



LAWS OF MALAYSIA

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Act 297

PREVENTION OF CRIME ACT 1959

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PREVENTION OF CRIME ACT 1959

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LAWS OF MALAYSIA

Act 297

PREVENTION OF CRIME ACT 1959

An Act to provide for the more effectual prevention of crime throughout Malaysia and for the control of criminals, members of secret societies, terrorists and other undesirable persons, and for matters incidental thereto.

[1 April 1959, L.N. 85/1959]

WHEREAS action has been taken and further action is threatened by a substantial body of persons both inside and outside Malaysia to cause, or to cause a substantial number of citizens to fear, organized violence against persons or property;

AND WHEREAS Parliament considers it necessary to stop such action;

NOW, THEREFORE, pursuant to Article 149 of the Federal Constitution It Is **ENACTED** by the Parliament of Malaysia as follows:

Short title

1. (1) This Act may be cited as the Prevention of Crime Act 1959.
- (2) This Act shall apply throughout Malaysia.

Interpretation

2. (1) In this Act, unless the context otherwise requires—

“Board” means the Prevention of Crime Board established under section 7B;

“district, mukim, town or village” means the land included in any district, mukim, town or village under the provisions of any law for the time being in force relating to land;

“Inquiry Officer” means an officer appointed by the Minister under section 8;

“Register” means the register kept by the Registrar under section 12;

“registered person” means a person whose name is entered on the Register;

“registrable categories” means any of the categories prescribed in the First Schedule;

“Registrar” means the Registrar of Criminals appointed under section 3 of the Registration of Criminals and Undesirable Persons Act 1969 [Act 7];

“terrorist” has the same meaning assigned to it by the Penal Code [Act 574].

(2) References to the supervision of the police shall be construed as references to the obligations imposed upon persons subject to police supervision under section 296 of the Criminal Procedure Code [Act 593].

PART I

POWERS OF ARREST AND REMAND

Arrest and production before a Magistrate

3. (1) A police officer may, without a warrant, arrest any person if he has reason to believe that grounds exist which would justify the holding of an inquiry into the case of that person under this Act.

(1A) When a person is arrested under subsection (1), the case shall be referred by the police officer to the Public Prosecutor for direction not later than seven days from the date of arrest.

(2) Any person arrested under subsection (1) shall, unless sooner released, be taken without unreasonable delay, and in any case within twenty-four hours (excluding the time of any necessary journey) before a Magistrate.

Procedure before Magistrate

4. (1) Whenever any person is taken before a Magistrate under subsection 3(2) the Magistrate shall—

- (a) on production of a statement in writing signed by a police officer not below the rank of Inspector stating that there are grounds for believing that the name of that person should be entered on the Register, remand the person in police custody for a period of twenty-one days; or
- (b) if no such statement is produced, and there are no other grounds on which the person is lawfully detained, direct his release.

(2) Any person remanded under paragraph (1)(a) shall, unless sooner released, on or before the expiry of the period for which he is remanded be taken before a Magistrate, who shall—

- (a) on production of —
 - (i) a statement in writing signed by the Public Prosecutor stating that in his opinion sufficient evidence exists to justify the holding of an inquiry under section 9; and
 - (ii) a statement in writing signed by a police officer not below the rank of Assistant Superintendent stating that it is intended to hold an inquiry into the case of that person under section 9,

order the person to be remanded in custody for a period of thirty-eight days; or

- (b) if no such statements are produced, and there are no other grounds on which the person is lawfully detained, direct his release.

(2A) No person shall be arrested and detained under this section solely for his political belief or political activity.

(3) Except as provided in subsection 9(5), section 28A of the Criminal Procedure Code shall apply to any person remanded under section 4.

(4) The Public Prosecutor may appear in any application made under this section.

(5) For the purpose of this section “political belief or political activity” means engaging in a lawful activity through—

- (a) the expression of an opinion or the pursuit of a course of action made according to the tenets of a political party that is at the relevant time registered under the Societies Act 1966 [Act 335] as evidenced by—
 - (i) membership of or contribution to that party; or
 - (ii) open and active participation in the affairs of that party;
- (b) the expression of an opinion directed towards any government in Malaysia; or
- (c) the pursuit of a course of action directed towards any government in Malaysia.

Report of investigation to be submitted to Inquiry Officer, etc.

4A. The police officer making an investigation pertaining to a person arrested under subsection 3(1) shall cause a copy of the complete report of the investigation to be submitted to an Inquiry Officer and the Board, within such period as may be prescribed by the Minister.

5. *(Deleted by Act A1459).*

6. *(Deleted by Act A1549).*

Release of person remanded in custody

7. (1) Any person remanded in custody under section 4 may, at any time, be taken before a Sessions Court Judge who, if there are no other grounds on which the person is lawfully detained—

- (a)* shall direct his release if there is produced to him a statement in writing signed by a police officer not below the rank of Assistant Superintendent stating that it is not intended to continue with an inquiry into the case of that person under section 9; or
- (b)* in any other case, on the application of a police officer may direct his release subject to—
 - (i)* the execution by the person of a bond, with or without sureties, for his due appearance at such place and at such time and within such period not exceeding fifty-nine days, as the Sessions Court Judge may direct; or
 - (ii)* the supervision of the police for such period not exceeding fifty-nine days as the Sessions Court Judge may direct.

(2) If a person is released under paragraph 7(1)(b), an electronic monitoring device shall be attached on the person in accordance with subsections (3) and (4).

(3) If the police officer intends to release the person under paragraph (1)(b) and attach an electronic monitoring device on the person upon his release, he shall submit a report to the Public Prosecutor before the application under paragraph (1)(b) is made.

(4) Upon receipt of the report under subsection (3), the Public Prosecutor may apply to the Sessions Court Judge for the person to be attached with an electronic monitoring device in accordance with section 7A for the period of his release as allowed under paragraph (1)(b).

Special procedures relating to electronic monitoring device

7A. (1) Upon application by the Public Prosecutor under section 7, the Sessions Court Judge shall order the person to be attached with an electronic monitoring device for a period as the Sessions Court Judge may determine but which shall not exceed the period of his release as allowed under paragraph 7(1)(b).

(2) The Sessions Court Judge shall explain the operation of the electronic monitoring device and the terms and conditions of the electronic monitoring device as specified in the form as specified in the Third Schedule to the person.

(3) The person shall sign a form as specified in the Third Schedule and deposit the form with the Sessions Court Judge.

(4) The person shall be attached with an electronic monitoring device by a police officer.

(5) The person shall comply with all the terms and conditions of the electronic monitoring device as specified in the form as specified in the Third Schedule and shall report to the nearest police station at such time as specified in the form.

(6) Any person who fails to comply with the terms and conditions under subsection (5) shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

(7) Any person who tampers with, damages, destroys or loses the electronic monitoring device or any other device used in relation to the operation of the electronic monitoring device shall be guilty of an offence and liable to imprisonment for a term not exceeding *three years, and such person shall be liable to pay for any damage to or loss of the electronic monitoring device or any other device used in relation to the operation of the electronic monitoring device, and the court may direct that in default of payment for the damage or loss the person shall suffer imprisonment for a term not exceeding three years.

(8) Upon expiry of the period referred to in subsection (1), the person shall report to the nearest police station for removal of the electronic monitoring device.

Prevention of Crime Board

7B. (1) A Prevention of Crime Board is established which shall consist of the following members to be appointed by the Yang di-Pertuan Agong:

- (a) a Chairman, who shall be a legally qualified person with at least fifteen years experience in the legal field;
- (b) a Deputy Chairman; and
- (c) not less than three and not more than six other members.

*NOTE—Previously “not exceeding three years and such person shall be liable to pay for any damage to the electronic monitoring device arising from his action”—see the Prevention of Crime (Amendment) Act 2017 [Act A1549].

(2) Every member of the Board shall, unless he sooner resigns, hold office for a period not exceeding three years and is eligible for re-appointment.

(3) Every member of the Board may at any time resign his office by giving notice in writing to the Yang di-Pertuan Agong.

(4) The appointment of any member of the Board may at any time be revoked by the Yang di-Pertuan Agong.

(5) The quorum for any sitting of the Board shall be three members.

(6) Subject to this Act, the Board shall determine its own procedure.

(7) Every member of the Board shall be deemed to be a public servant within the meaning of the Penal Code.

PART II

INQUIRIES

Appointment of Inquiry Officers

8. The Minister may, by writing under his hand, appoint any person by name or office, and either generally or for any particular case, to be an Inquiry Officer for the purposes of this Act: provided that no police officer shall be appointed to be an Inquiry Officer.

Duties and powers of Inquiry Officers

9. (1) Upon receiving a complete report of the investigation under section 4A, an Inquiry Officer shall inquire and report in writing to the Board whether there are reasonable grounds for believing that the person is a member of any of the registrable categories.

(2) An inquiry held under subsection (1) shall be held in such manner and in accordance with such procedure as the Board may direct.

(3) An Inquiry Officer may, for the purpose of any inquiry under this Act—

- (a) procure and receive all such evidence, in any form and whether the evidence be admissible or not under any written law for the time being in force relating to evidence or criminal procedure, which he may think necessary or desirable;
- (b) summon and examine witnesses on oath or affirmation, and may, for those purposes, administer any oath or affirmation;
- (c) require the production of any document or other thing in his opinion relevant to the inquiry;
- (d) if he considers it necessary in the public interest or to protect a witness, or his family or associates, receive evidence in the absence of the person who is the subject of the inquiry:

Provided that where any such evidence is received, the Inquiry Officer shall communicate to the person the substance of the evidence, so far as the Inquiry Officer may consider it compatible with the public interest or the need to protect a witness, or his family or associates so to do, and shall in every such case include in any report made under subsection 10(2) a statement of the circumstances in which the evidence was received;

- (e) give any direction as may be necessary.

(4) Any person summoned as a witness under subsection (3) who without reasonable excuse fails to attend at the time and place mentioned in the summons or who, having attended, refuses to answer any question that may lawfully be put to him or to produce any document or thing which it is in his power to produce, shall be guilty

of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand ringgit or to both.

(5) Neither the person who is the subject of the inquiry nor a witness at an inquiry shall be represented by an advocate and solicitor at the inquiry except when his own evidence is being taken and recorded by the Inquiry Officer.

(6) The Public Prosecutor may appear at an inquiry to assist the Inquiry Officer.

(7) The Minister may by regulations prescribe the allowances to be paid to witnesses summoned under subsection (3).

Access by Inquiry Officer to detainees or prisoners

9A. (1) Notwithstanding any other written law, an Inquiry Officer conducting an inquiry under this Act shall be allowed to have access to any person whom he has reason to believe to be connected to or has any evidence of any offence who is—

(a) being detained under any other written law; or

(b) under confinement in prison, whether convicted or not.

(2) Nothing in this section shall authorize the attendance of the subject of the inquiry or his advocate and solicitor or representative, if any, at the place of detention or prison.

Report of Inquiry Officer

10. (1) If the Inquiry Officer is satisfied that there are no sufficient grounds for believing that the person who was the subject of the inquiry is a member of any of the registrable categories, he shall report his finding, together with his reasons for it, to the Board.

(2) If the Inquiry Officer is satisfied that there are reasonable grounds for believing that the person who was the subject of the inquiry is a member of any of the registrable categories, he shall report the grounds, together with his finding, to the Board.

(3) *(Deleted by Act A1549).*

(4) *(Deleted by Act A1549).*

Decision of the Board

10A. (1) Where the Board, after considering the finding of the Inquiry Officer submitted under subsection 10(1) and the complete report of the investigation submitted under section 4A, is satisfied that—

- (a) there are no sufficient grounds for believing that the person is a member of any of the registrable categories, the Board shall confirm the finding; or
- (b) there are reasonable grounds for believing that the person is a member of any of the registrable categories, the Board shall reverse the finding.

(2) Where the Board, after considering the finding of the Inquiry Officer submitted under subsection 10(2) and the complete report of the investigation submitted under section 4A, is satisfied that—

- (a) there are reasonable grounds for believing that the person is a member of any of the registrable categories, the Board shall confirm the finding; or
- (b) there are no sufficient grounds for believing that the person is a member of any of the registrable categories, the Board shall reverse the finding.

(3) If the Board makes a decision under paragraph (1)(b) or (2)(a), the Board shall proceed in accordance with Parts III, IV and IVA of this Act.

(4) If the Board makes a decision under paragraph (1)(a) or (2)(b), and the person who was the subject of the inquiry is still in custody, the Board shall direct any person having the custody of that person, within twenty-four hours from the receipt of the direction, to produce the person before a Sessions Court Judge, who shall thereupon discharge the order of remand and, if there are no other grounds on which the person is lawfully detained, shall order his immediate release.

11. *(Deleted by Act A1549).*

PART III

REGISTRATION

Registration of persons believed to be members of any of the registrable categories

12. (1) The Registrar shall keep a Register for the purposes of this Act, in which shall be entered the name of every person who was the subject of the inquiry against whom the Board has reversed the finding under paragraph 10A(1)(b) or confirmed the finding under paragraph 10A(2)(a) together with such other particulars as may be prescribed by the Minister.

(2) The Board may, if it considers in the interest of public order or security to do so, with or without inquiry under this Act direct the Registrar to enter in the Register the name, and such other particulars as may be prescribed, of any person who is a member of any of the registrable categories prescribed in Part II of the First Schedule.

Person to be registered to attend before a police officer

13. (1) Any police officer of or above the rank of Inspector may, by order in writing, direct the attendance before him at such time and place as may be specified in the order of any person whose name is required to be entered in the Register, for the purpose of—

- (a) taking the finger impressions and photograph of the person;
- (b) obtaining any other particulars relating to the person as may be prescribed or as may be necessary for effecting any such registration.

(2) If any person fails to attend as so directed a police officer may report the failure to a Magistrate who shall thereupon issue a warrant to secure the attendance of that person as required.

Removal of name from the Register

14. The Board may at any time in its discretion direct the Registrar to remove the name of any person from the Register, and thereupon the person shall cease to be a registered person, unless his name is subsequently re-entered in the Register in accordance with section 12.

PART IV

CONSEQUENCES OF REGISTRATION

Police supervision

15. (1) The Board may by order direct that any registered person named in the order shall be subject to the supervision of the police for any period not exceeding five years, if the Board is satisfied that it is necessary that control and supervision be exercised over the registered person but that it is not necessary to detain him and may renew any such order for a further period not exceeding five years at a time; and the registered person shall be conveyed under police escort to the State,

district, mukim, town or village in which he is required to reside under subsection (2), if any.

(2) Any person placed under the supervision of the police by order made under this section shall also be subject to all or any of the following restrictions and conditions, as the Board may by order direct:

- (a) he shall be required to reside within the limits of any State, district, mukim, town or village specified in the order;
- (b) he shall not be permitted to transfer his residence to any other State, district, mukim, town or village, as the case may be, without the written authority of the Chief Police Officer of any State concerned;
- (c) except so far as may be otherwise provided by the order, he shall not leave the State, district, mukim, town or village within which he resides without the written authority of the Chief Police Officer of the State concerned;
- (d) he shall at all times keep the Officer in Charge of the Police District in which he resides notified of the house or place in which he resides;
- (e) he shall be liable, at such time or times as may be specified in the order, to present himself at the nearest police station;
- (f) he shall remain within doors, or within such area as may be defined in the order, between such hours as may be specified in the order, unless he obtains special permission to the contrary from the Officer in Charge of the Police District;
- (g) except so far as may be otherwise provided by the order, he shall not be permitted to enter any State, district, mukim, town or village specified in the order;
- (h) he shall use only equipment and facilities of communication which are declared to and approved by the Chief Police Officer of any State concerned;

- (i) except so far as may be otherwise provided by the order, he shall not access the internet;
 - (j) he shall keep the peace and be of good behaviour;
 - (k) he shall enter into a bond, with or without sureties as the Board may direct and in such amount as may be specified in the order, for his due compliance with the restrictions and conditions imposed on him by the order;
 - (l) he shall be attached with an electronic monitoring device.
- (3) The Board may, by order in writing, served on the registered person, vary, cancel or add to any restrictions and conditions imposed under this section.
- (4) A registered person who contravenes or fails to comply with any order or restriction or condition imposed on him under this section shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding ten years and not less than two years.
- (5) Any person who conspires with, abets or assists any registered person to breach any restriction or condition under this section shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding ten years and not less than two years.
- (6) Sections 173A and 294 of the Criminal Procedure Code shall not apply in respect of offences under subsections (4) and (5).
- (7) The punishment imposed under subsection (4) and any term of imprisonment imposed under any written law shall not be taken into consideration for the purpose of the period of supervision imposed under subsection (1) and the period of supervision shall be continued from the date of completion of the sentence of imprisonment imposed.

Special procedure relating to electronic monitoring device by order of the Board

15A. (1) Upon the making of an order by the Board under paragraph 15(2)(l), the police officer shall explain the operation of the electronic monitoring device and the terms and conditions of the electronic monitoring device to the person.

(2) The person shall sign a form as specified in the Fourth Schedule and comply with all the terms and conditions as specified in the form and deposit the form with the officer in charge of the police district.

(3) The person shall be attached with an electronic monitoring device by a police officer.

(4) The person shall report to the nearest police station at such time as specified in the form.

(5) Any person who fails to comply with the terms and conditions of the electronic monitoring device under subsection (2) shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

(6) Any person who tampers with, damages, destroys or loses the electronic monitoring device or any other device used in relation to the operation of the electronic monitoring device shall be guilty of an offence and liable to imprisonment for a term not exceeding three years, and such person shall be liable to pay for any damage to or loss of the electronic monitoring device or any other device used in relation to the operation of the electronic monitoring device, and the court may direct that in default of payment for the damage or loss the person shall suffer imprisonment for a term not exceeding three years.

(7) Upon expiry of the period referred to in the order, the person shall report to the nearest police station for removal of the electronic monitoring device.

Judicial review of act or decision of Board

15B. (1) There shall be no judicial review in any court of, and no court shall have or exercise any jurisdiction in respect of, any act done or decision made by the Board in the exercise of its discretionary power in accordance with this Act, except in regard to any question on compliance with any procedural requirement in this Act governing such act or decision.

(2) In this Act, “judicial review” includes proceedings instituted by way of—

- (a) an application for any of the prerogative orders of *mandamus*, prohibition and *certiorari*;
- (b) an application for a declaration or an injunction;
- (ba) a writ of *habeas corpus*; and
- (c) any other suit, action or other legal proceedings relating to or arising out of any act done or decision made by the Board in accordance with this Act.

Registered person not to consort with other registered persons

16. (1) No registered person shall consort or habitually associate with any other registered person without the permission of the Officer in Charge of the Police District in which he resides, unless he shall prove that he did not know and had no reason to suspect that such other person was a registered person.

(2) Any person who contravenes this section shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding fifteen years and not less than five years.

Double penalties for crimes of violence

17. Any registered person who is convicted of any offence committed after the date of the entry of his name on the Register under the provisions of any law specified in the Second Schedule shall be liable to imprisonment for a term of twice as long as the maximum term for which he would have been liable on conviction for that offence, and also to whipping.

Loitering by a registered person in a public place, etc.

18. Any registered person who—

- (a) is found between the hours of sunset and sunrise frequenting or loitering in or about any public place or in the neighbourhood of any place of public entertainment; or
- (b) at any time is found in the company of two or more registered persons; or
- (c) at any time is found in or near any place in which any act of violence or breach of the peace is being or has just been committed,

and who is unable satisfactorily to account for his presence at such place or time or in such company shall be guilty of an offence and liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand ringgit or to both.

Harbouring

19. (1) Any person who knowingly conceals or harbours any person who enters any State, district, mukim, town or village in contravention of any order under section 15 shall be guilty of an offence and liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand ringgit or to both: provided that this subsection

shall not apply to the case of a wife harbouring or concealing her husband or a husband harbouring or concealing his wife.

(2) Any person aware of the presence in any State, district, mukim, town or village of any person, not being the husband or wife of the first-mentioned person, who has been ordered not to enter the State, district, mukim, town or village or has been ordered to reside in any other State, district, mukim, town or village, and being aware also of the making of the order, shall in the absence of reasonable excuse, proof whereof shall lie on him, forthwith give information thereof to the nearest police officer or Magistrate, and in default of his so doing shall be guilty of an offence and liable to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand ringgit or to both.

PART IV_A

DETENTION ORDERS

Detention orders

19A. (1) The Board may direct that any registered person be detained under a detention order for a period not exceeding two years, and may renew any such detention order for a further period not exceeding two years at a time, if it is satisfied that such detention is necessary in the interest of public order, public security or prevention of crime.

(2) *(Deleted by Act A1549).*

(3) Every registered person detained in pursuance of a detention order shall be detained in such place (hereinafter referred to as a “place of detention”) as the Board may direct and in accordance with any instructions issued by the Board and any regulations made under section 23.

(4) A copy of every detention order made by the Board under subsection (1) shall as soon as may be after the making of the order be served on the person to whom it relates, and every such person shall be

entitled to make representations to an Advisory Board constituted under Clause (2) of Article 151 of the Federal Constitution in accordance with the prescribed procedures.

Validity of detention orders

19B. No detention order shall be invalid or inoperative by reason—

- (a) that the person to whom it relates—
 - (i) was immediately after the making of the detention order detained in any place other than a place of detention referred to in subsection 19A(3);
 - (ii) continued to be detained immediately after the making of the order in the place in which he was detained under section 3 before his removal to a place of detention referred to in subsection 19A(3); or
 - (iii) was during the duration of the order on journey in police custody or any other custody to a place of detention referred to in subsection 19A(3); or
- (b) that the detention order was served on him at any place other than the place of detention referred to in subsection 19A(3), or that there was any defect relating to its service upon him.

Suspension of detention orders

19c. (1) The Board may, at any time, direct that the operation of any order under section 19A be suspended subject to all or any of the restrictions and conditions which the Board is empowered by subsection 15(2) to impose by an order under section 15, and subject, if the Board so directs, to the requirement that the person against whom the order under section 19A was made shall enter into a bond as provided in subsection 15(2).

(2) Where an order under section 19A is suspended, subsection 15(3) shall have effect as if the restrictions and conditions on which the order under section 19B is suspended were restrictions and conditions imposed by an order under section 15.

(3) The Board may revoke the suspension of any detention order under section 19A if it is satisfied that the person against whom the order was made has failed to observe any restriction or condition imposed upon him or that it is necessary in the interest of public order that the suspension should be revoked, and in any such case the revocation of the suspension shall be sufficient authority to any police officer to re-arrest without warrant the person against whom the order was made, and that person shall, as soon as practicable, be returned to his former place of detention or, if the Board so directs, sent to another place of detention.

(4) The suspension of any order under this section shall, subject to subsection 15(3) as applied by subsection (2) and subject also to subsection (3), continue in force for the unexpired portion of the period of the order specified in subsection 19A(1).

Effect on term of imprisonment

19D. Where a person—

- (a) who is undergoing detention under section 19A is sentenced to any term of imprisonment under this Act or any other written law; or
- (b) has his period of detention renewed under section 19A whilst he is serving any such term of imprisonment,

the detention or extended detention shall be deemed to be undergone concurrently with that term of imprisonment, and if upon completion of any such term of imprisonment, there still remains any unexpired portion of the detention period or of the extended detention period, he shall be required to be detained for such unexpired portion thereof.

Power to order removal

19E. (1) The Board may order direct the removal from any place of detention to another place of detention to be specified in such order of any person detained under section 19A to be there detained for the whole or any part of such period for which it has been ordered that such person shall be detained.

(2) Any person who is in the course of removal under subsection (1) shall be deemed to be in lawful custody.

Power to order production of detained person

19F. (1) On proof to his satisfaction that the presence at any place of any person detained under section 19A, or lawfully in the custody of the police or confined in any prison whether under section 19A or under an order of any court or otherwise howsoever, and notwithstanding any order of any court or other authority whatsoever, is required in the interests of justice, or for the purpose of any public or other inquiry, or in the national interest, or in the interests of the person detained, in custody, or confined, the Commissioner General of Prison where the person is detained in a place of detention or prison, or the Inspector General of Police where the person is in the lawful custody of the police, may order that such person be taken to that place.

(2) Any person in the course of being taken to any place under subsection (1) and whilst at such place shall be kept in such custody as the Commissioner General of Prison or the Inspector General of Police, as the case may be, may direct and whilst in that custody shall be deemed to be in lawful custody.

(3) In this section, “Commissioner General of Prison” has the same meaning assigned to it by subsection 2(1) of the Prison Act 1995 [*Act 537*].

Saving in respect of prosecution of persons detained

19G. The detention of any person under this Part shall be without prejudice to the taking of any criminal proceeding against that person, whether during or after the period of his detention.

Board's power to revoke supervision order, detention order, suspended detention order or direction for extension of any such order

19H. (1) Notwithstanding anything in this Act, the Board may at any time revoke any supervision order made under section 15, any detention order made under section 19A, any suspended detention order made under section 19C or any direction for the extension of the duration of any such order, if the Board deems it just or fit to do so.

(2) Any revocation under subsection (1) shall be without prejudice to the validity of the order or direction before its revocation or to anything done thereunder, or to the power of the Board to make a fresh supervision order under section 15, a fresh detention order under section 19A or a fresh direction in respect of the person against whom the order or direction which is revoked was made or given.

PART V

GENERAL

Powers of police to investigate

20. (1) When a police officer not below the rank of Sergeant has reason to believe that grounds exist which would justify the holding of an inquiry into the case of any person under this Act, he or any police officer subordinate to him and acting under his orders may investigate the facts and circumstances of the case so far as they may be relevant to any proceedings in respect of that person under this Act.

(2) In making any investigation under subsection (1), a police officer may exercise all or any of the powers in relation to police

investigations in any seizable case which are given to him by the law for the time being in force relating to criminal procedure.

Arrest

20A. A police officer may, without a warrant, arrest any person if he has reason to believe that the person has committed an offence against section 16, 18 or 19 and every such offence shall be seizable and non-bailable for the purposes of the Criminal Procedure Code.

Taking of photographs and finger impressions

21. (1) A police officer may take or cause to be taken the photograph and finger impressions of any person arrested under subsection 3(1), or whose name is required to be entered on the Register under subsection 12(2), and shall send the photograph and impressions to the Registrar for identification and report; and every such person shall be legally bound to submit to the taking of his photographs and finger impressions, and may be compelled thereto by the use of force if necessary.

(2) Any person who, being legally bound under subsection (1) to submit to the taking of his photographs or finger impressions refuses or fails to submit thereto on demand shall be guilty of an offence and liable to imprisonment for a term not exceeding six month or to a fine not exceeding two thousand ringgit or to both.

(3) Whenever—

- (a) any person whose photograph and finger impressions have been taken under this section is released under section 4, 7 or 10A; or
- (b) the name of any person is removed from the Register under section 14,

the officer in charge of the case shall forthwith notify the Registrar thereof, and the Registrar shall, upon the application of the person, deliver to that person the sheet upon which his finger impressions have been made, together with the negative and all copies of any photograph taken of him and forwarded to the Registrar under this section.

Disclosure of information

21A. Nothing in this Act or in any regulations made under this Act shall require the Board, any member of the Board, any Inquiry Officer or any public servant to disclose facts or to produce documents which he considers—

- (a) to be against the public interest to disclose or produce; or
- (b) would compromise the protection of a witness, or his family or associates.

Power to amend Schedules

22. The Minister may, by order published in the *Gazette*, amend the Schedules.

Regulations

23. (1) The Minister may make regulations for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the regulations may—

- (a) prescribe the form of the Register, and such other forms as may be necessary or desirable to be used in connection with the matters dealt with in this Act or in any regulations made thereunder;

- (b) require all or any class of registered persons to carry identity cards, provide for the form, issue, production, inspection, cancellation, alteration, endorsement on and replacement of those cards, and the substitution thereof for identity cards issued to those persons under any other written law, and for all other matters necessary or desirable in connection with the cards or the carrying thereof or the enforcement of the regulations, including the prescription of penalties not exceeding in respect of any offence a fine of five thousand ringgit or imprisonment for a term of three years or both;
 - (ba) provide for the maintenance and management of places of detention and for the discipline and treatment of persons detained therein and different regulations may be made for different places of detention;
 - (bb) provide for the administration and management of the Board, including provisions on training for the members of the Board;
 - (c) provide for any other matter which under this Act is required or permitted to be prescribed.
- (3) (*Deleted by Act A1484*).

FIRST SCHEDULE

[Sections 2 and 22]

REGISTRABLE CATEGORIES

PART I

1. All members of unlawful societies which—
 - (i) use Triad ritual; or

- (ii) are constituted or used for purposes involving the commission of offences that are seizable under the law for the time being in force relating to criminal procedure; or
 - (iii) maintain secrecy as to their objects.
2. Persons who belong to or consort with any group, body, gang or association of two or more persons who associate for purposes which include the commission of offences under the Penal Code.
 3. All traffickers in dangerous drugs, including persons who live wholly or in part on the proceeds of drug trafficking.
 4. All traffickers in persons, including persons who live wholly or in part on the proceeds of trafficking in persons.
 5. All persons concerned in the organization and promotion of unlawful gaming.
 6. All smugglers of migrants, including persons who live wholly or in part on the proceeds of smuggling or migrants.
 7. Persons who recruit, or agree to recruit, another person to be a member of an unlawful society or a gang or to participate in the commission of an offence.
 8. Persons who engage in the commission or support of terrorist acts under the Penal Code.

PART II

[Subsection 12(2)]

1. All persons who, being not less than twenty-one years of age, have since attaining the age of seventeen been convicted on at least three occasions of offences involving dishonesty or violence.
 2. All persons, who have been convicted of offences against subsection 52(3) of the Societies Act 1966 [*Act 335*].
 3. (*Deleted by P.U. (A) 122/2014*).
 4. (*Deleted by P.U. (A) 122/2014*).
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SECOND SCHEDULE

[Sections 17 and 22]

1. Offences under sections 42, 43, 44 and 52 of the Societies Act 1966.
2. Offences under the Penal Code [*Act 574*], as follows:

Sections 323, 324, 325, 327, 332, 333, 346, 347, 352, 353, 356, 357, 365, 379, 379A, 384 to 387, 392 to 397, 399, 401, 402, 427, 435, 447, 448, 450 to 453, 455, 457 to 457A, 506, 507 and Chapters V and VIb and section 511.
3. Offences under the Corrosive and Explosive Substances and Offensive Weapons Act 1958 [*Act 357*].
4. Offences under section 4 or 4B of the Common Gaming Houses Act 1953 [*Act 289*].

THIRD SCHEDULE

[Section 7A]

FORM

ELECTRONIC MONITORING DEVICE

IN THE SESSIONS COURT AT IN THE STATE OF

Dated

1. Name:
2. Case No.:
3. Identity Card No.:
4. Address:
.....
.....
5. Telephone No.:
6. Family members to be contacted:
.....

7. Period to be attached with electronic monitoring device ("device"):

8. Terms and conditions:

- (a) to report to the nearest police station at/for every
- (b) understands that all movements will be tracked and retained as an official record;
- (c) agrees to be required to report for device equipment checks if necessary;
- (d) to notify the police officer if there is any change of address;
- (e) to allow inspections of the device by the police officer;
- (f) to report to the..... police station for removal of the device;
- (g) to return all the device equipment to the police officer;
- (h) to submit to procedures required by the police officer;
- (i) to maintain the device as instructed by a police officer including to ensure that the device is charged and activated all the times;
- (j) to install the beacon in the house or premises where he is staying;
- (k) to ensure the device is not loss, damaged, tampered with or destroyed;
- (l) to report immediately to a police officer if the device is lost, damaged, tampered with or destroyed;
- (m) to comply with any directions of the police officer;
- (n) to comply with any other conditions as the Board may determine.

9. Failure to comply with the terms and conditions as stated in this Form is an offence under subsection 7A(6) of the Prevention of Crime Act 1959.

I hereby agree to and shall comply with the terms and conditions as stated in this Form.

.....
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FOURTH SCHEDULE

[Section 15A]

FORM

ELECTRONIC MONITORING DEVICE BY ORDER OF THE
PREVENTION OF CRIME BOARD

Dated

1. Name:.....

2. Case No.:.....

3. Identity Card No.:.....

4. Address:.....

5. Telephone No.:.....

6. Family members to be contacted:.....

7. Period to be attached with electronic monitoring device (“device”):.....

8. Terms and conditions:

- (a) to report to the nearest police station at/for every.....;
- (b) understands that all movements will be tracked and retained as an official record;
- (c) agrees to be required to report for device equipment checks if necessary;
- (d) to notify a police officer if there is any change of address;
- (e) to allow inspections of the device by a police officer;
- (f) to report to the police station for removal of the device;
- (g) to return all the device equipment to a police officer;
- (h) to submit to procedures required by a police officer;
- (i) to maintain the device as instructed by a police officer including to ensure the device is charged and activated at all times;

- (j) to install the beacon in the house or premises where he is staying;
- (k) to ensure the device is not lost, damaged, tampered with or destroyed;
- (l) to report immediately to a police officer if the device is lost, damaged, tampered with or destroyed;
- (m) to comply with any directions of a police officer;
- (n) to comply with any other conditions as the Board may determine.

9. Failure to comply with the terms and conditions as stated in this Form is an offence under subsection 15A(5) of the Prevention of Crime Act 1959.

I hereby agree to and shall comply with the terms and conditions as stated in this Form.

.....
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Terms and conditions have been explained to the subject by:

Signature:

Name:

Police No.:

Rank:

LAWS OF MALAYSIA

Act 297

PREVENTION OF CRIME ACT 1959

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 26/1960	Prevention of Crime (Amendment) Act 1960	30-07-1960
Act 6/1966	Prevention of Crime (Amendment) Act 1966	27-01-1966
Act 13/1966	Societies Act 1966	01-02-1966
Act 23/1967	Interpretation Act 1967	18-05-1967
Act 7	Registration of Criminals and Undesirable Persons Act 1969	02-05-1969
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A324	Criminal Procedure Code (Amendment and Extension) Act 1976	10-01-1976
Act 734	Restricted Residence (Repeal) Act 2011	31-12-2011
Act A1459	Prevention of Crime (Amendment and Extension) Act 2014	02-04-2014
P.U. (A) 122/2014	Prevention of Crime (Amendment of First and Second Schedule) Order 2014	02-05-2014
Act A1484	Prevention of Crime (Amendment) Act 2015	01-09-2015
P.U. (A) 201/2015	Prevention of Crime (Amendment of First Schedule) Order 2015	01-09-2015

Prevention of Crime

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Amending law	Short title	In force from
Act A1549	Prevention of Crime (Amendment) Act 2017	15-12-2017
P.U. (A) 383/2015	Prevention of Crime (Amendment of Second Schedule) Order 2017	15-12-2017
P.U. (A) 384/2015	Prevention of Crime (Amendment of Third Schedule) Order 2017	15-12-2017

LAWS OF MALAYSIA

Act 297

PREVENTION OF CRIME ACT 1959

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long title	Act A1459	02-04-2014
	Act A1484	01-09-2015
Preamble	Act A1459	02-04-2014
1	Act A1459	02-04-2014
2	Act A1459	02-04-2014
	Act A1484	01-09-2015
3	Act A1484	01-09-2015
4	Act A1459	02-04-2014
	Act A1484	01-09-2015
4A	Act A1549	15-12-2017
5	Act A1459	02-04-2014
6	Act A1459	02-04-2014
	Act A1549	15-12-2017
7	Act A1459	02-04-2014
7A	Act A1459	02-04-2014
	Act A1549	15-12-2017
7B	Act A1459	02-04-2014
	Act A1484	01-09-2015
	Act A1549	15-12-2017
9	Act A1459	02-04-2014
	Act A1484	01-09-2015
	Act A1549	15-12-2017

Section	Amending authority	In force from
9A	Act A1459	02-04-2014
10	Act A1459 Act A1549	02-04-2014 15-12-2017
10A	Act A1549	15-12-2017
11	Act A1459 Act A1549	02-04-2014 15-12-2017
12	Act A1459 Act A1549	02-04-2014 15-12-2017
14	Act A1459	02-04-2014
15	Act A1459 Act A1484	02-04-2014 01-09-2015
15A	Act A1459 Act A1484 Act A1549	02-04-2014 01-09-2015 15-12-2017
16	Act A1459	02-04-2014
18	Act A1459	02-04-2014
19	Act A1459	02-04-2014
PART IVA	Act A1459	02-04-2014
19A	Act A1459 Act A1484 Act A1549	02-04-2014 01-09-2015 15-12-2017
19B	Act A1459 Act A1549	02-04-2014 15-12-2017
19C	Act A1459 Act A1484	02-04-2014 01-09-2015
19D	Act A1459	02-04-2014
19E	Act A1459 Act A1484	02-04-2014 01-09-2015

Section	Amending authority	In force from
19F	Act A1459	02-04-2014
	Act A1484	01-09-2015
19G	Act A1484	01-09-2015
19H	Act A1549	15-12-2017
21	Act A1459	02-04-2014
	Act A1484	01-09-2015
	Act A1549	15-12-2017
21A	Act A1459	02-04-2014
22	Act A1459	02-04-2014
23	Act A1459	02-04-2014
	Act A1484	01-09-2015
First Schedule	Act 734	31-12-2011
	P.U. (A) 122/2014	02-05-2014
	P.U. (A) 201/2015	01-09-2015
Second Schedule	P.U. (A) 122/2014	02-05-2014
	P.U. (A) 383/2017	15-12-2017
Third Schedule	Act A1459	02-04-2014
	P.U. (A) 384/2017	15-12-2017
Fourth Schedule	Act A1549	15-12-2017
