

Registration of Criminals (Amendment) Bill

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Bill No: 10/2005

Read the first time: 18th April 2005

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Registration of Criminals (Amendment) Bill

Bill No. 10/2005

Read the first time on 18th April 2005.

An Act to amend the Registration of Criminals Act (Chapter 268 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Registration of Criminals (Amendment) Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

New Part IIA

2. The Registration of Criminals Act is amended by inserting, immediately after section 7, the following Part:

“PART IIA

SPENT CRIMINAL RECORDS

Interpretation and application of this Part

7A.—(1) In this Part, unless the context otherwise requires —

“appointed day” means the date of commencement of the Registration of Criminals (Amendment) Act 2005;

“criminal record”, in relation to a person, means the record which is kept in the register before, on or after the appointed day of his conviction for —

- (a) any crime within Singapore; or
- (b) any offence outside Singapore registrable under this Act,

and the registrable particulars related thereto;

“term of imprisonment” does not include a term of imprisonment imposed by a court in default of payment of a fine or penalty.

(2) For the purposes of this Part, a person who is subject to a home detention order under section 52 of the Prisons Act (Cap. 247) is deemed to be in legal custody.

(3) This Part shall bind the Government.

Criminal record of Singapore crime may become spent

7B.—(1) Subject to section 7C, all records in the register of any person convicted within Singapore of any crime shall be capable of becoming spent in accordance with this Part, whether the conviction is before, on or after the appointed day.

(2) The record in the register of a person's conviction within Singapore for a crime shall become spent on the expiration of the crime-free period applicable to the person, unless he is disqualified under section 7C.

(3) A record of a person's conviction that is spent in accordance with this section shall not be revived by the subsequent conviction of the person for any offence after the crime-free period.

(4) In this section —

“crime-free period” means a period of not less than 5 consecutive years starting from the relevant date applicable to a person, during which the person —

- (a) has not been convicted of a crime;
- (b) has not been unlawfully at large in relation to any crime;
- (c) has not been detained or subject to police supervision under section 30 of the Criminal Law (Temporary Provisions) Act (Cap. 67); and
- (d) has not been subject to a supervision order or admitted to an approved institution under the Misuse of Drugs Act (Cap. 185) or admitted to an approved centre under the Intoxicating Substances Act (Cap. 146A);

“relevant date”, in relation to a person, means —

- (a) where the sentence of the person does not include a term of imprisonment and is no longer subject to appeal, the date on which the sentence was passed;
- (b) where the sentence of the person includes a term of imprisonment and is no longer subject to appeal, the date of his release from legal custody; or
- (c) where a sentence of imprisonment has been wholly remitted or commuted to or substituted with a sentence other than a term of imprisonment, the date of that remission, commutation or substituted sentence, as the case may be.

Person disqualified from having criminal record become spent

7C. A person is disqualified from having the record in the register of his

conviction becoming spent under section 7B if —

- (a) that conviction was for any offence specified in the Third Schedule;
- (b) the sentence imposed on him for that conviction included —
 - (i) a term of imprisonment exceeding 3 months; or
 - (ii) a fine exceeding \$2,000;
- (c) that conviction was for a crime committed within 5 years after he had been released from —
 - (i) an approved institution under the Misuse of Drugs Act (Cap. 185); or
 - (ii) an approved centre under the Intoxicating Substances Act (Cap. 146A);
- (d) he has been detained or subject to police supervision under section 30 of the Criminal Law (Temporary Provisions) Act (Cap. 67) at any time before that conviction;
- (e) for the time being, he has a warrant of arrest for any offence issued against him which remains unexecuted;
- (f) he has records in the register of more than one conviction, whether or not those convictions arise from the same particular occasion; or
- (g) he has had any previous record in the register of any of his convictions become spent under section 7B or treated as spent under section 7D.

Application by disqualified person to have criminal record treated as spent

7D.—(1) A person who is disqualified under section 7C from having the record in the register of his conviction within Singapore for any crime becoming spent may, at any time, apply to the Commissioner of Police to have the record treated as spent.

(2) An application by any person under subsection (1) shall be in such form and be accompanied by such documents, particulars and information as the Commissioner of Police may require.

(3) Upon receiving an application under subsection (1), the Commissioner of Police may —

- (a) refuse to grant the application; or
- (b) grant the application.

(4) In determining whether to grant an application to treat the record in the register of the applicant's conviction as spent, the Commissioner of Police shall have regard to the circumstances of the case, including the following factors:

- (a) the severity of the conviction for which the record is to be spent;
- (b) the severity of the sentence imposed for that conviction; and
- (c) the applicant's conduct subsequent to the conviction.

(5) Where any document, particular or information given under subsection (2) is false in a material particular, the Commissioner of Police may, after giving the person concerned a reasonable opportunity to be heard (orally or in writing), revoke his grant of the application to treat the record in the register of the person's conviction as spent, and the Registrar shall, without delay, expunge any entry made under section 7E(1)(b) in respect of that record.

(6) Nothing in this section shall be construed to prevent the prosecution, conviction and punishment of any person according to the provisions of any other written law for the time being in force.

Consequences of criminal record becoming or treated as spent

7E.—(1) Subject to subsection (2), if the record of a person's conviction in the register is spent or is treated as spent under this Part —

- (a) the person shall be deemed to have no record of that conviction, and it shall be lawful for him to answer a question asked of him on or after the appointed day about his criminal record or to disclose information about his criminal record in the manner as if he had no record of that conviction;
- (b) the Registrar shall, without delay, make an entry in the register to show that the record of that conviction is spent; and
- (c) any reference in any agreement or other document made on or after the appointed day to the person's criminal record shall be taken not to refer to the conviction the record of which is so spent, but to refer only to any of the person's convictions the records of which are not so spent.