

CHAPTER VI A - OFFENCES RELATING TO TERRORISM
(...)

Section 130B:

“Interpretation in relation to this chapter.

(1) In this Chapter--

"entity" means a person, group, trust, partnership or fund;

"explosive or other lethal device" means--

(a) an explosive or incendiary weapon or device that is designed or has the capability to cause death, serious bodily injury or substantial material damage; or

(b) a weapon or device that is designed or has the capability to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material;

"harbour" includes supplying a person with shelter, food, drink, money or clothes; or except by a person employed in a Government hospital, medicine, bandages, surgical dressings or any other form of aid to person wounded; or arms, ammunition or means of conveyance, or assisting a person in any way to evade apprehension;

"imprisonment for life" means (subject to the provisions of any written law conferring power to grant pardons, reprieves or respites or suspension or remission of punishments) imprisonment until death of the person on whom the sentence is imposed;

"master", in relation to a vessel, means the owner or person (except a harbour master or pilot) having for the first time being command or charge of the vessel;

"operator", in relation to an aircraft, means the owner or person for the time being in charge or command or control of the aircraft;

"property" means--

(a) assets of every kind, whether corporeal or incorporeal, moveable or immovable, tangible or intangible, however acquired; or

(b) legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including bank credits, traveller's cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit;

"terrorism financing offence" means any offence under section 130N, 130O, 130P or 130Q;

"terrorist" means any person who--

(a) commits, or attempts to commit, any terrorist act; or

(b) participates in or facilitates the commission of any terrorist act;

and includes a specified entity under section 66B or section 66C of the Anti-Money Laundering Act 2001 [ct 631];

"terrorist entity" means any entity owned or controlled by any terrorist or terrorist group and includes an association of such entities;

"terrorist group" means--

(a) an entity that has as one of its activities and purposes the committing of, or the facilitation of the commission of, a terrorist act; or

(b) a specified entity under section 66B or section 66C of the Anti-Money Laundering Act 2001 [ct 631];

"terrorist property" means--

(a) proceeds from the commission of a terrorist act;

(b) property that has been, is being, or is likely to be used to commit a terrorist act;

(c) property that has been, is being, or is likely to be used by a terrorist, terrorist entity or terrorist group;

(d) property owned or controlled by or on behalf of a terrorist, terrorist entity or terrorist group, including funds derived or generated from such property; or

(e) property that has been collected for the purpose of providing support to a terrorist, terrorist entity or terrorist group or funding a terrorist act.

(2) For the purpose of this Chapter, "terrorist act" means an act or threat of action within or beyond Malaysia that--

(a) involves serious bodily injury to a person;

(b) involves serious damage to property;

(c) endangers a person's life;

(d) creates a serious risk to the health or the safety of the public or a section of the public;

(e) involves the use of firearms, explosives or other lethal devices;

- (f) involves releasing into the environment or any part of the environment or distributing or exposing the public or any part of the public to-
 - (i) any dangerous, hazardous, radioactive or harmful substance;
 - (ii) any toxic chemical; or
 - (iii) any microbial or other biological agent or toxin;
- (g) is designed or intended to disrupt or seriously interfere with, any computer system or the provision of any services directly related to communications infrastructure, banking or financial services, utilities, transportation or other essential infrastructure;
- (h) is designed or intended to disrupt, or seriously interfere with, the provision of essential emergency services such as police, civil defence or medical services;
- (i) involves prejudice to national security or public safety; or
- (k) involves any combination of any of the acts specified in paragraphs (a) to (i), where the act or threat is intended or may reasonably be regarded as being intended to-
 - (aa) intimidate the public or a section of the public; or
 - (bb) influence or compel the Government of Malaysia or the Government of any State in Malaysia, any other government, or any international organization to do or refrain from doing any act,
 and includes any act or omission constituting an offence under the Aviation Offences Act 1984 [ct 307].

(3) For the purposes of subsection (2)--

- (a) a reference to any person or property is a reference to any person or property wherever situated, within or outside Malaysia; and
- (b) a reference to the public includes a reference to the public of a country or territory other than Malaysia.”

Section 130C:

“Committing terrorism acts.

(1) Whoever, by any means, directly or indirectly, commits a terrorist act shall be punished--

- (a) if the act results in death, with death; and
- (b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.

(2) Where in any criminal proceeding it is necessary to decide whether any item or substance is a weapon, a hazardous, radioactive or harmful substance, a toxic chemical or a microbial or other biological agent or toxin, a certificate purporting to be signed by an appropriate authority to the effect that the item or substance described in the certificate is a weapon, a hazardous, radioactive or harmful substance, a toxic chemical or a microbial or other biological agent or toxin shall be sufficient evidence of the facts stated in it.”

Section 130D:

“Providing devices to terrorist groups.

Whoever knowingly provides or offers to provide any explosive or other lethal device to--

- (a) a terrorist group;
- (b) a member of a terrorist group; or
- (c) any other person for use by, or for the benefit of, or terrorist group or a member of a terrorist group,

shall be punished with imprisonment for life or imprisonment for a term not exceeding thirty years, and shall also be liable to fine.”

Section 130E.

“Recruiting persons to be members of terrorist groups or to participate in terrorist acts.

Whoever knowingly recruits, or agrees to recruit, another person to be a member of a terrorist group or to participate in the commission of a terrorist act shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.”

Section 130F:

“Providing training and instruction to terrorist groups and persons committing terrorist acts.

Whoever knowingly provides training or instruction, or agrees to provide training or instruction--

- (a) in the making or use of any explosives or other lethal device;
- (b) in carrying out a terrorist act; or
- (c) in the practice of military exercises or movements,

to a member of a terrorist group or a person engaging in, or preparing to engage in, the commission of a terrorist act shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.”

Section 130G:

“Inciting, promoting or soliciting property for the commission of terrorist acts.

Whoever knowingly--

- (a) incites or promotes the commission of a terrorist act;
- (b) incites or promotes membership in a terrorist group; or
- (c) solicits property for the benefit of a terrorist group or for the commission of a terrorist act,

shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.”

Section 130H:

“Providing facilities in support of terrorist acts.

Whoever being--

- (a) the owner, occupier, lessee or person in charge of any building, premises, room or place knowingly permits a meeting of persons to be held in that building, premises, room or place;
- (b) the master, charterer, lessee, operator or agent of a vessel or the operator, charterer, lessee, agent or pilot in charge of an aircraft knowingly permits that vessel or aircraft to be used; or
- (c) the owner, lessee or person in charge of any equipment or facility that allows for recording or conferencing or meetings via technology knowingly permits that equipment or facility to be used,

for the purposes of committing an offence under this Chapter, shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.”

Section 130I:

“Directing activities of terrorist groups.

Whoever intentionally directs the activities of a terrorist group shall be punished--

- (a) if the act results in death, with death; and
- (b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.”

Section 130J:

“Soliciting or giving support to terrorist groups or for the commission of terrorist acts.

(1) Whoever knowingly and in any manner solicits support for, or gives support to--

- (a) any terrorist group; or
- (b) the commission of a terrorist act,

shall be punished with imprisonment for life or imprisonment for a term not exceeding thirty years, or with fine, and shall also be liable to forfeiture of any property used or intended to be used in connection with the commission of the offence.

(2) For the purpose of subsection (1), "support" includes--

- (a) an offer to provide, or the provision of, forged or falsified travel documents to a member of a terrorist group;
- (b) an offer to provide, or the provision of, a skill or an expertise for the benefit of, at the direction of or in association with a terrorist group;
- (c) entering or remaining in any country for the benefit of, or at the direction of or in association with a terrorist group;
- (d) becoming a member of a professing membership of a terrorist group;
- (e) arranging, managing or assisting in arranging or managing a meeting to further the activities of a terrorist group; or
- (f) using or possessing property for the purpose of committing or facilitating the commission of a terrorist act.”

Section 130K:

“Harbouring persons committing terrorist acts.

Whoever harbours, or prevents, hinders or interferes with the arrest of any person knowing or having reason to believe that such person--

- (a) has committed or is planning or is likely to commit a terrorist act; or
- (b) is a member of a terrorist group, (...)”

Section 130KA:

“Member of a terrorist group

Whoever is a member of a terrorist group shall be punished with imprisonment which may extend to imprisonment for life and shall also be liable to a fine.”

Section 130M:

“Intentional omission to give information relating to terrorist acts.

Whoever knowing or having reason to believe that any offence punishable under section 130C to 130L has been or will be committed intentionally omits to give any information respecting that offence, which he is legally bound to give, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.”

CHAPTER VIA - OFFENCES RELATING TO TERRORISM

Section 130N:

“Suppression of financing of terrorist acts

Providing or collecting property for terrorist acts.

Whoever, by any means, directly or indirectly, provides or collects or makes available any property intending, knowing or having reasonable grounds to believe that the property will be used, in whole or in part, to commit a terrorist act shall be punished--

- (a) if the act results in death, with death; and
- (b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine, and shall also be liable to forfeiture of any property so provided or collected or made available.(...)”

Section 130O:

“Providing services for terrorist purposes

(1) Whoever, directly or indirectly, provides or makes available financial services or facilities--

- (a) intending that the services or facilities be used, or knowing or having reasonable grounds to believe that the services or facilities will be used, in whole or in part, for the purpose of committing or facilitating the commission of a terrorist act, or for the purpose of benefiting any person who is committing or facilitating the commission of a terrorist act; or
- (b) knowing or having reasonable grounds to believe that, in whole or in part, the services or facilities will be used by or will benefit any terrorist, terrorist entity or terrorist group, shall be punished--
 - (aa) if the act results in death, with death; and
 - (bb) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.

(2) For the purposes of subsection (1), "financial services or facilities" includes the services and facilities offered by lawyers and accountants acting as nominees or agents for their clients.”

Section 130P:

“Arranging for retention or control of terrorist property.

Whoever knowingly enters into an arrangement that facilitates the acquisition, retention or control by or on behalf of another person of terrorist property by concealment, by a removal out of jurisdiction, by transfer to a nominee or in any other way shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine and to forfeiture of any property so acquired, retained or controlled.”

Section 130Q:

“Dealing with terrorist property.

(1) Whoever knowingly deals, directly or indirectly, in any terrorist property shall be punished with imprisonment for a term which may extend to twenty years, or with fine and shall also be liable to forfeiture of any property so dealt with.

(2) For the purposes of subsection (1), "deals in" includes--

- (a) acquiring or possessing any terrorist property;
- (b) entering into or facilitating, directly or indirectly, any transaction in respect of terrorist property;
- (c) converting, concealing or disguising terrorist property; or
- (d) providing any financial or other services in respect of any terrorist property to or for the benefit of, or at the direction or order of, any terrorist, terrorist entity or terrorist group.”

Section 130R:

“Intentional omission to give information about terrorist property.

Whoever-

- (a) having possession, custody or control of any terrorist property; or
- (b) having information about any transaction or proposed transaction in respect of any terrorist property,

intentionally omits to give any information respecting that matter, which he is legally bound to give, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.”

Section 130S:

“Intentional omission to give information relating to terrorism financing offence.

Whoever knowing or having reason to believe that any offence punishable under section 130N, 130O, 130P or 130Q has been or will be committed intentionally omits to give any information respecting that offence, which he is legally bound to give, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.”

Section 130T:

“Offences by body corporate.

Where an offence under section 130N, 130O, 130P or 130Q has been committed by a body corporate, any person who, at the time of the commission of the offence, was a person responsible for the management or control of the body corporate, which includes a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he proves that-

- (a) the offence was committed without his consent or connivance; and
- (b) he had exercised all such due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.”

CHAPTER VIB - ORGANIZED CRIME

Section 130U:

“Interpretation in relation to this Chapter

In this Chapter

“organized criminal group” means a group of two or more persons, acting in concert with the aim of committing one or more serious offences, in order to obtain, directly or indirectly, a material benefit, power or influence;

“serious offence” means any offence punishable with imprisonment for a term of ten years or more.”

Section 130V:

“Member of an organized criminal group

Whoever is a member of an organized criminal group shall be punished with imprisonment for a term which may extend to five years.”

Section 130W:

“Assisting an organized criminal group

Whoever assists an organized criminal group to further the interest of that group shall be punished with imprisonment for a term which may extend to ten years.”