

**409. L-Onor. Jason Azzopardi jipproponi:**

L-Ewwel Qari ta' Abbozz ta' Ligi msejjaħ “Att biex jipprovdi għall-ħolqien ta' delitt ġdid kontra l-awtorità pubblika”.

27.07.2020

# **ABBOZZ TA' LIĠI**

## **msejjah**

*ATT biex jipprovdi għall-ħolqien ta' delitt gdid kontra l-awtorita pubblika*

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

### **Titolu fil-qosor**

1. It-titolu fil-qosor ta' dan l-Att hu Att tal-2020 li jemenda l-Kodiċi Kriminali, u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem imsejjaħ "il-Kodiċi".
2. Dan l-Att għandu jidhol fis-seħħ fid-data li l-Ministru responsabbli għall-Ġustizzja jista', permezz ta' avviż fil-Gazzetta tal-Gvern, jistabbilixxi.

### **Emendi tal-Kodiċi Kriminali**

3. Immedjatament wara l-artikolu 118 tal-Kodiċi, għandhom jiżdedu dawn id-dispożizzjonijiet, kif ġej:

**“Użu illegali minn uffiċjali jew impjegati pubbliċi ta' rizorsi elettronici mhux uffiċjali jew awtorizzat”**

**118A.** (1) Kull ufficjal jew impjegat pubbliku li jagħmel użu minn rizorsi elettronici mhux ufficjali jew mhux awtorizzat skont il-ligi għat-twettiq ta' atti ghat-tkomplija ta', jew fl-eżercizzju ta', l-awtorità pubblika mogħtija lilu jew bl-eżercizzju tagħha, ikun ħati ta' reat u f'kaz ta' htija ikun kundannat piena ta' prigunerija minn sena sa tmien snin;

(2) Id-disposizzjonijiet tal-artiklu 150 tal-Kodici ghandhom ikunu applikabbli f'kaz ta' sejbien ta' htija taht is-subartiklu precedenti;

(3) Għall-għanijiet ta' dan l-artikolu "*rizorsi elettronici mhux ufficjali jew mhux awtorizzati*" tinkludi kull mezz, instrument jew sistema elektroniku li permezz tagħha tista' ssir komunikazzjoni jew telekomunikazzjoni elektronika li m'hijiex awtorizzata minn xi awtorita pubblika ghat-twettiq ta' xi awtorita pubblika jew impjegat pubbliku minn xi ufficjal jew impjegat pubbliku;

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### **Ghanijiet u Ragunijiet tal-Abbozz**

Biex l-uzu ta' apparat jew rizorsi elettronici mhux ufficjali jew awtorizzat imwettaq minn ufficjali jew impjegati pubblici ghal xogħol marbut mal-qadi ta' dmirijethom ikun meqjus delitt kontra l-awtorita pubblika;

*A **BILL** entitled **AN ACT** to provide for the creation  
of new crimes against public authority*

**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**

The short title of this Act is the Criminal Code (Amendment) Act, 2020 and shall be read and construed as one with the Criminal Code, hereinafter called “the Code”.

This Act shall come into force on such date as the Minister for Justice shall by notice in the Government Gazette establish.

### **Amendment to the Criminal Code**

Immediately after article 118 of the Code, the following shall be added:

**“Illegal use of unofficial electronic resources by public officers and servants”**

118A. (1) Every public official or servant who makes use of unofficial or unauthorised electronic resources for the purposes of committing acts in furtherance of, or in the the exercise of, any public office or employment, shall, on conviction, be liable to imprisonment for a term from one year to eight years;

(2) The provisions of article 150 of the Code shall be applicable in the case of a conviction under the provisions of the preceding subarticle;

(3) For the purposes of this provision,“*unofficial or unauthorised electronic resources*” includes every electronic device, means, instrument, or system enabling electronic messaging and telecommunication which is not authorised by any public authority for the execution of any public authority or employment by any public officer or servant;

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### **Objects and Reasons**

For the illegal and unauthorised use of electronic resources by any public officer or servant to be considered a crime against public authority.

