

No. 6 of 2013.

Criminal Code (Amendment) Act 2013.

Certified on : 18 SEP 2013



No. 6 of 2013.

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ARRANGEMENT OF SECTIONS.

1. New Section 299A.

“SECTION 299A. WILLFUL MURDER OF A PERSON ON ACCOUNT OF ACCUSATION OF SORCERY.

2. New Section 347C.

“SECTION 347C. AGGRAVATED RAPE.

3. Kidnapping (Amendment of Section 353).

4. Kidnapping for Ransom (Amendment of Section 354).

5. Stealing (Amendment of Section 372).

6. Misappropriation of Property (Amendment of Section 383A).

7. The Offence of Robbery (Amendment of Section 386).

8. Sentence of Death (Amendment of Section 597).

9. Execution of Sentence of Death (Amendment of Section 614).



An Act

entitled

Criminal Code (Amendment) Act 2013,

Being an Act to amend the *Criminal Code Act* (Chapter 262),

MADE by the National Parliament.

1. NEW SECTION 299A.

The Principal Act is amended by adding immediately after Section 299 the following new section:

“SECTION 299A. WILLFUL MURDER OF A PERSON ON ACCOUNT OF ACCUSATION OF SORCERY.

(1) Any person who intentionally kills another person on account of accusation that the person is practicing sorcery, is guilty of willful murder and shall be sentenced to death.

(2) For purposes of Subsection (1), “sorcery” includes (without being exhaustive and exclusive) what is known, in various languages and parts of the country, as witchcraft, magic, enchantment, puripuri, mura mura dikana, vada, mea mea, sanguma, or malira, whether or not connected with or related to the supernatural.”

2. NEW SECTION 347C.

The Principal Act is amended by adding immediately after Section 347B the following new section:

“SECTION 347C. AGGRAVATED RAPE.

Any person who sexually penetrates the vagina or anus or such other body part of another person with any body part, object or implement, without consent -

- (a) whilst armed with a dangerous weapon or offensive weapon or instrument; or
 - (b) in company with one or more other persons; or
 - (c) causes grievous bodily harm to a person, before, after, or in the course of the offence; or
 - (d) of the victim a child under the age of 10 years,
- is guilty of the crime of aggravated rape and shall be sentenced to death.”

3. KIDNAPPING (AMENDMENT OF SECTION 353).

Section 353 of the Principal Act is amended in the penalty provision by repealing the words “imprisonment for a term not exceeding seven years” and replacing them with the following:

“Imprisonment for a term of 50 years without remission and without parole.”

4. KIDNAPPING FOR RANSOM (AMENDMENT OF SECTION 354).

Section 354 of the Principal Act is amended in Subsection (1) in the penalty provision by repealing the words and figure "Subject to Subsection (2), imprisonment for a term not exceeding 14 years" and replacing them with the following:

"Imprisonment for life without remission and without parole."

5. STEALING (AMENDMENT OF SECTION 372).

Section 372 of the Principal Act is amended by adding after Subsection (1) the following new subsections:

"(1A) If the thing stolen is money exceeding K1 million and does not exceed K10 million an offender is liable to imprisonment for a term of 50 years without remission and without parole.

"(1B) If the thing stolen is money exceeds K10 million, the penalty shall be life imprisonment."

6. MISAPPROPRIATION OF PROPERTY (AMENDMENT OF SECTION 383A).

Section 383A of the Principal Act is amended by inserting the following new subsection:

"(1A) Notwithstanding Subsection (2), an offender guilty of the crime of misappropriation shall be sentenced -

- (a) to imprisonment for a term of 50 years without remission and without parole, if the property misappropriated is of a value of K1 million or upwards, but does not exceed K10 million; and
- (b) to life imprisonment if the property misappropriated is of a value of K10 million or upwards."

7. THE OFFENCE OF ROBBERY (AMENDMENT OF SECTION 386).

Section 386 of the Principal Act is amended in Subsection (2) by repealing the words, "subject to Section 19, imprisonment for life" and replacing them with the following words:

"to be sentenced to death."

8. SENTENCE OF DEATH (AMENDMENT OF SECTION 597).

Section 597 of the Principal Act is amended by repealing the words "he be hanged by the neck until he is dead", and replacing them with the following:

"on the mode of execution of the death sentence from any one of those stated under Section 614(1)."

9. EXECUTION OF SENTENCE OF DEATH (AMENDMENT OF SECTION 614).


Section 614 of the Principal Act is amended by repealing Subsection (1) and replacing it with the following new subsection:

"(1) The punishment of death shall be carried out by any one of the following methods as determined by the Head of State, acting on advice from the National Executive Council:

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- (a) hanging the offender by the neck until the person is dead; or
- (b) administration of anaesthetics followed by lethal injection; or
- (c) medical death through administration of anaesthetic and deprivation of oxygen; or
- (d) death by firing squad; or
- (e) electrocution.”.

I hereby certify that the above is a fair print of *Criminal Code (Amendment) Act 2013* which has been made by the National Parliament.



Clerk of the National Parliament.

18 SEP 2013

I hereby certify that the *Criminal Code (Amendment) Act 2013* was made by the National Parliament on 28 May, 2013.



Speaker of the National Parliament.

18 SEP 2013