

**Corruption, Drug Trafficking
and Other Serious Crimes
(Confiscation of Benefits)
(Amendment) Bill**

Bill No. 12/2023.

Read the first time on 18 April 2023.

A BILL

i n t i t u l e d

An Act to amend the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 and to make consequential amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) (Amendment) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 46

2. In the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (called in this Act the principal Act), in section 46, replace “and 54” with “, 54 and 55A”.

Amendment of section 50

3. In the principal Act, in section 50 —

(a) in subsection (1)(a), replace “section” with “subsection”;

(b) after subsection (1), insert —

“(1A) Subject to subsection (3), a person (A) —

(a) who enters into, or is otherwise concerned in, an arrangement under which —

(i) the retention or control by or on behalf of another person (*B*) of *B*’s, or any other person’s, benefits of drug dealing is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise);

(ii) funds that are placed at another person’s (*B*) disposal are secured, directly or indirectly, by *B*’s, or any other person’s, benefits of drug dealing; or

(iii) property is acquired for another person’s (*B*) benefit, by way of investment or otherwise, using *B*’s,

or any other person’s, benefits of drug dealing; and

(b) who —

(i) does so rashly in respect of the circumstance that the arrangement relates to benefits of drug dealing; or

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(ii) does so negligently,

shall be guilty of an offence.”;

(c) in subsection (3)(a), after “subsection (1)”, insert “or (1A)”;

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(d) in subsection (4)(b), after “subsection (1)”, insert “or (1A), as the case may be”; and

(e) replace subsection (5) with —

“(5) Any individual who commits an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both.

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(6) Any individual who commits an offence under subsection (1A) shall be liable on conviction —

(a) in a case mentioned in subsection (1A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or

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(b) in a case mentioned in subsection (1A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.

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(7) Any person who is not an individual who commits an offence under subsection (1) or (1A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits of drug

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- (ii) does so negligently,
shall be guilty of an offence.”;
- (c) in subsection (3)(a), after “subsection (1)”, insert “or (1A)”;
- (d) in subsection (4)(b), after “subsection (1)”, insert “or (1A), as the case may be”; and 5
- (e) replace subsection (5) with —
- “(5) Any individual who commits an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both. 10
- (6) Any individual who commits an offence under subsection (1A) shall be liable on conviction —
- (a) in a case mentioned in subsection (1A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or 15
- (b) in a case mentioned in subsection (1A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both. 20
- (7) Any person who is not an individual who commits an offence under subsection (1) or (1A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits from criminal conduct in respect of which the offence was committed, whichever is higher.”. 25

Amendment of section 53

5. In the principal Act, in section 53 — 30
- (a) after subsection (3), insert —

“(3A) Any person —

(a) who —

(i) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, another person’s benefits of drug dealing;

(ii) converts or transfers that property or removes it from the jurisdiction; or

(iii) acquires, possesses or uses that property; and

(b) who —

(i) does so rashly in respect of the circumstance that the property represents another person’s benefits of drug dealing; or

(ii) does so negligently,

shall be guilty of an offence.”;

(b) in subsection (4), replace “and (2)(a)” with “, (2)(a) and (3A)(a)(i)”;

(c) replace subsection (5) with —

“(5) Any individual who commits an offence under subsection (1), (2) or (3) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both.

(6) Any individual who commits an offence under subsection (3A) shall be liable on conviction —

(a) in a case mentioned in subsection (3A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or

(b) in a case mentioned in subsection (3A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.

(7) Any person who is not an individual who commits an offence under subsection (1), (2), (3) or (3A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits of drug dealing in respect of which the offence was committed, whichever is higher.”.

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Amendment of section 54

6. In the principal Act, in section 54 —

(a) after subsection (3), insert —

“(3A) Any person —

(a) who —

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(i) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, another person’s benefits from criminal conduct;

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(ii) converts or transfers that property or removes it from the jurisdiction; or

(iii) acquires, possesses or uses that property; and

(b) who —

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(i) does so rashly in respect of the circumstance that the property represents another person’s benefits from criminal conduct; or

(ii) does so negligently,

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shall be guilty of an offence.”;

(b) in subsection (4), replace “and (2)(a)” with “, (2)(a) and (3A)(a)(i)”; and

(c) replace subsection (5) with —

“**(5)** Any individual who commits an offence under subsection (1), (2) or (3) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both.

(6) Any individual who commits an offence under subsection (3A) shall be liable on conviction —

(a) in a case mentioned in subsection (3A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or

(b) in a case mentioned in subsection (3A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.

(7) Any person who is not an individual who commits an offence under subsection (1), (2), (3) or (3A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits from criminal conduct in respect of which the offence was committed, whichever is higher.”.

New section 55A

7. In the principal Act, after section 55, insert —

“Assisting another to retain benefits of drug dealing or benefits from criminal conduct in certain circumstances, etc.

55A.—(1) Any person (*A*) —

(a) who enters into, or is otherwise concerned in, an arrangement under which —

- (i) the retention or control by or on behalf of another person (*B*) of *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise); 5
 - (ii) funds that are placed at another person's (*B*) disposal are secured, directly or indirectly, by *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct; or 10
 - (iii) property is acquired for another person's (*B*) benefit, by way of investment or otherwise, using *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct; and
- (b) who does so in any of the following circumstances: 15
- (i) the value of the benefits of drug dealing or benefits from criminal conduct involved in the arrangement mentioned in paragraph (a) is disproportionate to *A*'s known sources of income; 20
 - (ii) under the arrangement mentioned in paragraph (a) —
 - (A) *A* enables *B* or any other person to access, operate or control a payment account which *A* is able to access, operate or control; and 25
 - (B) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain the purpose of *B* or that other person being able to access, operate or control the payment account mentioned in sub-paragraph (A); 30
 - (iii) under the arrangement mentioned in paragraph (a) — 35

(A) money is received in or transferred from a payment account which *A* is able to access, operate or control; and

(B) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain the source or destination of the money;

(iv) under the arrangement mentioned in paragraph (a) —

(A) *A* receives money from or transfers money to *B* or any other person; and

(B) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain *B*'s or that other person's identity and physical location,

shall be guilty of an offence.

(2) Any person (*A*) —

(a) who —

(i) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, another person's benefits of drug dealing or benefits from criminal conduct;

(ii) converts or transfers that property or removes it from the jurisdiction; or

(iii) acquires, possesses or uses that property; and

(b) who does so in any of the following circumstances:

(i) the value of the property mentioned in paragraph (a) is disproportionate to *A*'s known sources of income;

(ii) in a case mentioned in paragraph (a)(iii) —

(A) *A* acquires, possesses or uses the property through a payment account which *A* is able to access, operate or control;

(B) *A* enables another person (*B*) to access, operate or control the payment account mentioned in sub-paragraph (A); and

(C) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain the purpose of *B* being able to access, operate or control the payment account mentioned in sub-paragraph (A);

(iii) *A* does the act mentioned in paragraph (a) —

(A) by receiving money in or transferring money from a payment account which *A* is able to access, operate or control; and

(B) at the time *A* receives or transfers the money, *A* fails to take reasonable steps to ascertain the source or destination of the money;

(iv) *A* does the act mentioned in paragraph (a) —

(A) by receiving property from or by transferring property to another person (*C*); and

(B) at the time *A* receives or transfers the property, *A* fails to take reasonable steps to ascertain *C*'s identity and physical location,

shall be guilty of an offence.

(3) In any proceedings against a person for an offence under subsection (1), it is a defence to prove that the person did not know and had no reasonable ground to believe that the arrangement mentioned in subsection (1)(a) related to any

person's benefits of drug dealing or benefits from criminal conduct, as the case may be.

(4) In any proceedings against a person for an offence under subsection (2), it is a defence to prove that the person did not know and had no reasonable ground to believe that the property mentioned in subsection (2)(a) represented any person's benefits of drug dealing or benefits from criminal conduct, as the case may be.

(5) Any individual who commits an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(6) Any person who is not an individual who commits an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits of drug dealing or benefits from criminal conduct (as the case may be) in respect of which the offence was committed, whichever is higher.

(7) In this section, "payment account" has the meaning given by section 2(1) of the Payment Services Act 2019."

Consequential amendment to Criminal Procedure Code 2010

8. In the Criminal Procedure Code 2010, in section 124(3)(b), replace "or 54" with "; 54 or 55A".

Consequential amendment to Gambling Control Act 2022

9. In the Gambling Control Act 2022, in section 55(1)(a)(viii), replace "section 50, 51, 53, 54, 55 or 57" with "Part 6".

EXPLANATORY STATEMENT

This Bill seeks to amend the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 to provide for new money laundering offences and to make consequential amendments to certain other Acts.

Clause 1 relates to the short title and commencement.

Clause 2 makes a consequential amendment to extend the protection under section 46 (where information is given under section 45), such that the protection applies in relation to an offence under the new section 55A.

Clause 3(b) inserts a new subsection (1A) in section 50. Under the new section 50(1A), it is an offence for a person to enter into, or to be otherwise concerned in, an arrangement under which —

- (a) the retention or control by or on behalf of another person of that person's, or any other person's, benefits of drug dealing is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise);
- (b) funds that are placed at another person's disposal are secured, directly or indirectly, by that person's, or any other person's, benefits of drug dealing; or
- (c) property is acquired for another person's benefit, by way of investment or otherwise, using that person's, or any other person's, benefits of drug dealing,

where the person does so rashly in respect of the circumstance that the arrangement relates to benefits of drug dealing, or does so negligently. Clause 3(e) inserts new subsections (6) and (7) in section 50 to provide for penalties for the offence under the new section 50(1A). Clause 3(a), (c) and (d) makes amendments consequential to the insertion of the new section 50(1A).

Clause 4(b) inserts a new subsection (1A) in section 51. Under the new section 51(1A), it is an offence for a person to enter into, or to be otherwise concerned in, an arrangement under which —

- (a) the retention or control by or on behalf of another person of that person's, or any other person's, benefits from criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise);
- (b) funds that are placed at another person's disposal are secured, directly or indirectly, by that person's, or any other person's, benefits from criminal conduct; or
- (c) property is acquired for another person's benefit, by way of investment or otherwise, using that person's, or any other person's, benefits from criminal conduct,

where the person does so rashly in respect of the circumstance that the arrangement relates to benefits from criminal conduct, or does so negligently. Clause 4(e) inserts new subsections (6) and (7) in section 51 to provide for penalties for the offence under the new section 51(1A). Clause 4(a), (c) and (d) makes amendments consequential to the insertion of the new section 51(1A).

Clause 5(a) inserts a new subsection (3A) in section 53. Under the new section 53(3A), it is an offence for a person to —

- (a) conceal or disguise any property which is, or in whole or in part, directly or indirectly, represents, another person's benefits of drug dealing;
- (b) convert or transfer any such property or remove such property from the jurisdiction; or
- (c) acquire, possess or use any such property,

where the person does so rashly in respect of the circumstance that the property represents another person's benefits of drug dealing, or does so negligently. Clause 5(c) inserts new subsections (6) and (7) in section 53 to provide for penalties for an offence under the new section 53(3A). Clause 5(b) makes an amendment consequential to the insertion of the new section 53(3A).

Clause 6(a) inserts a new subsection (3A) in section 54. Under the new section 54(3A), it is an offence for a person to —

- (a) conceal or disguise any property which is, or in whole or in part, directly or indirectly, represents, another person's benefits from criminal conduct;
- (b) convert or transfer any such property or remove such property from the jurisdiction; or
- (c) acquire, possess or use any such property,

where the person does so rashly in respect of the circumstance that the property represents another person's benefits from criminal conduct, or does so negligently. Clause 6(c) inserts new subsections (6) and (7) in section 54 to provide for penalties for the offence under the new section 54(3A). Clause 6(b) makes an amendment consequential to the insertion of the new section 54(3A).

Clause 7 inserts a new section 55A. The new section 55A(1) makes it an offence for a person to do any of the acts mentioned in the new section 50(1A)(a) or 51(1A)(a) in certain specified circumstances, regardless of the person's mental state. The specified circumstances are —

- (a) where the person enters into or is concerned in an arrangement involving benefits of drug dealing or benefits from criminal conduct the value of which is disproportionate to the person's known sources of income;
- (b) where the person enables another person to access, operate or control a payment account which the firstmentioned person is able to access, operate or control, without taking reasonable steps to ascertain the

purpose of the other person being able to access, operate or control the payment account;

- (c) money is received in or transferred from a payment account which the person is able to access, operate or control and the person fails to take reasonable steps to ascertain the source or destination of the money; and
- (d) the person receives money from or transfers money to another person, without taking reasonable steps to ascertain the other person's identity and physical location.

The new section 55A(2) makes it an offence for a person to do any of the acts mentioned in the new section 53(3A)(a) or 54(3A)(a) in certain specified circumstances, regardless of the person's mental state. The specified circumstances are —

- (a) where the value of the property involved in the act is disproportionate to the person's known sources of income;
- (b) where the person enables another person to access, operate or control a payment account which the firstmentioned person is able to access, operate or control, without taking reasonable steps to ascertain the purpose of the other person being able to access, operate or control the payment account;
- (c) money is received in or transferred from a payment account which the person is able to access, operate or control and the person fails to take reasonable steps to ascertain the source or destination of the money; and
- (d) the person receives property from or transfers property to another person, without taking reasonable steps to ascertain the other person's identity and physical location.

It is a defence to a charge under the new section 55A(1) or (2) to prove that the accused person did not know and had no reasonable ground to believe that he or she was dealing with benefits of drug dealing or benefits from criminal conduct.

Clauses 8 and 9 make consequential amendments to the Criminal Procedure Code 2010 and the Gambling Control Act 2022, respectively.

EXPENDITURE OF PUBLIC MONEY

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