

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

18th November, 2025

ACT No. XXXVII of 2025

AN ACT to amend various articles in the Criminal Code with a view to introducing additional provisions regulating and imposing criminal liability for the misuse of electronic communication, amending the provisions regulating the procès-verbal, substituting the concept of trafficking in persons with that of smuggling of persons and imposing penalties for offences relating to smuggling of persons, as well as granting powers to Police to execute alerts pursuant to the Schengen Information System.

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. 5) Act, 2025 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code".

Short title.

Cap. 9.

2. Article 337A of the Code shall be amended as follows:

Amendment of article 337A of the Code.

(a) in the marginal note thereof the words "Traffic in persons to enter or leave Malta illegally." shall be substituted by the words "Smuggling of persons.";

(b) in sub-article (1) thereof the words "from six months to five years or a fine (*multa*) of twenty-three thousand and two

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hundred and ninety-three euro and seventy-three cents (€23,293.73)" shall be substituted by the words "from four years to ten years, or a fine (*multa*) of forty thousand euro (€40,000)".

Amendment of article 337B of the Code.

3. In sub-article (1) of article 337B of the Code immediately after the definition "computer system" there shall be added the following new definitions:

"electronic communication apparatus" means any equipment or machinery howsoever so described;

"electronic communication network" means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and where applicable switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, by radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit-switched and packet-switched, including Internet) and mobile networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, irrespective of the type of information conveyed;"

Addition of new article to the Code.

4. Immediately after article 337H of the Code there shall be added the following new article:

"Misuse of electronic communication network or apparatus to transmit misleading information or spread false news.

337I. Whosoever, knowingly with intent to cause harm, shall engage in actions that impact the integrity of electronic communications or with intent to spread false news shall use an electronic mail address or website domain likely to deceive the recipient as to the identity of the person transmitting the information or news or otherwise make use of an electronic communication network or apparatus for any of the purposes mentioned above, shall be guilty of an offence and shall on conviction, be liable to imprisonment for a term not exceeding two years, or to a fine (*multa*) not exceeding ten thousand euro (€10,000), or both such imprisonment and fine."

Amendment of article 350 of the Code.

5. In sub-article (1) of article 350 of the Code the definition "Schengen Information System" shall be substituted by the following new definition:

" "Schengen Information System" means the Schengen Information System as established by Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the

Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU."

6. Immediately after sub-article (2) of article 351 of the Code there shall be added the following new sub-article: Amendment of article 351 of the Code.

"(2a) A Police officer may search a person, vehicle, ship, vessel or boat, cargo or aircraft to carry out discreet checks, inquiry checks or specific checks as referred to in Article 36 or Article 38 of Regulation (EU) 2018/1862 establishing the Schengen Information System or, if he has reasonable suspicion that the search will detect persons subject to an alert in accordance with Article 32 thereof."

7. In paragraph (g) of article 355 of the Code the words "Schengen Information System:" shall be substituted by the words "Schengen Information System; or" and immediately thereafter there shall be added the following new paragraph: Amendment of article 355 of the Code.

"(h) the detection of persons falling within the scope of Article 32(1)(c), (d) and (e) of Regulation (EU) 2018/1862 establishing the Schengen Information System:"

8. Paragraph (g) of sub-article (1) of article 355E of the Code shall be substituted by the following new paragraph: Amendment of article 355E of the Code.

"(g) the entry is necessary for the protection of any person, including minors or vulnerable persons who need to be prevented from travelling owing to a concrete and apparent risk of them being removed from or leaving the territory of a Member State or who need to be placed under protection in accordance with Regulation (EU) 2018/1862 establishing the Schengen Information System."

9. Sub-article (2) of article 548 of the Code shall be substituted by the following new sub-article: Amendment of article 548 of the Code.

"(2) Experts employed in the inquest for the purpose of collecting and examining any dactyloscopic data and samples for analysing human DNA, shall within twenty-four hours of analysing the dactyloscopic data or profile, transmit to the Executive Police copies of the dactyloscopic data and DNA profiles together with any other information related to the dactyloscopic data and DNA profile, as well as any other

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information that the Executive Police may request from the expert.".

Passed by the House of Representatives at Sitting No. 405 of the 13th November, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

