

Registration of Criminals (Amendment) Bill

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Bill No: 43/2002

Read the first time: 31st October 2002

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Registration of Criminals (Amendment) Bill

Bill No. 43/2002

Read the first time on 31st October 2002.

An Act to amend the Registration of Criminals Act (Chapter 268 of the 1985 Revised Edition) to provide for the taking and analysis of body samples from persons who are arrested for or convicted of registrable offences, and from volunteers in connection with the investigation of such offences; to provide for the removal from the register of the records of certain persons who have been convicted of registrable offences, and to provide for matters connected therewith.

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 2002 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Registration of Criminals Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately before the definition of “crime”, the following definition:

“ “authorised officer” means —

- (a) a police officer;
- (b) an officer of the Customs and Excise Department in any case concerning an offence or alleged offence against any law or provision of law which it is the function of that Department to enforce;
- (c) an immigration officer;
- (d) an officer of any law enforcement agency in any case concerning an offence or alleged offence against any law or provision of law which it is the function of that agency to enforce; and

- (e) any other person who is duly appointed in writing by the Commissioner of Police as an authorised officer for the purposes of this Act or any provision thereof;”;
- (b) by inserting, immediately after the definition of “crime”, the following definitions:
 - “DNA” means deoxyribonucleic acid;
 - “DNA database” means the database maintained under section 13F;
 - “DNA information” means genetic information derived from the forensic DNA analysis of a body sample;”;
- (c) by deleting the definition of “police officer” and substituting the following definitions:
 - “law enforcement agency” means any body or organisation which is prescribed by the Minister to be a law enforcement agency for the purposes of this Act;
 - “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;”.

Repeal and re-enactment of sections 8, 9 and 10

3. Sections 8, 9 and 10 of the principal Act are repealed and the following sections substituted therefor:

“Finger impressions, photographs and particulars of person under arrest

8. Any authorised officer may —

- (a) take or cause to be taken the finger impressions and photographs of any person under arrest who is accused of any crime;
- (b) make or cause to be made a record of the registrable particulars and any other particulars of such person; and

- (c) send any finger impression, photograph or record so taken or made to the Registrar for identification and report.

Finger impressions, photographs and particulars of convicted person

9. When a person has been convicted of a crime, the authorised officer in charge of the case shall —

- (a) take or cause to be taken the finger impressions and photographs of the person so convicted;
- (b) make or cause to be made a record of —
 - (i) the particulars of the conviction and the sentence or order made in respect of that person; and
 - (ii) any other particulars of that person as the authorised officer thinks necessary; and
- (c) send a copy of the finger impression, photograph and record so taken or made to the Registrar.

Acquittal or discharge of person from whom finger impressions, etc., taken under section 8

10. Where the finger impressions, photographs and registrable particulars of a person have been sent to the Registrar under section 8(c) for identification and report and that person is subsequently acquitted or discharged without a conviction being recorded against him —

- (a) the authorised officer in charge of the case shall immediately inform the Registrar of the acquittal or discharge; and
- (b) the Registrar shall cause the finger impressions, photographs and registrable particulars that he had received in respect of that person under section 8(c) to be destroyed.”.

Repeal and re-enactment of section 13

4. Section 13 of the principal Act is repealed and the following section substituted therefor:

“Duty to submit to taking of photographs and finger impressions

13.—(1) It shall be the duty of every person under arrest who is accused of a crime and every person who is convicted of a crime or ordered to be banished,

expelled or deported —

- (a) to submit to the taking of his photograph and his finger impressions; and
- (b) to provide such registrable particulars and other particulars as may be required under this Act.

(2) Where a person to whom subsection (1) applies refuses, without reasonable excuse, to submit to the taking of his photograph or finger impressions or to provide any registrable particulars or other particulars when lawfully required by an authorised officer or by an officer in charge of a prison —

- (a) that person shall be guilty of an offence and 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; and
- (b) the authorised officer or officer in charge of the prison may, with such assistance as is required, use such force as is reasonably necessary for the purposes of taking the photograph or finger impressions of that person.”.

New sections 13A to 13G (new Part IV)

5. The principal Act is amended by inserting, immediately after section 13, the following heading and sections:

“PART IV

TAKING OF BODY SAMPLES

Interpretation of this Part

13A.—(1) In this Part —

“appropriate consent” means —

- (a) in relation to a person who has attained the age of 16 years, the consent in writing of that person;
- (b) in relation to a person who has not attained the age of 16 years but has attained the age of 14 years, the consent in writing of both that person and of his parent or guardian; and
- (c) in relation to a person who has not attained the age of 14 years, the consent in writing of his parent or guardian,