

Penal Code (1936, rev. 1997)

CHAPTER VIA - OFFENCES RELATING TO TERRORISM

(...)

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 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.