

REPUBLIC OF KIRIBATI
(No.3 of 2019)



I assent,

Beretitenti

Commencement:
15/4/ 2019

AN ACT
entitled

AN ACT TO AMEND THE PENAL CODE.

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

Short title

1. This Act may be cited as the Penal Code (Amendment) Act 2019

Insertion of new section 44A

2. Section 44A is hereby inserted as follow:-

Discretion to suspend sentence may not be exercised.

44A. Notwithstanding section 44(1), the Court shall not exercise its discretion to suspend sentences where a weapon is used or involved in the commission of an offence.

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Explanatory Memorandum

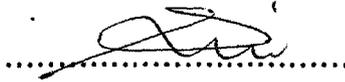
The Amendment was made base on an increase in number of cases that involves the use of a weapon. Under section 44, the court has a discretion to suspend a sentence that is less than 2 years. The new section will give the court a mandate not to apply section 44 where a weapon was involved or used during the commission of an offence.

The rational behind this is to given members of the public assurance that the law and the court will not torelates offences being committed with the used of involvement of a weapon.

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Hon Natan Teewe
Minister for Justice

**CERTIFICATE OF THE CLERK OF THE MANEABA NI
MAUNGATABU**

This printed impression of the Penal Code (Amendment) Act has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 4th April 2019 and is found by me to be a true and correctly printed copy of the said Bill.



Eni Tekanene

Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this 15 day of
April 2019.



Eni Tekanene

Clerk of the Maneaba ni Maungatabu