

THE PENAL CODE (AMENDMENT) BILL, 2022

MEMORANDUM

The object of this Bill is to amend the Penal Code so as to—

- (a) replace the death penalty with life imprisonment;
- (b) repeal the offence of defamation of the President; and
- (c) provide for matters connected with, or incidental to, the foregoing.

M. MUCHENDE,
Solicitor-General

A BILL

ENTITLED

An Act to amend the Penal Code.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Penal Code (Amendment) (No.) Act, 2022.

Short title

2. Section 4 of the principal Act is amended by the deletion of the definition of “felony” and the substitution therefor of the following:

Amendment of section 4

“felony” means an offence which is declared by this Act or any other written law to be a felony or, if not declared to be a misdemeanor, is punishable, without proof of previous conviction with life imprisonment or imprisonment with hard labour for three years or more or with life imprisonment;.

3. Section 24 of the principal Act is amended by the —

Amendment of section 24

(a) deletion of paragraph (a); and

(b) renumbering of paragraphs (b), (c), (d), (e), (f),

(g), (h) and (i) as paragraphs (a), (b), (c), (d), (e), (f), (g) and (h), respectively.

4. The principal Act is amended by the repeal of section 25.

Repeal of section 25

5. Section 31 of the principal Act is amended by the deletion of the words “not punishable with death” and the substitution therefor of the words “not punishable with life imprisonment”.

Amendment of section 31

6. Section 39 (1) of the principal Act is amended by the deletion of the words “sentence of death” and the substitution therefor of the words “sentence of life imprisonment”.

Amendment of section 39

7. Section 40 (1) of the principal Act is amended by the deletion of the words “if of death, fine” and the substitution therefor of the words “if of fine”.

Amendment of section 40

Amendment of section 43	8. Section 43 (1) of the principal Act is amended by the deletion of the words “suffer death” and the substitution therefor of the words “life imprisonment”.	
Amendment of section 63	9. Section 63 (a) of the principal Act is amended by the deletion of the word “death” and the substitution therefor of the words “life imprisonment”.	5
Amendment of section 64	10. Section 64 (a) of the principal Act is amended by the— (a) deletion of subparagraph (ii); (b) renumbering of subparagraphs (iii), (iv), (v), (vi) and (vii) as subparagraphs (ii), (iii), (iv), (v), and (vi), respectively; and (c) insertion of the following new subparagraph immediately after subparagraph (vi): (vii) to commit any other offence; or.	10
Repeal of section 69	11. The principal Act is amended by the repeal of section 69.	15
Repeal of section 71	12. The principal Act is amended by the repeal of section 71.	
Amendment of section 118	13. Section 118 (1) of the principal Act is amended by the deletion of paragraph (a) and the substitution therefor of the following: (a) is, if such last-named person is under sentence of imprisonment for life or charged with an offence punishable with imprisonment for life, guilty of a felony and is liable, on conviction, to imprisonment for life;.	20
Amendment of section 201	14. Section 201 of the principal Act is amended by the— (a) deletion of subsection (1) and the substitution therefor of the following: (1) A person convicted of murder shall be sentenced to life imprisonment or, where there are extenuating circumstances, a sentence other than life imprisonment.; (b) insertion of the following new subsection immediately after subsection (1): (2) An extenuating circumstance referred to under subsection (1) shall not apply to murder committed in the course of aggravated robbery with a firearm under section 294.; and (c) renumbering of subsection (2) as subsection (3).	25 30 35

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15. Section 294 (2) of the principal Act is amended by the deletion of the word “death” and the substitution therefor of the words “life imprisonment”. Amendment of section 294
- 5 16. Section 297 (1)(c)(i) of the principal Act is amended by the deletion of the words “death or”. Amendment of section 297
17. Section 391 of the principal Act is amended by the deletion of the words “death or” and the substitution therefor of the words “life imprisonment”. Amendment of section 391
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