

MALTA

ATT Nru III tal-2020

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT sabiex jemenda l-Kodiċi Kriminali,
Kap. 9.**

ACT No. III of 2020

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Criminal Code,
Cap. 9.**

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

28 ta' Frar, 2020

ATT Nru III tal-2020

ATT sabiex jemenda l-Kodiċi Kriminali, Kap. 9.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

- 1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 li jemenda l-Kodiċi Kriminali u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem imsejjaħ "il-Kodiċi".

Titolu fil-qosor.
Kap. 9.
- 2.** It-tieni proviso tas-subartikolu (3) tal-artikolu 203 tal-Kodiċi għandu jithassar.

Emenda tal-artikolu 203 tal-Kodiċi.
- 3.** L-artikolu 208B tal-Kodiċi għandu jiġi emendat kif ġej:

 - (a) fin-nota marginali tiegħu, il-kliem "204 sa 204Ċ u 208A" għandhom jiġu sostitwiti bil-kliem "203 sa 204D u 208A sa 208AB"; u

Emenda tal-artikolu 208B tal-Kodiċi.

(b) fis-subartikolu (1) tiegħu, il-kliem "204, 204A sa 204D," għandhom jiġu sostitwiti bil-kliem "203 sa 204D,".

Emenda tal-artikolu 247A tal-Kodiċi.

4. L-artikolu 247A tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu, il-kliem "Mogħdrija jew traskruaġni ta' tifel ta' taħt it-tnax-il sena." għandhom jiġu sostitwiti bil-kliem "Moħqrija jew traskuraġni ta' tifel ta' taħt is-sittax-il sena."; u

(b) fis-subartikolu (1) tiegħu, il-kliem "it-tnax-il sena" għandhom jiġu sostitwiti bil-kliem "is-sittax-il sena".

Emenda tal-artikolu 251B tal-Kodiċi.

5. Fis-subartikolu (1) tal-artikolu 251B tal-Kodiċi, il-kliem "għal żmien minn tliet xhur sa sitt xhur" għandhom jiġu sostitwiti bil-kliem "għal żmien minn sena sa sentejn".

Emenda tal-artikolu 540A tal-Kodiċi.

6. L-artikolu 540A tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "uffiċjal tal-Pulizija għandu minnufih jagħmel valutazzjoni, flimkien ma' professjonist imħarreg mill-aġenzija msemmija skont l-Att dwar il-Vjolenza Abbażi ta' Ġeneru u Vjolenza Domestika" għandhom jiġu sostitwiti bil-kliem "professjonist imħarreg mill-aġenzija msemmija skont l-Att dwar il-Vjolenza Abbażi ta' Ġeneru u Vjolenza Domestika għandu minnufih jagħmel valutazzjoni";

(b) il-proviso tas-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan li ġej:

"Izda uffiċjal tal-Pulizija għandu wkoll jibda investigazzjoni, waqt liema investigazzjoni għandu jinstema', fost oħrajn, l-allegat awtur, skont il-każ:";

(ċ) minnufih wara l-proviso għas-subartikolu (1) tiegħu, kif sostitwit, għandhom jidhlu l-provisos godda kif ġej:

"Izda wkoll jekk, fi żmien erbgħa u għoxrin siegħa immedjatament qabel ma l-Pulizija Eżekuttiva tirċievi r-rapport, denunzja, jew kwerela, tkun diġà saret valutazzjoni minn professjonist imħarreg skont l-Att dwar il-Vjolenza Abbażi ta' Ġeneru u Vjolenza Domestika, tali valutazzjoni m'għandhiex għalfejn terġa' ssir wara dak ir-rapport, denunzja, jew kwerela:

Izda wkoll jekk fil-każijiet imsemmija fis-subartikolu (1), l-allegat awtur jkun ser jiġi mressaq

b'arrest quddiem il-Qorti, u jinżamm arrestat sa ma jiġi hekk imressaq, id-dispożizzjonijiet ta' dan l-artikolu m'għandhomx japplikaw."; u

(d) fis-subartikolu (2) tiegħu, il-kliem "Jekk, f'dik l-investigazzjoni" għandhom jiġu sostitwiti bil-kliem "Jekk, wara l-imsemmija investigazzjoni, u wara li jkun ittiehed inkonsiderazzjoni r-riżultat tal-valutazzjoni,".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 302 tas-26 ta' Frar, 2020.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE VELLA
President

28th February, 2020

ACT No. III of 2020

An ACT to amend the Criminal Code, Cap. 9.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title.

Cap. 9.

1. The short title of this Act is the Criminal Code (Amendment) Act, 2020 and this Act shall be read and construed as one with the Criminal Code hereinafter referred to as "the Code".

Amendment of
article 203 of
the Code.

2. The second proviso to sub-article (3) of article 203 of the Code shall be deleted.

Amendment of
article 208B of
the Code.

3. Article 208B of the Code shall be amended as follows:

(a) in the marginal note thereof, the words "204 to 204C and 208A" shall be substituted by the words "203 to 204D and 208A to 208AB"; and

(b) in sub-article (1) thereof, the words "204, 204A to 204D," shall be substituted by the words "203 to 204D,".

4. Article 247A of the Code shall be amended as follows:

Amendment of article 247A of the Code.

(a) in the marginal note thereof, the words "Ill-treatment or neglect of child under twelve years." shall be substituted by the words "Ill-treatment or neglect of child under sixteen years"; and

(b) in sub-article (1) thereof, the words "twelve years" shall be substituted by the words "sixteen years".

5. In sub-article (1) of article 251B of the Code, the words "for a term from three to six months" shall be substituted by the words "for a term from one to two years".

Amendment of article 251B of the Code.

6. Article 540A of the Code shall be amended as follows:

Amendment of article 540A of the Code.

(a) in sub-article (1) thereof, the words "a Police officer, together with" shall be deleted;

(b) the proviso to sub-article (1) thereof shall be substituted as follows:

"Provided that a Police officer shall also initiate an investigation, during which investigation there shall be heard, amongst others, the alleged offender, as the case may be:";

(c) immediately after the proviso to sub-article (1) thereof, as substituted, there shall be added the following new provisos:

"Provided also that if an assessment has been conducted by a professional trained in accordance with the Gender-Based Violence and Domestic Violence Act within the twenty-four hour period immediately preceding the receipt of the report, information, or complaint by the Executive Police, there shall be no need to conduct that assessment after such receipt:

Provided also that if in the cases mentioned under sub-article (1) the alleged offender is to be taken before the court by arrest, and if he remains arrested until his arraignment in court, the dispositions of this article shall not apply."; and

(d) in sub-article (2) thereof, the words "Where, during such investigation" shall be substituted by the words "Where, following such investigation, and after the due consideration of

A 78

the results of the assessment,".

Passed by the House of Representatives at Sitting No. 302 of the
26th February, 2020.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives