

Nru 111

08. 10. 2024

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Gustizzja u r-Riforma tas-Settur tal-Kostruzzjoni, u moqri għall-Ewwel darba fis-Seduta tas-7 ta' Ottubru 2024.

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice and Reform of the Construction Sector, and read the First time at the Sitting of the 7th October 2024.

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

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

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

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, harġet b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2024 li jemenda l-Kodiċi Kriminali u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem imsejjah il-"Kodiċi".

Titolu fil-qosor.

Kap. 9.

2. Fl-artikolu 95 tal-Kodiċi l-kliem "għal multa ta' mhux inqas minn tmien mitt euro (800) u mhux iżjed minn ħamest elef euro (€5,000)" għandhom jiġu sostitwiti bil-kliem "għal multa ta' mhux inqas minn elf u mitejn euro (€1,200) u mhux iżjed minn sebat elef u ħames mitt euro (€7,500)".

Emenda tal-artikolu 95 tal-Kodiċi.

3. L-artikolu 96 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 96 tal-Kodiċi.

(a) fil-paragrafu (a) tiegħu l-kliem "il-piena ta' priġunerija minn sitt xhur sa sentejn u għal multa ta' mhux inqas minn erbat elef euro (€4,000) u mhux iżjed minn għaxart elef euro (€10,000);" għandhom jiġu sostitwiti bil-kliem "il-piena ta' priġunerija minn sena sa erba' snin u għal multa ta' mhux inqas minn sitt elef euro (€6,000) u mhux iżjed minn ħmistax-il elf euro (€15,000);";

(b) fil-paragrafu (b) tiegħu l-kliem "il-piena ta' priġunerija minn disa' xhur sa tliet snin u għal multa ta' mhux inqas minn ħamest elef euro (€5,000) u mhux iżjed minn ħmistax-il elf euro (€15,000)." għandhom jiġu sostitwiti bil-kliem "il-piena ta' priġunerija minn tmintax-il xahar sa sitt snin u għal multa ta' mhux inqas minn sebat elef u ħames mitt euro

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(€7,500) u mhux iżjed minn tnejn u għoxrin elf u ħames mitt euro (€22,500).".

Emenda tal-artikolu 97 tal-Kodiċi.

4. Fl-artikolu 97 tal-Kodiċi l-kliem "jehel il-piena ta' prigunerija minn sena sa erba' snin u għal multa ta' mhux inqas minn tmint elef euro (€8,000) u mhux iżjed minn għoxrin elf euro. (€20,000)." għandhom jiġu sostitwiti bil-kliem "jehel il-piena ta' prigunerija minn tmintax-il xahar sa sitt snin u għal multa ta' mhux inqas minn tnax-il elf euro (€12,000) u mhux iżjed minn tletin elf euro (€30,000).".

Sostituzzjoni tal-artikolu 98 tal-Kodiċi.

5. L-artikolu 98 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"98. Meta kwalunkwe wieħed mid-delitti msemmija fl-artikolu 96 ikun akkumpanjat minn vjolenza pubblika, il-piena għandha tkun piena ta' prigunerija minn tliet snin sa seba' snin u multa ta' mhux inqas minn għaxart elef euro (€10,000) u mhux iżjed minn ħamsa u għoxrin elf euro (€25,000).".

Żieda ta' artikolu ġdid fil-Kodiċi.

6. Minnufih wara l-artikolu 98 tal-Kodiċi għandu jiġi miżjud l-artikolu ġdid li ġej:

"In-nuqqas ta' applikabbiltà tal-artikoli 28A, 28B, 28C, 28D, 28E, 28F, 28G, 28H, 28I u tal-artikolu 22 tal-Att dwar il-Probation. Kap. 446. 98A. Id-disposizzjonijiet tal-artikoli 28A, 28B, 28C, 28D, 28E, 28F, 28G, 28H, 28I ta' dan il-Kodiċi u l-artikolu 22 tal-Att dwar il-Probation ma għandhomx japplikaw għall-artikoli 96, 97 u 98 ta' dan il-Kodiċi.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jiġu riveduti l-pieni mogħtija f'każ ta' reati ta' attakk jew reżistenza kif ukoll reati ta' attakk jew reżistenza akkumpanjati bi vjolenza pubblika.

A BILL
entitled

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:-

1. The short title of this Act is the Criminal Code (Amendment) Act, 2024 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. In article 95 of the Code the words "to a fine (*multa*) of not less than eight hundred euro (€800) and not more than five thousand euro (€5,000)" shall be substituted by the words "to a fine (*multa*) of not less than one thousand and two hundred euro (€1,200) and not more than seven thousand and five hundred euro (€7,500)". Amendment of
article 95 of the
Code.
3. Article 96 of the Code shall be amended as follows: Amendment of
article 96 of the
Code.
 - (a) in paragraph (a) thereof the words "to imprisonment for a term from six months to two years and to a fine (*multa*) of not less than four thousand euro (€4,000) and not more than ten thousand euro (€10,000);" shall be substituted by the words "to imprisonment for a term from one year to four years and to a fine (*multa*) of not less than six thousand euro (€6,000) and not more than fifteen thousand euro (€15,000);";
 - (b) in paragraph (b) thereof the words "to imprisonment for a term from nine months to three years and to a fine (*multa*) of not less than five thousand euro (€5,000) and not more than fifteen thousand euro (€15,000)." shall be substituted by the words "to imprisonment for a term from eighteen months to six years and to a fine (*multa*) of not less than seven thousand five

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hundred euro (€7,500) and not more than twenty-two thousand five hundred euro (€22,500).".

Amendment of article 97 of the Code.

4. In article 97 of the Code the words "be liable to imprisonment for a term from one year to four years and to a fine (*multa*) of not less than eight thousand euro (€8,000) and not more than twenty thousand euro (€20,000)." shall be substituted by the words "be liable to imprisonment for a term from eighteen months to six years and to a fine (*multa*) of not less than twelve thousand euro (€12,000) and not more than thirty thousand euro (€30,000).".

Substitution of article 98 of the Code.

5. Article 98 of the Code shall be substituted by the following new article:

"98. Where any of the crimes referred to in article 96 be accompanied by public violence, the punishment shall be imprisonment for a term from three years to seven years and to a fine (*multa*) of not less than ten thousand euro (€10,000) and not more than twenty-five thousand euro (€25,000).".

Addition of new article to the Code.

6. Immediately after article 98 of the Code there shall be added the following new article:

"Non-applicability of articles 28A, 28B, 28C, 28D, 28E, 28F, 28G, 28H, 28I and article 22 of the Probation Act. Cap. 446.

98A. The provisions of articles 28A, 28B, 28C, 28D, 28E, 28F, 28G, 28H, 28I of this Code and article 22 of the Probation Act shall not apply to articles 96, 97 and 98 of this Code.".

Objects and Reasons

The objects and reasons of this Bill are to review the punishments awarded in case of offences of assault or resistance as well as offences of assault or resistance accompanied with public violence.

VERŻJONI ELETTRONIKA