

THE PENAL CODE AMENDMENT ACT¹
(NO. 14) B.E. 2540²

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BHUMIBOL ADULYADEJ, REX.
Given on the 14th Day of November B.E. 2540 (1997)
Being the 52nd Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the Penal Code;

Be it, therefore, enacted by the King, by and with the advice and consent of the Parliament, as follows:

Section 1 This Act shall be called “the Penal Code Amendment Act (No. 14) B.E. 2540 (1997).”

Section 2 This Act shall come into force on and from the day following the date of its publication in the Royal Gazette.

Section 3 This provision shall be added to be Sub-section (2 bis.) of Section 7 of the Penal Code:
“(2) bis. Sexual offences as provided in Section 282 and Section 283”.³

Section 4 The provisions in Section 282 and Section 283 of the Penal Code as amended by the Penal Code Amendment Act (No. 8), B.E. 2530 shall be repealed and these new provisions shall be replaced:

¹ The Act and was published in the Royal Gazette, volume 114 Chapter 72 A (Kor), dated 16 November 1997 and was effective on 17 November 1997.

² This draft was translated by Wanchai Roujanavong, Senior Expert State Attorney, International Affairs Department, Office of the Attorney General,; and Chairperson of **FACE** (the Coalition to Fight Against Child Exploitation).

³ The effect of adding this provision to be Sub-section (2) bis. of Section 7 of the Penal Code is that the amendment will expand the extraterritorial jurisdiction of Thailand to cover the offences provided in Section 282 and 283, because Section 7 of the Penal Code states:

Section 7 Whoever commits the following offences outside the Kingdom shall be punished in the Kingdom, namely:

- (1) Offences relating to the Security of the Kingdom as provided in Section 107 to 129
- (2) Offences relating to Counterfeiting and Alteration as provided in Section 240 to 249, 254, 256, 257, and 266 (3) and (4)
- (3) Offences relating to Robbery as provided in Section 339, and offences relating to Gang-Robbery as provided In Section 340, which is committed on the high seas.

Adding Sub-section (2) bis. into Section 7, therefore, means Thailand can prosecute every offender who procures, lures, or traffics an adult or child of both sex for an indecent sexual act for sexual gratification of another person, no matter where the offence is committed, and what nationality the offender is. This amendment shows the policy and perception of Thailand that these offences are universal and very serious crimes. Another sexual offence that Thailand has extraterritorial jurisdiction over is Rape offence as provided in Section 8 of the Penal Code.

“Section 282 Whoever, for sexual gratification of another person, procures, lures, or traffics a man or woman for an indecent sexual purpose, even with his or her consent, shall be punished with imprisonment of one to ten years, and a fine of two thousand to twenty thousand baht.

If the commission of the offence in the first paragraph is committed against a person over fifteen years but not yet over eighteen years of age, the offender shall be punished with imprisonment of three to fifteen years, and a fine of six thousand to thirty thousand baht.

If the commission of the offence in the first paragraph is committed against a person not yet over fifteen years of age, the offender shall be punished with imprisonment of five to twenty years, and a fine of ten thousand to forty thousand baht.

Whoever, for sexual gratification of another person, receives the person who was procured, lured, or trafficked as provided in the first, second or third paragraph, or aids or abets in the commission of such offence, shall be punished with the punishment accordingly provided in the first, second, or third paragraph as the case may be.

Section 283 Whoever, for sexual gratification of another person, procures, lures, or traffics a man or woman for an indecent sexual purpose, by using the deceitful means, threats, physical assault, immoral influence, or mental coercion by any means, the offender shall be punished with imprisonment of five to twenty years, and a fine of ten thousand to forty thousand baht.

If the commission of the offence in the first paragraph is committed against a person over fifteen years but not yet over eighteen years of age, the offender shall be punished with imprisonment of seven to twenty years, and a fine of fourteen thousand to forty thousand baht, or life imprisonment.

If the commission of the offence in the first paragraph is committed against a person not yet over fifteen years of age, the offender shall be punished with imprisonment of ten to twenty years, and a fine of twenty thousand to forty thousand baht, or life imprisonment, or death penalty.

Whoever, for sexual gratification of another person, receives the person who was procured, lured, or trafficked as provided in the first, second, or third paragraph, or aids or abets in the commission of such offence, shall be punished with the punishment accordingly provided in the first, second, or third paragraph as the case may be.”

Section 5 This provision shall be added to be Section 283 bis. of the Penal Code

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“Section 283 bis. Whoever brings a person over fifteen years but not yet over eighteen years of age for an indecent sexual purpose, even with the consent of that person, shall be punished with imprisonment not exceeding five years, or a fine not exceeding ten thousand baht, or both.

If the commission of the offence in the first paragraph is committed against a person not yet over fifteen years of age, the offender shall be punished with imprisonment not exceeding seven years, or a fine not exceeding fourteen thousand baht, or both.

Whoever conceals the person who was brought away as provided in the first, or second paragraph, shall be punished with the punishment accordingly provided in the first, or second paragraph.

The commission of the offence as provided in the first and third paragraph against a person over fifteen years of age is the compoundable offence.”

Section 6 The provision in Section 284 of the Penal Code as amended by the Penal Code Amendment Act (No. 5), B.E. 2525 shall be repealed and this new provisions shall be replaced:

“Section 284 Whoever brings another person for an indecent sexual purpose, by using a deceitful mean, threat, physical assault, immoral influence, or mental coercion by any mean, shall be punished with imprisonment of one to ten years, and a fine of two thousand to twenty thousand baht.

Whoever conceals the person who was brought away as provided in the first paragraph shall be punished with the same punishment as the offender who brought that person away.

The offence in this Section is the compoundable offence.”

Section 7 This provision shall be added to be Section 312 ter. of the Penal Code:

“Section 312 ter. Whoever, for gaining illegal benefit, receives, sells, procures, lures, or traffics a person over fifteen years but not yet over eighteen years of age, even with the consent of that person, shall be punished with imprisonment not exceeding five years, or a fine not exceeding ten thousand baht, or both.

If the commission of the offence in the first paragraph is committed against a person not yet over fifteen years of age, the offender shall be punished with imprisonment not exceeding seven years, or a fine not exceeding fourteen thousand baht, or both.

Counter-signature
Chuan Leekpai
Prime Minister

Certified to be correct translation by
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