

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

5th August, 2025

ACT No. XXVII of 2025

AN ACT to further amend the Criminal Code, Cap. 9.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. The short title of this Act is the Criminal Code (Amendment No. 4) Act, 2025 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code".
2. Immediately after article 251BA of the Code there shall be added the following new articles:

"Cyber-stalking.

251BB. (1) Any person who with intention to cause physical or mental harm to another person, including self harm or to arouse apprehension or fear in the other person for his or her own safety or that of any other person, does any of the following acts shall be guilty of an offence against this article:

- (a) stalks another person by contacting another person through the use of a computer or other electronic communication device or by any other digital or communication device whatsoever;

(b) causes an unauthorised computer function in a computer owned or used by another person;

(c) traces the other person's use of the internet or other electronic communication.

(2) For the purpose of this article, a person whose course of conduct is in question ought to know that it will cause physical or mental harm to another person, including self harm or that it will arouse apprehension or fear in the other person for his own safety or that of any other person, if a reasonable person in possession of the said information would think that the course of conduct would cause any one of the said consequences on the other person on that occasion.

(3) A person found guilty of an offence under this article shall be liable to imprisonment for a term for one (1) year to five (5) years, or to a fine (*multa*) not exceeding thirty thousand euro (€30,000), or to both such fine and imprisonment.

(4) The provision of sub-article (1) shall not apply to conduct engaged in by a person performing official duties for the purpose of:

- (a) the enforcement of criminal law;
- (b) the administration of any Act;
- (c) the enforcement of a law imposing a pecuniary penalty;
- (d) the execution of any warrant issued by a competent authority; or
- (e) the protection and collection of public revenue.

(5) It shall constitute a defence to the charge, for the accused to prove that the course of conduct was engaged without malicious intent:

- (a) in the normal course of a lawful business, trade, profession or enterprise; or
- (b) for the purpose of engaging in discussion or communication with respect to public affairs.

(6) The punishment shall be increased by one degree where any one or more of the following circumstances results:

- (a) where the harm is caused to a person under age or a person who is vulnerable as a result of his mental capacity; or

- (b) where the offence is committed by two
- (2) or more persons acting together.

Cyberbullying.

251BC. (1) Any person who, with intention to cause physical or mental harm to another person, including self harm or to cause apprehension or fear in the other person for his safety or that of any other person, does any of the following acts shall be guilty of an offence against this article:

- (a) threatens, intimidates or uses abusive or offensive words directed to the other person by means of the use of a computer or other electronic communication device or by any other digital or communication device whatsoever;

- (b) performs abusive or offensive acts to the person or directs abusive or offensive acts towards the other person by means of the use of a computer or other electronic communication device or by any other digital or communication device whatsoever.

(2) For the purpose of this article, a person whose course of conduct is in question ought to know that it will cause physical or mental harm to another person, including self harm or it will cause apprehension or fear in the other person for his own safety or that of any other person, if a reasonable person in possession of the said information would think that the course of conduct would cause any one of the said consequences on the other person on that occasion.

(3) A person found guilty of an offence under this article shall be liable to imprisonment for a term for one (1) year to five (5) years, or to a fine (*multa*) not exceeding thirty thousand euro (€30,000), or to both such fine and imprisonment.

(4) The punishment shall be increased by one degree where any one or more of the following circumstances results:

- (a) where the harm is caused to a person under age or a person who is vulnerable as a result of his mental capacity; or

- (b) where the offence is committed by two or more persons acting together."

3. In sub-article (3) of article 251D of the Code the words "articles 251 to 251BA, both inclusive" shall be substituted by the words "articles 251 to 251BC, both inclusive".

Amendment of article 251D of the Code.

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Passed by the House of Representatives at Sitting No. 372 of the
30th July, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

