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Criminal Code (Amendment) Act, 2014

THE GAMBIA

NO. 11 OF 2014

Assented to by The President,

this 9th day of October, 2014

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YAHYA A. J. J. JAMMEH
President

AN ACT to amend the Criminal Code and for connected matters.

{ 9th October, 2014 }

ENACTED by the President and the National Assembly.

1. Short title

This Act may be cited as the Criminal Code (Amendment) Act, 2014.

2. Amendment of Cap. 10.01

The Criminal Code (hereinafter referred to as the "Principal Act") is hereby amended as set out in this Act.

3. Amendment of section 59

Section 59 of the Principal Act is amended by inserting immediately after section 59D, the following new section-

"59E Absconding State Officials

A person who leaves The Gambia under a Government sponsored program or on a mission as a representative of The Gambia and refuses to return home on completion of his or her program or mission commits an offence and is liable on conviction to-

(a) a fine of five hundred thousand dalasis and in addition to imprisonment for five years; and

(b) refund the money spent by the Government (if any) on his or her behalf and in default, to imprisonment for four years with hard labour."

4. Insertion of section 144A

There is inserted immediately after section 144A of the Principal Act, the following new section-

"144A. Aggravated homosexuality

(1) A person commits the offence of aggravated homosexuality where the –

(a) person against whom the offence is committed is below the age of eighteen years;

(b) offender is a person living with HIV Aids;

(c) offender is a parent or guardian of the person against whom the offence is committed;

(d) offender is a person in authority over the person against whom the offence is committed;

(e) victim of the offence is a person with disability;

(f) offender is a serial offender; or

(g) offender applies, administers or causes to be administered by any man or woman, any drug, matter or substance with intent to stupefy or over power him or her, so as to enable any person to have un-lawful carnal connection with any person of the same sex.

(2) A person who commits the offence of aggravated homosexuality is liable on conviction to imprisonment for life."

5. Insertion of section 144B

There is hereby immediately after section 144B of the Principal Act, the following new section-

"144B. Prohibition of pornography

(1) A person shall not produce, traffic in, publish, broadcast, procure, import, export, sell or abet any form of pornography.

(2) A person who produces or participates in the production of, or trafficks in, publishes, broadcasts, procures, imports, exports or in any way abets pornography contrary to sub-section (1) commits an offence and is liable on conviction to a fine of not less than twenty thousand dalasis or imprisonment not exceeding ten years or both.

(3) A person who produces, participates in the production, trafficks, publishes, broadcasts, procures, imports, exports or in any way abets pornography depicting images of children, commits an offence and is liable on conviction to a fine of not less than twenty thousand dalasis or imprisonment not exceeding ten years or both.

PASSED in the National Assembly this Twenty-Fifth day of August in the year of Our Lord Two Thousand and Fourteen.

D. C. M. Kebbeh
Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.

D. C. M. Kebbeh
Clerk of the National Assembly.

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