

## Nru 66

06. 10. 2023

### MALTA

#### KAMRA TAD-DEPUTATI

#### HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Ġustizzja, u moqri għall-Ewwel darba fis-Seduta tat-3 ta' Ottubru 2023.

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice, and read the First time at the Sitting of the 3rd October 2023.

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

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

RAYMOND SCICLUNA  
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA  
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, hareġ b'liġi dan li ġej:-

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 li jemenda l-Kodiċi Kriminali (Emenda Nru 5) 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.** Fis-subartikolu (1) tal-artikolu 412A tal-Kodiċi, il-kliem "f'dawk il-proċeduri." għandhom jiġu sostitwiti bil-kliem "f'dawk il-proċeduri:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

Emenda tal-artikolu 412A tal-Kodiċi.

"Iżda r-regolamenti magħmula mill-Ministru responsabbli għall-ġustizzja skont il-proviso għall-artikolu 574(1) għandhom japplikaw fir-rigward tal-infurzar tal-kondizzjonijiet imposti mill-qorti taħt dan is-subartikolu, inkluż ukoll in kwantu jistgħu jipprovdu għall-użu ta' sistemi elettronici jew xort'ohra ta' ġestjoni tal-ħelsien mill-arrest taħt garanzija."

**3.** Fis-subartikolu (1) tal-artikolu 574 tal-Kodiċi, il-kliem "notifikat lill-imputat jew akkużat." għandhom jiġu sostitwiti bil-kliem "notifikat lill-imputat jew akkużat:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

Emenda tal-artikolu 574 tal-Kodiċi.

"Iżda l-Ministru responsabbli għall-ġustizzja jista', b'regolamenti, jipprovdi għal kwalunkwe sistemi elettronici jew xort'ohra ta' ġestjoni tal-ħelsien mill-arrest taħt garanzija, u għal proċeduri, formalitajiet jew modalitajiet li għandhom japplikaw sabiex jiġi zgurat li l-imputat jew akkużat jimxi skont il-kondizzjonijiet imposti fuq mill-Qorti meta jingħata l-ħelsien mill-arrest taħt garanzija taħt il-kondizzjoni li l-imputat jew

akkużat jattendi f'post fi ġranet u ħinijiet speċifikati. Dawk ir-regolamenti jistgħu wkoll jipprovdu għat-teħid u l-użu tal-marki tas-swaba', u għall-ipproċessar ta' kwalunkwe *data* li tirriżulta mill-marki tas-swaba' b'mezzi elettronici."

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### **Għanijiet u Raġunijiet**

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Ligi huma biex tigi introdotta sistema elettrtronika ta' ġestjoni tal-ħelsien mill-arrest taħt garanzija sabiex tissorvelja b'mod effiċjenti l-ħarsien tal-kondizzjonijiet tal-ħelsien mill-arrest imposti mill-qrati ta' ġurisdizzjoni kriminali fuq l-akkużat.

**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 No. 5) Act, 2023 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 sub-article (1) of article 412A of the Code, the words "in those proceedings." shall be substituted by the words "in those proceedings:" and immediately thereafter there shall be added the following new proviso:

Amendment of article 412A of the Code.

"Provided that regulations made by the Minister responsible for justice in accordance with the proviso to article 574(1) shall apply in respect of the enforcement of the conditions imposed by the court under this sub-article, also including insofar as they may provide for the use of electronic or other systems for the management of bail."

3. In sub-article (1) of article 574 of the Code, the words "on the person charged or accused." shall be substituted by the words "on the person charged or accused:" and immediately thereafter there shall be added the following new proviso:

Amendment of article 574 of the Code.

"Provided that the Minister responsible for justice may, by regulations, provide for any systems of bail management whether electronic or otherwise, and for procedures, formalities or modalities which are to apply in order to ensure that the person charged or accused abides by the conditions imposed upon him by the court, when the temporary release from custody under bail of the person charged or accused is granted subject to

the condition that the person charged or accused attends to a place on specified days and times. Such regulations may also provide for the taking and use of fingerprints, and the processing of any data derived from such fingerprints by electronic means."

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### **Objects and Reasons**

The objects and reasons of this Bill are to introduce an electronic bail management system in order to efficiently monitor the observance of the bail conditions imposed by the courts of criminal jurisdiction on the accused.