

# **Criminal Law (Temporary Provisions) (Amendment) Bill**

## **Table of Contents**

**Bill No: 30/2004**

*Read the first time: 20th July 2004*

**Long Title**

**Enacting Formula**

**1 Short title and commencement**

**2 Amendment of section 1**

**3 Repeal of section 27 and new sections 27 to 27C**

**4 Repeal of section 37**

**Explanatory Statement**

**Expenditure of Public Money**

## **Criminal Law (Temporary Provisions) (Amendment) Bill**

**Bill No. 30/2004**

*Read the first time on 20th July 2004.*

An Act to amend the Criminal Law (Temporary Provisions) Act (Chapter 67 of the 2000 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 Criminal Law (Temporary Provisions) (Amendment) Act 2004 and shall come into operation on 21st October 2004.

### **Amendment of section 1**

**2.** Section 1 of the Criminal Law (Temporary Provisions) Act (referred to in this Act as the principal Act) is amended by deleting subsection (2) and substituting the following subsection:

“(2) This Act shall continue in force for a period of 5 years from 21st October 2004.”.

### **Repeal of section 27 and new sections 27A to 27C**

**3.** Section 27 of the principal Act is repealed and the following sections substituted therefor:

#### **“Interpretation of sections 27A, 27B and 27C**

**27.—**(1) In sections 27A, 27B and 27C —

“appropriate consent” means —

- (a) for a person aged 16 years and above, the written consent of that person;
- (b) for a person aged 14 years and above but below the age of 16 years, the written consent of both that person and of his parent or guardian; and
- (c) for a person below the age of 14 years, the written consent of his parent or guardian,

given to a police officer or officer of the Central Narcotics Bureau in charge of the case after that officer has informed the person concerned, his parent or guardian or both, as the case may be, of the purpose for which a body sample is required from such person and the manner by which such body sample is to be taken from him;

“authorised analyst” means a person appointed by the Commissioner of Police to be an analyst;

“body sample” means —

- (a) a sample of blood;
- (b) a sample of head hair, including the roots thereof;
- (c) a swab taken from a person's mouth; or
- (d) such other sample as may be prescribed under subsection (2);

“DNA” means deoxyribonucleic acid;

“DNA information” means genetic information derived from the forensic DNA analysis of a body sample;

“finger impression” includes thumb impression and palmar impression;

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

“other particulars”, in relation to a person, means any particulars, information or description of that person, other than his registrable particulars, that may be relevant or useful in the identification of that person;

“photograph”, in relation to a person, includes the photograph of any distinguishing feature or mark on the body of that person;

“registered medical practitioner” has the same meaning as in the Medical Registration Act (Cap. 174) and includes a dentist registered under the Dentists Act (Cap. 76);

“registrable particulars” means the particulars of any detention or supervision order made under section 30, 32 or 38 and any name, description, photograph or finger impression of, or document relating to, any person so detained or placed under supervision, as the case may be.

(2) Subject to subsection (3), the Minister may prescribe additional types of body samples that may be taken under section 27A.

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

- (a) the genital or anal area of a person's body;
- (b) a person's body orifice other than the mouth; or
- (c) the breasts of a woman.

**Taking of photographs, finger impressions, body samples, etc., from person arrested, detained or subject to police supervision**

**27A.**—(1) A police officer or officer of the Central Narcotics Bureau may exercise all or any of the following powers in respect of any person referred to in subsection (2):

- (a) take or cause to be taken photographs and finger impressions of such person;
- (b) make or cause to be made a record of the registrable particulars and any other particulars of such person;
- (c) cause body samples of such person to be taken by a person authorised under section 27B(1);
- (d) send any photograph, finger impression, record of particulars or body sample so taken or made to the Commissioner of Police for identification and report.

(2) The powers referred to in subsection (1) may be exercised in respect of any of the following persons:

- (a) a person who, on 21st October 2004, is under arrest and detained under section 44 or 45;
- (b) a person who, on 21st October 2004, is under detention or subject to supervision under section 30, 32 or 38;
- (c) a person who, on or after 21st October 2004, is arrested, detained or placed under police supervision under any of the provisions of this Act.

(3) Every person mentioned in subsection (2) shall —

- (a) submit to the taking of his photographs and finger impressions under subsection (1);
- (b) provide such registrable particulars and other particulars as may be required under subsection (1); and
- (c) subject to subsection (5), submit to the taking of his body samples by a person authorised under section 27B(1).

(4) Where any person mentioned in subsection (2) fails, without reasonable excuse, to comply with subsection (3) —

- (a) that person shall be guilty of an offence and shall be liable on