



LAWS OF MALAYSIA

Act A1558

DANGEROUS DRUGS (AMENDMENT) ACT 2017

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LAWS OF MALAYSIA

Act A1558

DANGEROUS DRUGS (AMENDMENT) ACT 2017

An Act to amend the Dangerous Drugs Act 1952.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Dangerous Drugs (Amendment) Act 2017.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 39B

2. The Dangerous Drugs Act 1952 [*Act 234*], which is referred to as the “principal Act” in this Act, is amended in section 39B—

(a) by substituting for subsection (2) the following subsection:

“(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence against this Act and shall be punished on conviction with death

or imprisonment for life and shall, if he is not sentenced to death, be punished with whipping of not less than fifteen strokes.”; and

(b) by inserting after subsection (2) the following subsections:

“(2A) In exercising the power conferred by subsection (2), the Court in imposing the sentence of imprisonment for life and whipping of not less than fifteen strokes, may have regard only to the following circumstances:

- (a) there was no evidence of buying and selling of a dangerous drug at the time when the person convicted was arrested;
- (b) there was no involvement of agent provocateur; or
- (c) the involvement of the person convicted is restricted to transporting, carrying, sending or delivering a dangerous drug; and
- (d) that the person convicted has assisted an enforcement agency in disrupting drug trafficking activities within or outside Malaysia.

(2B) For the purposes of subsection (2A), “enforcement agency” means—

- (a) the Royal Malaysia Police;
- (b) the National Anti-Drugs Agency;
- (c) the Royal Malaysian Customs Department;
- (d) the Malaysian Maritime Enforcement Agency; or
- (e) any other enforcement agency as may be determined by the Minister.”.

Transitional

3. (1) In this section, “appointed date” means the date appointed under subsection 1(2) of this Act.

(2) Any proceedings against any person who has been charged, whether or not trial has commenced or has been completed, and has not been convicted under section 39B of the principal Act by a competent Court before the appointed date, shall on the appointed date be dealt with by the competent Court and be continued under the provisions of the principal Act as amended by this Act.

