

MALTA

ATT Nru XXVII tal-2025

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

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

ACT No. XXVII of 2025

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

5 ta' Awwissu, 2025

ATT Nru XXVII tal-2025

ATT sabiex ikompli 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, harget b'ligi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2025 li jemenda l-Kodiċi Kriminali (Emenda Nru 4) 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. Minnufih wara l-artikolu 251BA tal-Kodiċi għandhom jiġu miżjuda l-artikoli ġodda li ġejjin:

Żieda ta' artikoli ġodda fil-Kodiċi.

"Segwiment
ċibernetiku.

251BB. (1) Kwalunkwe persuna li, bl-intenzjoni li tikkaguna ħsara fiżika jew mentali lil persuna oħra, inkluż li l-persuna l-oħra twegġa' lilha nnifisha jew li tikkaguna apprensioni jew biża' fil-persuna l-oħra għas-sigurtà tagħha jew dik ta' xi persuna oħra, tagħmel kwalunkwe att minn dawn li ġejjin għandha tkun hatja ta' reat kontra dan l-artikolu:

(a) issegwi persuna oħra billi tagħmel kuntatt ma' persuna oħra bl-użu ta' kompjuter jew b'tagħmir elettroniku jew bi kwalunkwe tagħmir ieħor diġitali jew ta' komunikazzjoni;

(b) tikkawża funzjoni li ma tkunx awtorizzata f'kompjuter li huwa l-proprjetà ta', jew li tuża persuna oħra;

(c) tintraċċa l-użu tal-internet jew ta' mezz ieħor ta' komunikazzjoni elettronika ta' persuna oħra.

(2) Għall-fini ta' dan l-artikolu, persuna li tkun qiegħda gġib ruħha b'mod dubjuż għandha tkun taf li ser tikkaguna ħsara fiżika jew mentali lil persuna oħra, inkluż li l-persuna l-oħra twegġa' lilha nnifisha jew li tikkaguna apprensioni jew biża' fil-persuna l-oħra għas-sigurtà tagħha jew dik ta' xi persuna oħra, jekk persuna raġonevoli li jkollha fil-pussess tagħha l-istess informazzjoni taħseb li dik l-imġiba tkun ser tikkaguna xi waħda mill-imsemmija konsegwenzi fil-persuna l-oħra f'dik l-okkażjoni.

(3) Persuna li tinstab haġta ta' reat taħt dan l-artikolu għandha tehel piena ta' priġunerija għal żmien minn sena (1) sa ħames (5) snin, jew multa ta' mhux iżjed minn tletin elf euro (€30,000), jew dik il-multa u priġunerija flimkien.

(4) Id-dispożizzjoni tas-subartikolu (1) ma għandhiex tapplika għal imġiba ta' persuna fil-qadi tad-doveri uffiċjali tagħha għall-iskop:

(a) tal-infurzar tal-liġi kriminali;

(b) tal-amministrazzjoni ta' kwalunkwe Att;

(c) tal-infurzar ta' liġi li timponi piena pekunjarja;

(d) tal-eżekuzzjoni ta' xi mandat maħruġ minn awtorità kompetenti; jew

(e) tal-protezzjoni u l-għbir tad-dhul pubbliku.

(5) Għandha tikkostitwixxi difiża fil-konfront tal-akkuża jekk l-akkużat jipprova li l-iżvolġiment tal-imġiba tiegħu twettaq mingħajr intenzjoni doluża:

(a) fl-andament normali tan-negozju, tal-kummerċ, tal-professjoni jew tal-intrapriża legittima; jew

(b) bil-għan li tidhol f'diskussjoni jew komunikazzjoni relatati ma' affarijiet pubbliċi.

(6) Il-piena għandha tiżdied bi grad wiehed meta sseħħ xi waħda jew iżjed miċ-ċirkostanzi li ġejjin:

(a) meta l-ħsara tkun ġiet ikkaġunata lil persuna taħt l-età jew fuq persuna li tkun vulnerabbli bħala riżultat tal-kapaċità mentali tagħha; jew

(b) meta r-reat ikun twettaq minn żewġ (2) persuni jew aktar li jkunu qegħdin jaġixxu flimkien.

Bullying fuq l-internet.

251BC. (1) Kwalunkwe persuna li, bl-intenzjoni li tikkaguna ħsara fiżika jew mentali lil persuna oħra, inkluż li l-persuna l-oħra twegġa' lilha nnifisha jew li tikkaguna apprensioni jew biża' fil-persuna l-oħra għas-sigurtà tagħha jew dik ta' xi persuna oħra, tagħmel xi att minn dawn li ġejjin għandha tkun hatja ta' reat kontra dan l-artikolu:

(a) thedded, tintimida jew tuża kliem abbużiv jew offensiv li jkun dirett lejn il-persuna l-oħra permezz tal-użu tal-kompjuter jew tagħmir elettroniku ieħor jew kwalunkwe tagħmir ieħor diġitali jew ta' komunikazzjoni, ikun li jkun;

(b) twettaq atti abbużivi jew offensivi fil-konfront tal-persuna l-oħra jew twettaq atti abbużivi jew offensivi fil-konfront ta' persuna oħra permezz tal-użu ta' kompjuter jew tagħmir elettroniku ieħor jew kwalunkwe tagħmir ieħor diġitali jew ta' komunikazzjoni, ikun li jkun.

(2) Għall-fini ta' dan l-artikolu, persuna li l-iżvolġiment tal-imġiba tagħha jkun dubjuż għandha tkun taf li ser jikkaguna ħsara fiżika jew mentali lil persuna oħra, inkluż li l-persuna l-oħra twegġa' lilha nnifisha jew li ser jikkaguna apprensioni jew biża' fil-persuna l-oħra għas-sigurtà tagħha jew dik ta' xi persuna oħra, jekk persuna raġonevoli li jkollha fil-pussess tagħha l-istess informazzjoni taħseb li dik l-imġiba tkun ser tikkaguna xi waħda mill-imsemmija konsegwenzi fil-persuna l-oħra f'dik l-okkażjoni.

(3) Persuna li tinstab hatja ta' reat taħt dan l-artikolu għandha tehel piena ta' priġunerija għal żmien minn sena (1) sa ħames (5) snin, jew multa ta' mhux iżjed minn tletin elf euro (€30,000), jew dik il-multu u l-priġunerija flimkien.

(4) Il-piena għandha tiżdied bi grad wiehed meta sseħħ xi waħda jew iżjed miċ-ċirkostanzi li ġejjin:

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(a) meta l-ħsara tkun ġiet ikkaġunata fuq persuna taħt l-età jew persuna li tkun vulnerabbli bħala riżultat tal-kapaċità mentali tagħha; jew

(b) meta r-reat ikun twettaq minn żewġ (2) persuni jew aktar li jkunu qegħdin jaġixxu flimkien."

Emenda tal-
artikolu 251D
tal-Kodiċi.

3. Fis-subartikolu (3) tal-artikolu 251D tal-Kodiċi l-kliem "l-artikoli 251 sa 251BA, it-tnejn inklużi" għandhom jiġu sostitwiti bil-kliem "l-artikoli 251 sa 251BĊ, it-tnejn inklużi".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 372 tat-30 ta' Lulju, 2025.

ANĠLU FARRUGIA

Speaker

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

5th August, 2025

ACT No. XXVII of 2025

AN ACT to further 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:-

1. The short title of this Act is the Criminal Code (Amendment No. 4) Act, 2025 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code".

Short title.

Cap. 9.

2. Immediately after article 251BA of the Code there shall be added the following new articles:

Addition of new articles to the Code.

"Cyber-stalking.

251BB. (1) Any person who with intention to cause physical or mental harm to another person, including self harm or to arouse apprehension or fear in the other person for his or her own safety or that of any other person, does any of the following acts shall be guilty of an offence against this article:

(a) stalks another person by contacting another person through the use of a computer or other electronic communication device or by any other digital or communication device whatsoever;

(b) causes an unauthorised computer function in a computer owned or used by another person;

(c) traces the other person's use of the internet or other electronic communication.

(2) For the purpose of this article, a person whose course of conduct is in question ought to know that it will cause physical or mental harm to another person, including self harm or that it will arouse apprehension or fear in the other person for his own safety or that of any other person, if a reasonable person in possession of the said information would think that the course of conduct would cause any one of the said consequences on the other person on that occasion.

(3) A person found guilty of an offence under this article shall be liable to imprisonment for a term for one (1) year to five (5) years, or to a fine (*multa*) not exceeding thirty thousand euro (€30,000), or to both such fine and imprisonment.

(4) The provision of sub-article (1) shall not apply to conduct engaged in by a person performing official duties for the purpose of:

(a) the enforcement of criminal law;

(b) the administration of any Act;

(c) the enforcement of a law imposing a pecuniary penalty;

(d) the execution of any warrant issued by a competent authority; or

(e) the protection and collection of public revenue.

(5) It shall constitute a defence to the charge, for the accused to prove that the course of conduct was engaged without malicious intent:

(a) in the normal course of a lawful business, trade, profession or enterprise; or

(b) for the purpose of engaging in discussion or communication with respect to public affairs.

(6) The punishment shall be increased by one degree where any one or more of the following circumstances results:

(a) where the harm is caused to a person under age or a person who is vulnerable as a result of his mental capacity; or

- (b) where the offence is committed by two
(2) or more persons acting together.

Cyberbullying. 251BC. (1) Any person who, with intention to cause physical or mental harm to another person, including self harm or to cause apprehension or fear in the other person for his safety or that of any other person, does any of the following acts shall be guilty of an offence against this article:

(a) threatens, intimidates or uses abusive or offensive words directed to the other person by means of the use of a computer or other electronic communication device or by any other digital or communication device whatsoever;

(b) performs abusive or offensive acts to the person or directs abusive or offensive acts towards the other person by means of the use of a computer or other electronic communication device or by any other digital or communication device whatsoever.

(2) For the purpose of this article, a person whose course of conduct is in question ought to know that it will cause physical or mental harm to another person, including self harm or it will cause apprehension or fear in the other person for his own safety or that of any other person, if a reasonable person in possession of the said information would think that the course of conduct would cause any one of the said consequences on the other person on that occasion.

(3) A person found guilty of an offence under this article shall be liable to imprisonment for a term for one (1) year to five (5) years, or to a fine (*multa*) not exceeding thirty thousand euro (€30,000), or to both such fine and imprisonment.

(4) The punishment shall be increased by one degree where any one or more of the following circumstances results:

(a) where the harm is caused to a person under age or a person who is vulnerable as a result of his mental capacity; or

(b) where the offence is committed by two or more persons acting together."

3. In sub-article (3) of article 251D of the Code the words "articles 251 to 251BA, both inclusive" shall be substituted by the words "articles 251 to 251BC, both inclusive".

Amendment of article 251D of the Code.

VERŻJONI ELETTRONIKA

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Passed by the House of Representatives at Sitting No. 372 of the
30th July, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA