

**ANTIGUA AND BARBUDA**



**ELECTRONIC CRIMES (AMENDMENT) BILL, 2020**

**No. of 2020**





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**AN ACT** to amend the Electronic Crimes Act 2013 and for incidental and connected purposes.

**1. Short title**

This Act may be cited as the Electronic Crimes (Amendment) Act 2020.

**2. Interpretation**

“principal Act” means the Electronic Crimes Act, 2013, No. 14 of 2013

“law enforcement officer” means a duly authorised Officer of the Office of National Drug and Money Laundering Control Policy (ONDMP), or an Officer of the Customs Excise Department.

**3. Amendment of Sections 16, 18, and 21 of the principal Act**

Sections 16, 18, and 21 of the principal Act are amended by inserting the words “or law enforcement officer” after each appearance of the words “police officer”.

**4. Amendment of section 19 – Powers of access, search and seizure for the purpose of investigation**

Section 19 of the principal Act is amended as follows –

- (i) throughout the entire section by inserting the words “or law enforcement officer” after every appearance of the words, “police officer”;
- (ii) in subsection (2)(c) by deleting the words “or any other offence” appearing after the words “this Act”, and substituting therefor the following:  
“or a money laundering offence or an offence under the Customs Control and Management Act”





## **EXPLANATORY MEMORANDUM**

This amendment to the Electronic Crimes Act seeks to give the officers of the ONDCP and of the Customs and Excise Division the same powers to those given by the police under the principal Act to access electronic data and other information for the purpose of investigating and prosecuting an offence under their respective legislations.

The Sections amended are-

Sections 16 – Preservation Order; section 18 – Production Order; section 19 – Powers of access, search and seizure for the purpose of investigation; section 20 – Real time collection of traffic data and section 21 – Mobile phone tracking in emergencies.

The powers created under the Electronic Crimes Act would be useful to these law enforcement agencies in the execution of their statutory mandate.

*Hon. Steadroy C. O. Benjamin*  
*Minister of Justice, Legal Affairs,*  
*Public Safety and Labour*