

**Criminal Offences (Amendment)
Act, 2012**

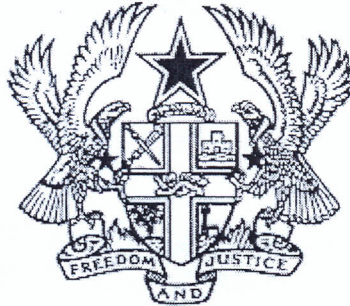
Act 849

ARRANGEMENT OF SECTIONS

Section

1. Section 69B inserted
2. Section 95B inserted
3. Section 101A inserted
4. Section 192A inserted
5. Section 200A and 200B inserted

Act 849



THE EIGHT HUNDRED AND FORTY-NINETH
ACT
OF THE PARLIAMENT OF REPUBLIC OF GHANA
ENTITLED

CRIMINAL OFFENCES (AMENDMENT) ACT, 2012

AN ACT to amend the Criminal Offences Act, 1960 (Act 29) to include the offences of unlawful use of human parts, enforced disappearance, sexual exploitation, illicit trafficking in explosives, firearms and ammunition, participation in an organised criminal group, racketeering and to provide for related matters.

DATE OF ASSENT: *27th June, 2012.*

PASSED by Parliament and assented to by the President:

Section 69B inserted

1. The principal enactment is amended by the insertion after section 69A of section 69 B:

“Unlawful use of human parts

69B. A person who without lawful authority, the proof of which lies on that person,

- (a) engages in the removal of human parts;
- (b) is in possession of human parts;
- (c) engages in the draining of human blood; or
- (d) is in possession of human blood

commits a second degree felony and is liable on summary conviction to a term of imprisonment of not less than five years and not more than twenty-five years.

(2) For the purposes of subsection (1), “human parts” includes a distinct internal or external organ of the human body or human blood”.

Section 95A inserted

2. The principal enactment is amended by the insertion after section 95 of section 95A.

“Enforced disappearance

95A. (1) A person shall not cause the enforced disappearance of another person.

(2) A person who causes the enforced disappearance of another person commits an offence and is liable on conviction to a maximum penalty of life imprisonment and a minimum openalty of five years imprisonment.

(3) Subsections (1) and (2) apply to a person who acts with the authorisation, support or acquiescence of the government.

(4) For the purpose of this section, a person causes the enforced disappearance of another person if that person arrests, detains, abducts, kidnaps or by any other means restricts the freedom of movement of that other person, by confining that other person in a manner that

- (a) deprives that other person, of that other person’s liberty;
- (b) conceals the fate or whereabouts of that other person; or
- (c) places that other person outside the protection of the law”.

Section 101A inserted

3. The principal enactment is amended by the insertion after section 101 of section 101A

“Definition of sexual exploitation

101A. (1) Sexual exploitation is the use of a person for sexual activity that causes or is likely to cause serious physical and emotional injury or in prostitution or pornography.

(2) A person who sexually exploits

- (a) another person other than a child commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than twenty-five years; or
- (b) another person who is a child commits an offence and is liable on summary conviction to a term of imprisonment of not less than seven years and not more than twenty-five years. ”

Section 192 A inserted

4. The principal enactment is amended by the insertion after section 192 of section 192A.

“Illicit trafficking in explosives, firearms and ammunition

192A. (1) A person who trafficks in explosives, firearms and ammunition commits a second degree felony and is liable on summary conviction to a term of imprisonment of not less than ten years.

(2) Trafficking includes transporting, trading or dealing in explosives, firearms and ammunition either directly or indirectly for financial, material or some other benefit.”

Section 200A and 200B inserted

5. The principal enactment is amended by the insertion after section 200 of sections 200A and 200B

“Organised criminal group

200A. (1) A person who participates in an activity of an organised criminal group commits an offence and is liable on conviction to a maximum penalty of death and to a minimum penalty of not less than five years imprisonment.”

(2) An organised criminal group is a structured group acting in concert with the aim of committing a serious offence.”

(3) For the purposes of this Act

- (a) “serious offence” means an offence for which the maximum penalty is death and the minimum penalty is imprisonment for a period of not less than five years; and

- (b) “structured group” consists of two or more persons, that is not randomly formed, for the commission of an offence, and in which the members may or may not have defined roles, continuity of membership or which may or may not have a developed structure.”

“Racketeering

200B. (1) A person shall not engage in racketeering.

(2) A person who engages in racketeering commits an offence and is liable on conviction to a maximum penalty of life imprisonment and a minimum penalty of not less than five years imprisonment.

(3) For the purposes of subsection (1), racketeering is the operation by a structured group of an unlawful activity that involves fraud, deceit, extortion, intimidation, violence or any other unlawful method in the execution of the activity.

(4) Unlawful activities associated with racketeering include bribery, prostitution, the sexual exploitation of children, gambling, narcotic drug offences, money laundering and human trafficking.”

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