

A BILL

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An Act to amend the National Service Training Act 2003.

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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 National Service Training (Amendment) Act 2008.

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

Amendment of section 2

2. The National Service Training Act 2003 [*Act 628*], which is referred to as the "principal Act" in this Act, is amended in section 2 by inserting after the definition of "Director General" the following definition:

' "community service"—

- (a) shall be any work, service or course of instruction for the betterment of the public at large, and includes any work performed which involves payment to the prison or local authority, of such nature and performed at such time and place and subject to such conditions as may be specified by the Court;
- (b) shall not exceed 240 hours in aggregate; and
- (c) shall be under the responsibility of the Minister charged with the responsibility for social and community service.'

Amendment of section 18

3. Subsection 18(1) of the principal Act is amended by substituting for the words "be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding six months or to both" the words "be ordered to perform community service".

Amendment of section 19

4. Section 19 of the principal Act is amended—

(a) in subsection (1), by substituting for the words "be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding six months or to both" the words "be ordered to perform community service"; and

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

"(3) Every person undergoing national service training who persuades, endeavours to persuade, procures or attempts to procure any other person undergoing national service training under this Act to absent himself without leave commits an offence and shall on conviction be ordered to perform community service."

Amendment of section 27

5. Section 27 of the principal Act is amended—

(a) in subsection (4), by substituting for the words "this section" the words "subsection (1) or (2)"; and

(b) by inserting after subsection (4) the following subsection:

"(5) Any person liable to undergo national service training shall on being convicted of an offence under subsection (3) be ordered to perform community service."

Amendment of section 28

6. Section 28 of the principal Act is amended—

(a) by renumbering the existing section as subsection (1) of that section; and

(b) by inserting after subsection (1) the following subsection:

"(2) Any person liable to undergo national service training who commits an offence under subsection (1) shall be ordered to perform community service."

Amendment of section 31

7. Section 31 of the principal Act is amended by inserting after subsection (1) the following subsection:

"(1A) Any person liable to undergo national service training who commits an offence against this Act for which no penalty is expressly provided shall on conviction be ordered to perform community service."

EXPLANATORY STATEMENT

This Bill seeks to amend the National Service Training Act 2003 ("Act 628").

2. *Clause 1* seeks to provide for the short title and contains provisions on the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 628 to introduce the definition of "community service" which is adopted from the definition given to the term in the Criminal Procedure Code [Act 593].

4. *Clauses 3, 4, 5, 6 and 7* seek to amend sections 18, 19, 27, 28 and 31 of Act 628 respectively. Under the proposed amendments, an offender undergoing or liable to undergo national service training shall be required to perform community service as punishment instead of being liable to the existing penalties for the various offences committed under those sections.

Bill

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

[PN(U³)2611]