information or DNA information.

Even after the Registrar makes such a determination, an individual is not prohibited from subsequently making a fresh application under the new section 37 to the Registrar.

## PART 7

### APPEAL AGAINST REGISTRAR'S DETERMINATION UNDER SECTION 39

Clause 6 inserts the new Part 7 which sets out provisions for an appeal against the Registrar's determination in the new section 39(2) and the provisions are similar to Part 8 of the Foreign Interference (Countermeasures) Act 2021.

The new section 40 sets out the right of appeal.

The new section 41 establishes one or more Reviewing Tribunals, each consisting of a District Judge or Magistrate appointed by the President on the advice of the Cabinet. An individual cannot be appointed or remain a member of a Reviewing Tribunal if he or she is not a citizen of Singapore. Each member holds office for 3 years, subject to reappointment.

The new section 41 also provides that in the performance of his or her functions and duties under the Act, a member of a Reviewing Tribunal has the same protection and immunity as a District Judge or Magistrate.

To ensure independent decision making by a member of a Reviewing Tribunal, the new section 42 states that the remuneration and other terms of service of the member of the Reviewing Tribunal must not be altered to his or her disadvantage during his or her continuance in office.

The new section 43 deals with resources for a Reviewing Tribunal. It provides that the expenses of a Reviewing Tribunal must be defrayed out of moneys provided by Parliament. It also requires the Minister to provide every Reviewing Tribunal with any number of public officers that are necessary for it to discharge its functions under the Act.

The new section 44 describes the function of a Reviewing Tribunal, which is to consider and determine any appeal made to the Reviewing Tribunal under the new section 40.

A Reviewing Tribunal can make one of 2 determinations or orders on such an appeal: dismiss the appeal and confirm the decision appealed against, or revoke

the decision appealed against. However, a Reviewing Tribunal must dismiss any appeal if the Registrar, when called by the Reviewing Tribunal for a defence, presents to the Reviewing Tribunal a certificate issued by the Minister certifying that the individual's identifying information or DNA information in question was taken in relation to an offence under the Foreign Interference (Countermeasures) Act 2021 or the Internal Security Act 1960 and that it is in the interests of the security of Singapore to retain the individual's identifying information or DNA information.

However, even after the Reviewing Tribunal dismisses the appeal and confirms the decision appealed against, the individual in question is not prohibited from subsequently making a fresh application under the new section 37 to the Registrar (and appealing to a Reviewing Tribunal again if necessary).

The new section 45 provides that a Reviewing Tribunal must not consider or determine any appeal if the appeal is made more than 30 days after the date of the notice of the determination in question given under the new section 39(2). A Reviewing Tribunal may waive this time bar if it thinks it is equitable to do so.

A Reviewing Tribunal is also not obliged to hear appeals that are frivolous or vexatious.

The new section 46 provides that every determination, order and other decision of a Reviewing Tribunal made or purportedly made under the Act is final and is not to be called in question in any court.

This also applies to a determination, an order or other decision which would have been a determination, an order or other decision if there were not a failure to exercise jurisdiction or an excess of jurisdiction in the making of the determination, order or other decision.

The new section 46 also states that a certificate issued by the Minister under the new section 44(2) is conclusive evidence of the matters stated in the certificate.

Clause 12 amends section 49 (as renumbered by clause 9) to expand the Minister's power to make rules to deal with the practice and procedure to be followed on, or in connection with, the hearing or consideration of any proceeding or appeal before a Reviewing Tribunal. The rules may cover the mode and burden of proof and the admissibility of evidence.

As the nature of the subject matter will often pertain to matters of national security and the evidence that the Minister or the Registrar relies on in coming to the decision appealed against may stem from intelligence operations, the rules may also —

- (a) enable or require a Reviewing Tribunal to hear or consider any appeal without the individual who brought the appeal having been given full particulars of the grounds which are the subject of the appeal;

- (b) enable or require a Reviewing Tribunal to give a summary of any evidence taken in its absence to the individual who made the appeal; and
- (c) provide for the manner in which the interests of an individual are to be represented, such as for the appointment in accordance with the rules of such person as may be determined in accordance with the rules, to represent those interests.

## PART 8

### MISCELLANEOUS

Clause 2 amends section 2 to insert new definitions for “eligible crime”, “identification database”, “identifying information” and “registrable crime” which are new terms used in the Act as amended by the Bill, and moves some definitions from section 13A.

Clause 3 amends section 4 to provide that the information and records that must be recorded in the register include the registrable particulars of an individual ordered to be removed from Singapore under the Immigration Act 1959 and under detention in any immigration depot, police station, prison or other place appointed by the Controller of Immigration mentioned in section 34(4) of that Act. These registrable particulars will be taken under the new section 11(6) and sent to the Registrar under the new section 11(8) (as inserted by clause 6). Section 53 of the Immigration Act 1959 is accordingly not necessary and clause 19(a) repeals this provision.

Clause 4 repeals section 6, the content of which is in the amended section 4.

Clause 5 repeals section 7 to remove the discretion of the Commissioner of Police to direct that a person who has been convicted of an offence included in the Second Schedule need not be registered. Clause 14 repeals the Second Schedule and clause 13 amends the First Schedule to bring the offences listed in the Second Schedule into the First Schedule.

The new section 8 replaces the term “intimate sample” (defined in the existing section 13A(1)) with the term “invasive sample”. Clauses 17, 18, 19, 21, 22, 23 and 24 make consequential and related amendments to the Criminal Law (Temporary Provisions) Act 1955, the Employment of Foreign Manpower Act 1990, the Immigration Act 1959, the Intoxicating Substances Act 1987, the Misuse of Drugs Act 1973, the National Registration Act 1965 and the Passports Act 2007 to refer to this new term.

Clause 7 renumbers Part 5 as Part 8.

Clause 9 renumbers certain provisions in the Act. Clauses 13(a) and 15 make consequential amendments to the Schedule references of the First and Third Schedules.

Clause 10 re-enacts the definition of “register information” in section 47 (as renumbered by clause 9) to include the DNA information of an individual convicted of a registrable crime.

Clause 16 makes miscellaneous amendments to the Act to clarify that the Act deals with the identification and records of individuals. Clause 16(c) also amends section 5(1) to clarify that the registrable particulars are furnished by the officer in charge of any prison in a place outside the principal registration area.

Clause 25 amends section 65B(3) of the Police Force Act 2004 by deleting the reference to Part 4 because the provisions relating to the taking of body samples will be re-organised under Part 3.

Clause 26 contains saving and transitional provisions.

## EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

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