



# **LAWS OF MALAYSIA**

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TEXT OF REPRINT

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**Act 792**

## **SEXUAL OFFENCES AGAINST CHILDREN ACT 2017**

*As at 11 July 2023*

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**SEXUAL OFFENCES AGAINST CHILDREN  
ACT 2017**

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# **LAWS OF MALAYSIA**

## **Act 792**

### **SEXUAL OFFENCES AGAINST CHILDREN ACT 2017**

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## **LAWS OF MALAYSIA**

### **Act 792**

## **SEXUAL OFFENCES AGAINST CHILDREN ACT 2017**

An Act to provide for certain sexual offences against children and their punishment in addition to other sexual offences against children and their punishment in other written laws, and in relation to it to provide for the administration of justice for children and connected matters.

[10 July 2017, P.U. (B) 340/2017]

**ENACTED** by the Parliament of Malaysia as follows:

### **PART I**

#### **PRELIMINARY**

#### **Short title and commencement**

**1.** (1) This Act may be cited as the Sexual Offences against Children Act 2017.

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

#### **Application**

**2.** (1) This Act shall apply to a child who is under the age of eighteen years and where this Act relates to any other written law, to a child of such age as specified in such written law.

(2) Any reference to a child in respect of any offence under this Act, or any offence specified in the Schedule where the victim is a child shall include a person whom an accused believes is a person of or under the age as specified in the respective provisions of such offences.

### **Extra-territorial application**

3. If any offence under this Act, or any offence specified in the Schedule where the victim is a child is committed by a Malaysian citizen against any child in any place outside Malaysia, he may be dealt with in respect of such offence as if the offence was committed at any place within Malaysia.

## **PART II**

### **OFFENCES RELATING TO CHILD SEXUAL ABUSE MATERIAL**

#### **Child sexual abuse material**

4. In this Act—

- (a) “child sexual abuse material” means any representation in whole or in part, whether visual, audio or written or the combination of visual, audio or written, by any means including but not limited to electronic, mechanical, digital, optical or magnetic means, or manually crafted, or the combination of any means—
  - (i) of a child engaged in sexually explicit conduct;
  - (ii) of a person appearing to be a child engaged in sexually explicit conduct;
  - (iii) of realistic or graphic images of a child engaged in sexually explicit conduct; or



- (iv) of realistic or graphic images of a person appearing to be a child engaged in sexually explicit conduct; and
- (b) “sexually explicit conduct” includes actual or simulated of the following:
  - (i) sexual intercourse, or lewd acts including physical contact involving genital to genital, oral to genital, anal to genital, or oral to anal, between persons of the same or opposite sex;
  - (ii) bestiality;
  - (iii) masturbation;
  - (iv) sadistic or masochistic abuse in a sexual context;
  - (v) exhibition for sexual purpose of the genital, buttock, breast, pubic area or anus; and
  - (vi) use of any object or instrument for lewd acts.

**Making, producing, directing the making or production of, etc., child sexual abuse material**

**5.** Any person who makes, produces, directs the making or production of, or participates, engages or is involved, in any way, in the making, production or the directing of the making or production of, any child sexual abuse material commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding thirty years and shall also be punished with whipping of not less than six strokes.

*ILLUSTRATIONS*

- (a) A, an actor approaches Z, a film producer so that A can act in one of Z's film. Z offers A to act in a film which has a scene where A is engaged in a sexually explicit conduct with a child and A agrees to do so. A acts in that sexually explicit scene. A is guilty of an offence under this section by participating in the production of child sexual abuse material.

*ILLUSTRATIONS*

- (b) A is a director of child sexual abuse material. A hires Z, an art director to oversee the artistic aspects of A's direction of child sexual abuse material. Z does as required of him by A. Z is guilty of an offence under this section by participating in the directing of the making of child sexual abuse material.

**Making preparation to make, produce or direct the making or production of child sexual abuse material**

6. Any person who makes any preparation to make, produce or direct the making or production of any child sexual abuse material commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding ten years and shall also be liable to whipping.

**Using a child in making, producing, directing the making or production of, etc., child sexual abuse material**

7. Any person who uses or causes to be used a child in the preparation to make or produce, or in the preparation to direct the making or production of, or in the making or production of, or in the directing of the making or production of, any child sexual abuse material commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding twenty years and shall also be punished with whipping of not less than five strokes.

*Explanation*—This section does not apply where the preparation to make or produce or the preparation to direct the making or production of child sexual abuse material or where the making or production or the directing of the making or production of child sexual abuse material uses or causes to be used a person appearing to be a child.

*ILLUSTRATIONS*

- (a) A entices Z, a child through a fake singing competition advertisement and uses Z in making child sexual abuse material. A is guilty of an offence under this section by using a child in the making of child sexual abuse material. A is also guilty of an offence under section 5 by making child sexual abuse material.

*ILLUSTRATIONS*

- (b) A offers his six-year-old daughter Z, to B for Z to be used in the production of child sexual abuse material—for a certain amount of money. Z was used in B's production of child sexual abuse material. A is guilty of an offence under this section by causing Z, a child to be used in the production of child sexual abuse material. B is guilty of an offence under this section by using Z, a child, in the production of child sexual abuse material and under section 5 by producing child sexual abuse material.

**Exchanging, publishing, etc., child sexual abuse material**

**8. Any person who—**

- (a) exchanges, publishes, prints, reproduces, sells, lets for hire, distributes, exhibits, advertises, transmits, promotes, imports, exports, conveys, offers or makes available, in any manner, any child sexual abuse material;
- (b) obtains, collects or seeks any child sexual abuse material; or
- (c) participates in or receives profits from any business that he knows or has reason to believe is related to any child sexual abuse material,

commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding fifteen years and shall also be punished with whipping of not less than three strokes.

*ILLUSTRATIONS*

- (a) A is an administrator of a website showing child sexual abuse material. A is guilty of an offence under this section by making available child sexual abuse material online.
- (b) A carries on a logistic services business and manages the transportation and storage of publication material owned by Z's company. Z's publication material includes child sexual abuse material. Z reveals such information to A and makes profit sharing plan with A in relation to the sale of the child sexual abuse material with a condition that A continues to perform the logistic services for Z. A accepts Z's offer. A is guilty of an offence under this section by receiving profits from a

*ILLUSTRATIONS*

business that he knows or has reason to believe is related to child sexual abuse material.

**Selling, etc., child sexual abuse material to a child**

**9.** Any person who sells, lets for hire, distributes, exhibits, advertises, transmits, promotes, conveys, offers or makes available, in any manner, any child sexual abuse material to a child commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding fifteen years and shall also be punished with whipping of not less than five strokes.

**Accessing, etc., child sexual abuse material**

**10.** Any person who accesses, or has in his possession or control, any child sexual abuse material commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand ringgit or to both.

*Explanation—* A person is said to access child sexual abuse material if he knowingly causes child sexual abuse material to be viewed by, or transmitted to, himself.

*ILLUSTRATIONS*

- (a) A receives an e-mail from an unknown sender with an untitled attachment. A opens the attachment without knowing that the attachment contains child sexual abuse material. Upon viewing the content of the attachment, A immediately deletes the e-mail from his e-mail account. A is not guilty of an offence under this section.
- (b) A receives an e-mail from an unknown sender with an untitled attachment. A opens the attachment without knowing that the attachment contains child sexual abuse material. Upon viewing the content of the attachment and despite knowing that the attachment contains child sexual abuse material, A continuously views the child sexual abuse material. A is guilty of an offence under this section.

*ILLUSTRATIONS*

- (c) A uses B's computer and discovers a document containing child sexual abuse material stored in the computer's hard disk. A transmits the said documents into his pen drive and keeps the pen drive in his office. A is guilty of an offence under this section.

PART III

OFFENCES RELATING TO CHILD GROOMING

**Sexually communicating with a child**

**11.** (1) Subject to subsection (3), any person who—

- (a) sexually communicates with a child; or
- (b) encourages a child to sexually communicate,

by any means, commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding three years.

(2) For the purposes of this section, a person is said to sexually communicate if—

- (a) the communication or any part of the communication relates to an activity that is sexual in nature; or
- (b) any reasonable person would consider any part of the communication to be sexual.

(3) No person shall be convicted of an offence under this section if the communication is for education, scientific or medical purposes.

**Child grooming**

**12.** (1) Any person who communicates by any means with a child with the intention to commit or to facilitate the commission of any offence under section 5, 6, 7, 8, 14, 15, 15A or 15B or any offence

specified in the Schedule against the child commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding five years and shall also be liable to whipping.

(2) In any proceedings under this section, the fact that any offence under section 5, 6, 7, 8, 14, 15, 15A or 15B or any offence specified in the Schedule has been committed need not be specified or proven.

#### ILLUSTRATIONS

- (a) A communicates with Z, a child *via* social media by pretending to be a teenager and develops a love relationship with Z with the intention of using Z in the making of child sexual abuse material. A never meets Z. A is guilty of an offence under this section.
- (b) A communicates with Z, a child *via* e-mail and befriends Z with the intention that A's friends C and B could rape Z. A never meets Z. A is guilty of an offence under this section.

### Meeting following child grooming

**13.** (1) Any person who, having communicated by any means with a child, travels to meet with the child or meets with the child with the intention to commit or to facilitate the commission of any offence under section 5, 6, 7, 8, 14, 15, 15A or 15B or any offence specified in the Schedule against the child commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding ten years and shall also be liable to whipping.

(2) In any proceedings under this section, the fact that any offence under section 5, 6, 7, 8, 14, 15, 15A or 15B or any offence specified in the Schedule has been committed need not be specified or proven.

#### ILLUSTRATIONS

- (a) A communicates with Z, a child *via* social media by pretending to be a teenager and develops a love relationship with Z. A takes a step further and meets Z with the intention of using Z in the making of child sexual abuse material. A is guilty of an offence under this section.

*ILLUSTRATIONS*

- (b) A communicates with Z, a child *via* e-mail and befriends Z. A takes a step further and meets Z with the intention that A's friends C and B could rape Z. A is guilty of an offence under this section.

PART IV

OFFENCES RELATING TO SEXUAL ASSAULT, SEXUAL  
PERFORMANCE AND SEXUAL EXTORTION

**Physical sexual assault on a child**

**14.** Any person who, for sexual purposes—

- (a) touches any part of the body of a child;
- (b) makes a child touch any part of the body of such person or of any other person;
- (c) makes a child touch any part of the child's own body; or
- (d) does any other acts that involve physical contact with a child without sexual intercourse,

commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding twenty years and shall also be liable to whipping.

*Explanation 1*—The act of touching may involve the act of touching with any part of the body or with an object and may be done through anything including anything worn by the person touching or by the child touched.

*Explanation 2*—In determining what constitutes sexual purposes, the court may take into consideration, among others, the part of the body that is touched, the nature and extent of the act of touching or the physical contact and all other circumstances surrounding the conduct.

**Non-physical sexual assault on a child****15. Any person who—****(a) for sexual purposes—**

- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or his body or any part of his body with the intention that such word or sound shall be heard, or such gesture or object or body or part of his body shall be seen by a child;
- (ii) makes a child exhibit the child's body or any part of the child's body so as it is seen by such person or any other person; or
- (iii) repeatedly or constantly follows or watches or contacts a child by any means;

**(b) *(Deleted by Act A1687);*****(c) engages in an activity that is sexual in nature in the presence of a child;****(d) causes a child to watch such person or any other person engaging in an activity that is sexual in nature;****(e) causes a child to watch or hear any representation in whole or in part, whether visual, audio or written or the combination of visual, audio or written, by any means including but not limited to electronic, mechanical, digital, optical or magnetic means, or manually crafted, or the combination of any means, of such person or any other person engaged in an activity which is sexual in nature; or****(f) makes a child engage in an activity that is sexual in nature,**

commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding twenty thousand ringgit or to both.



*Explanation*—In determining what constitutes sexual purposes, the court may take into consideration, among others, the words uttered, the nature and extent of the gestures and all other circumstances surrounding the conduct.

### **Sexual performance by a child**

#### **15A. (1) Any person who—**

- (a) offers, procures or makes available a child for a sexual performance;
- (b) makes or causes a child to engage in a sexual performance;
- (c) takes part, whether as a participant or viewer, in a sexual performance by a child;
- (d) advertises, promotes or facilitates a sexual performance by a child; or
- (e) receives any benefit, including monetary benefit, from a sexual performance by a child,

commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding twenty years and shall also be liable to a fine not exceeding fifty thousand ringgit.

(2) For the purposes of this section, “sexual performance” means any sexually explicit conduct performed before one or more viewers, including one which is recorded or transmitted in whole or in part, by any means including but not limited to electronic, mechanical, digital, optical or magnetic means, or the combination of any means.

#### *ILLUSTRATIONS*

- (a) A asks Z, a child, to perform a lap dance on B while being recorded by A. A then posts the recorded performance of the dance on his social media account. A is guilty of an offence under this section by causing a child to engage in a sexual performance. B is guilty of an offence under this section by taking part as a participant in a sexual performance by a child.

## ILLUSTRATIONS

- (b) A meets B on an online dating application and offers B money to arrange a sex show with B's children. B has her two children stripped and engaged in a simulated sexually explicit conduct while being livestreamed *via* a video call with A. A is guilty of an offence under this section by causing a child to engage in a sexual performance and by taking part in a sexual performance by a child. B is guilty of an offence under this section by making available a child for a sexual performance and facilitating a sexual performance by a child.

**Sexual extortion of a child****15B.** Any person who—

- (a) threatens a child to engage in an activity that is sexual in nature;
- (b) threatens a child to share any representation in whole or in part, whether visual, audio or written or the combination of visual, audio or written, by any means including but not limited to electronic, mechanical, digital, optical or magnetic means, or manually crafted, or the combination of any means, of a body or any part of the body of a child exposing a child's genital, buttock, breast, pubic area or anus or of a child engaged in an activity that is sexual in nature; or
- (c) threatens to use or distribute any representation in whole or in part, whether visual, audio or written or the combination of visual, audio or written, by any means including but not limited to electronic, mechanical, digital, optical or magnetic means, or manually crafted, or the combination of any means, of a body or any part of the body of a child exposing a child's genital, buttock, breast, pubic area or anus or of a child engaged in an activity that is sexual in nature,

commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding ten years.

*Explanation*—The act of threatening under this section may involve the use of inducement, coercion or force.

*ILLUSTRATIONS*

- (a) Z, a child, voluntarily shares a topless photo of herself with A. A then threatens Z to post the photo on A's social media account unless Z sends A a full nude photo of Z. A is guilty of an offence under this section.
- (b) A offers Z, a child, money to strip for A during a video call. A records the video call and then threatens Z that A will send the recorded video to Z's parents unless Z agrees to have sexual intercourse with A. A is guilty of an offence under this section.

PART V

PERSON IN A RELATIONSHIP OF TRUST

**16.** (1) If a person who commits any offence under this Act or any offence specified in the Schedule against a child, is in a relationship of trust with the child, such person shall, in addition to the punishment to which he is liable for such offence, be punished with imprisonment for a term not exceeding five years and shall also be punished with whipping of not less than two strokes.

(2) In this section, a person is said to be in a relationship of trust with a child if the child is under his care, supervision or authority, including but not limited to—

- (a) a parent, guardian or person who is related through full-blood or half-blood, or through marriage or adoption, including *de facto* adoption;
- (b) a person who looks after one or more children for valuable consideration for any period of time;
- (c) a teacher, lecturer or warden of a kindergarten, school, public institution of higher learning or private institution of higher learning;
- (d) any person providing healthcare services in a Government healthcare facility or private healthcare facility as defined in

section 2 of the Private Healthcare Facilities and Services Act 1998 [*Act 586*];

- (e) a coach; and
- (f) a public servant of whatever rank in the course of his duty under any written law in respect of the child.

## PART VI

### CAPACITY AND EVIDENCE OF CHILD WITNESS

#### **Presumption as to capacity of a child witness**

**17.** Notwithstanding anything contrary in any other written law, in any proceedings against any person relating to any offence under this Act, or any offence specified in the Schedule where the victim is a child, a child is presumed to be competent to give evidence unless the court thinks otherwise.

#### **Evidence of child witness**

**18.** Notwithstanding anything contrary in any other written law, in any proceedings against any person relating to any offence under this Act, or any offence specified in the Schedule where the victim is a child, the court may convict such person of such offence on the basis of the uncorroborated evidence of a child, given upon oath or otherwise.

## PART VII

### MISCELLANEOUS

#### **Failure to give information**

**19.** Notwithstanding section 13 of the Criminal Procedure Code [*Act 593*], any person who fails to give information of the commission

of or the intention of any other person to commit any offence under this Act, or any offence specified in the Schedule where the victim is a child, to the officer in charge of the nearest police station, commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

### **Presumption of age of a child**

**20.** It is not a defence to a charge for any offence under this Act, or any offence specified in the Schedule where the victim is a child, that an accused believed that the age of the child is or more than that as specified in the respective provisions of such offences at the time the offence is alleged to have been committed unless the accused took all reasonable steps to ascertain the age of the child.

### **Abetment**

**21.** Any person who abets the commission of any offence punishable under this Act shall, if the act abetted is committed in consequence of the abetment, be punished with the punishment provided for the offence.

### **Evidence of *agent provocateur* admissible**

**22.** (1) Notwithstanding any law or rule of law to the contrary, in any proceedings against any person relating to any offence under this Act, or any offence specified in the Schedule where the victim is a child, no agent provocateur shall be presumed to be unworthy of credit by reason only of his having attempted to commit or to abet, or having abetted or having been engaged in a criminal conspiracy to commit, such offence if the main purpose of such attempt, abetment or engagement was to secure evidence against such person.

(2) Notwithstanding any law or rule of law to the contrary, a conviction of any offence under this Act, or of any offence specified in the Schedule where the victim is a child, solely on the uncorroborated evidence of any agent provocateur shall not be illegal

and no such conviction shall be set aside merely because the court which tried the case has failed to refer in the grounds of its judgment to the need to warn itself against the danger of convicting on such evidence.

### **Offence by body corporate**

**23.** If any offence under this Act, or any offence specified in the Schedule where the victim is a child has been committed by a body corporate, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, or was in any manner responsible for the management of any of the affairs of such body corporate, or was assisting in such management, shall also be guilty of that offence unless he proves that the offence was committed without his knowledge, consent or connivance, and that he had exercised all 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.

### **Non-application of sections 173A, 293 and 294 of the Criminal Procedure Code**

**24.** Sections 173A, 293 dan 294 of the Criminal Procedure Code shall not apply in respect of any offence under this Act, or any offence specified in the Schedule where the victim is a child, if the person convicted of such offence is of or above the age of eighteen years.

### **Provision regarding whipping**

**25.** Notwithstanding paragraph 289(c) of the Criminal Procedure Code, if a person convicted of any offence under this Act is a male whom the court considers to be more than fifty years of age, he may still be punishable with whipping.

**Rehabilitative counselling**

**26.** (1) The court may, in addition to any punishment imposed for any offence under this Act, or any offence specified in the Schedule where the victim is a child, order period of rehabilitative counselling on the person convicted of such offence within the period of his detention.

(2) The rehabilitative counselling ordered under subsection (1) shall be under the Minister charged with the responsibility for prison.

**Order for payment of compensation to a child victim**

**26A.** (1) The court before which a person is convicted of any offence under this Act, or any offence specified in the Schedule where the victim is a child, may make an order against the convicted person for the payment by him of a sum to be fixed by the court as it deems just and reasonable as compensation to a child victim in respect of the injury suffered by the child victim as a result of the offence committed.

(2) Where the person convicted of an offence referred to in subsection (1) is a child, the court shall make an order for the payment of the compensation to be made by the child's parent or guardian.

(3) Where the child victim is deceased, the court shall make an order for the payment of compensation to be made to a representative of the deceased child victim.

(4) The court shall, in making an order under subsection (1), take into consideration any factor which the court thinks fit including—

- (a) the nature and seriousness of the offence committed;
- (b) the physical or emotional injury suffered by the child victim;
- (c) the expenses incurred by the child victim, including expenses for treatment, rehabilitation or counselling of the child victim;

- (d) the damage to, or loss of, property suffered by the child victim; and
- (e) the ability of the convicted person to pay or where the convicted person is a child, the ability of the parent or guardian of the child to pay.

(5) For the purpose of making an order under subsection (1), the court may hold an inquiry as it thinks fit.

(6) Where the court makes an order for payment of costs of prosecution under section 426 of the Criminal Procedure Code against the convicted person in respect of any offence under this Act, or any offence specified in the Schedule where the victim is a child, an order for payment of compensation under this section shall have priority over an order for the payment of costs of prosecution.

(7) To the extent of the amount which has been paid to the child victim, or to the representatives of the child victim, under an order for payment of compensation, any claim of such child victim or representatives of the child victim for any injury, damage or loss suffered by reason of the offence shall be deemed to have been satisfied, but the order for payment shall not prejudice any right to a civil remedy by the child victim or by the representatives of the child victim against the convicted person for the damages beyond the amount of compensation paid under the order.

(8) Every order made by the court under this section shall be appealable to the High Court.

### **Provisions as to payment of compensation**

**26B.** (1) Where the person convicted of any offence under this Act, or any offence specified in the Schedule where the victim is a child is ordered to pay any sum as compensation under section 26A, the court making the order may do all or any of the following:

- (a) allow time for the payment of that sum;



- (b) direct payment of that sum by installments;
- (c) issue a warrant for the levy of that sum by distress and sale of any property belonging to the convicted person;
- (d) direct that in default of payment or of a sufficient distress to satisfy such sum, the convicted person shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may be sentenced or to which he may be liable under a commutation of sentence:

Provided that where time is not allowed for the payment of that sum, an order for imprisonment in default of payment shall not be issued in the first instance unless it appears to the court that the convicted person has no property or insufficient property to satisfy the sum payable or that the levy by way of distress will be more injurious to him or his family than imprisonment;

- (e) direct that the convicted person be searched and that any money found on him when so searched or which in the event of his being committed to prison, may be found on him when taken to prison shall be applied towards the payment of that sum, the surplus, if any, being returned to him:

Provided that such money shall not be so applied if the court is satisfied that the money does not belong to the convicted person on whom it was found or that the loss of the money will be more injurious to his family than his imprisonment.

- (2) The term for which the court directs the convicted person to be imprisoned in default of payment or of a sufficient distress to satisfy any sum shall not exceed the following scale:

When the money to be paid does not exceed RM500	... ..	One month
When the money to be paid exceeds RM500 but does not exceed RM1000	... ..	Two months
In any other case	... ..	Six months

(3) The imprisonment which the court imposes under this section shall terminate whenever the money is paid or levied by process of law.

(4) If before the expiration of the time of such imprisonment such a proportion of the money is paid or levied that the time of imprisonment suffered is not less than proportional to the part of the money still unpaid, the imprisonment shall terminate.

(5) A warrant for the levy of any such sum may be executed at any place in Malaysia but if it is required to be executed outside the State where it is issued, the warrant shall be endorsed for that purpose by a Judge or a First Class Magistrate having jurisdiction in the State where it is to be executed.

### **Police supervision**

**27.** (1) Notwithstanding subsection 295(1) of the Criminal Procedure Code, whether or not he has previously been convicted of any offence, when a person is convicted of any offence under this Act, or of any offence specified in the Schedule where the victim is a child, the court shall direct that he be subject to the supervision of the police for a period of not less than one year and not more than three years commencing immediately after the expiration of the sentence passed on him.

(2) When any person subject to the supervision of the police under subsection (1) is, while still subject to such supervision, sentenced to a term of imprisonment within Malaysia, any term spent in prison shall be excluded from the period of supervision.

## **Schedule**

**28.** The Minister may, upon consultation with the Public Prosecutor, amend the Schedule by order published in the *Gazette*, including to exclude or include any offence of any description under any written law.

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### SCHEDULE

[Sections 2, 3, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 26, 27 and 28]

1. Section 354, 372, 375, 375B, 376, 376A, 376B, 377A, 377B, 377C, 377CA, 377D, 377E or 509 of the Penal Code [Act 574] except—

- (a) for the purposes of section 24 of this Act relating to the non-application of sections 173A and 294 of the Criminal Procedure Code to a serious offence under the Penal Code; and
- (b) for the purposes of sections 26 and 27 of this Act relating to sections 376, 377C, 377CA and 377E of the Penal Code.

2. Section 14 or 15 of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 [Act 670], in so far as it relates to sexual exploitation, except—

- (a) for the purposes of section 3 of this Act relating to the application of paragraphs 4(b) and (c) of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007; and
- (b) for the purposes of sections 22 and 23 of this Act.

3. Section 31 in so far as it relates to sexual abuse or section 43 of the Child Act 2001 [Act 611].

4. Section 211 or 233 of the Communications and Multimedia Act 1998 [Act 588] except for the purposes of sections 3 and 23 of this Act.

5. Section 5 of the Film Censorship Act 2002 [Act 620] except for the purposes of section 23 of this Act.

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**LAWS OF MALAYSIA**

**Act 792**

**SEXUAL OFFENCES AGAINST CHILDREN ACT 2017**

**LIST OF AMENDMENTS**

Amending law	Short title	In force from
Act A1687	Sexual Offences Against Children (Amendment) Act 2023	11-07-2023

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# LAWS OF MALAYSIA

## Act 792

### SEXUAL OFFENCES AGAINST CHILDREN ACT 2017

#### LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Part II	Act A1687	11-07-2023
4	Act A1687	11-07-2023
5	Act A1687	11-07-2023
6	Act A1687	11-07-2023
7	Act A1687	11-07-2023
8	Act A1687	11-07-2023
9	Act A1687	11-07-2023
10	Act A1687	11-07-2023
12	Act A1687	11-07-2023
13	Act A1687	11-07-2023
Part IV	Act A1687	11-07-2023
15	Act A1687	11-07-2023
15A	Act A1687	11-07-2023
15B	Act A1687	11-07-2023
26A	Act A1687	11-07-2023
26B	Act A1687	11-07-2023

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