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**BILLS SUPPLEMENT**

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**Notification No. B 20** — The Criminal Law (Miscellaneous Amendments) Bill is published for general information. It was introduced in Parliament on 2 August 2021.



# **Criminal Law (Miscellaneous Amendments) Bill**

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**Bill No. 20/2021.**

*Read the first time on 2 August 2021.*

A BILL

*intituled*

An Act to amend the Penal Code to update the criminal offences, enhance the punishment for sexual offences and clarify the application of certain provisions, and to make 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 Criminal Law (Miscellaneous Amendments) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

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## PART 1

### AMENDMENT OF PENAL CODE

#### Amendment of section 73

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2. Section 73(4) of the Penal Code is amended by inserting, immediately after the words “section 304B” in paragraph (a) of the definition of “excluded offence”, “, 304C”.

#### Amendment of section 74

3. Section 74 of the Penal Code is amended by deleting subsection (3) and substituting the following subsection:

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“(3) Despite anything to the contrary in the Criminal Procedure Code —

(a) a Magistrate’s Court —

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(i) has jurisdiction to try any offence specified in subsection (2), where no imprisonment is prescribed or where twice the maximum term of imprisonment prescribed for the offence does not exceed 5 years; and

(ii) has power to impose the full punishment provided under subsection (1) in respect of the offence; and

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(b) a District Court —

(i) has jurisdiction to try any offence specified in subsection (2); and

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(ii) has power to impose the full punishment provided under subsection (1) in respect of the offence.”.

### Amendment of section 74A

4. Section 74A(1) of the Penal Code is amended by deleting the words “on or after the date of commencement of the Vulnerable Adults Act 2018”.

### Amendment of section 79

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5. Section 79 of the Penal Code is amended —

(a) by deleting subsection (2) and substituting the following subsection:

“(2) To avoid doubt, where a person alleges a mistake of fact or ignorance of a fact that may negate the fault element of the offence that the person is charged with, the prosecution must prove the fault element in order to establish liability under the offence.”;

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(b) by renumbering the *Explanation* as *Explanation 1*, and by inserting immediately thereafter the following *Explanation*:

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“*Explanation 2.*—Where an alleged mistake of fact or ignorance of a fact may negate the fault element of an offence, the accused person does not need to rely on the defence of mistake. The accused person may allege the mistake of fact or ignorance of the fact for the purpose of raising a reasonable doubt that the accused person had the requisite fault element as a result of labouring under the mistake of fact or ignorance of fact. The prosecution must prove the fault element in order to establish liability under the offence.”; and

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(c) by deleting the words “as he did not intend to dishonestly take the watch out of *Z*’s possession” in *illustration (f)* and substituting the words “as *A* did not possess the requisite fault element of dishonesty when *A* took the watch out of *Z*’s possession. There is no need for *A* to rely on a defence under this section”.

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