

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2019

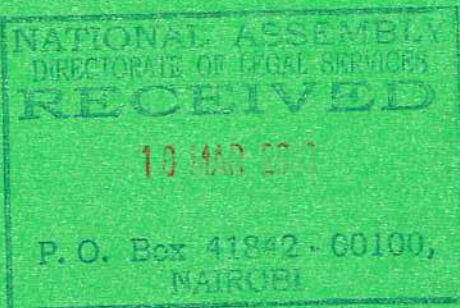
NAIROBI, 1st March, 2019

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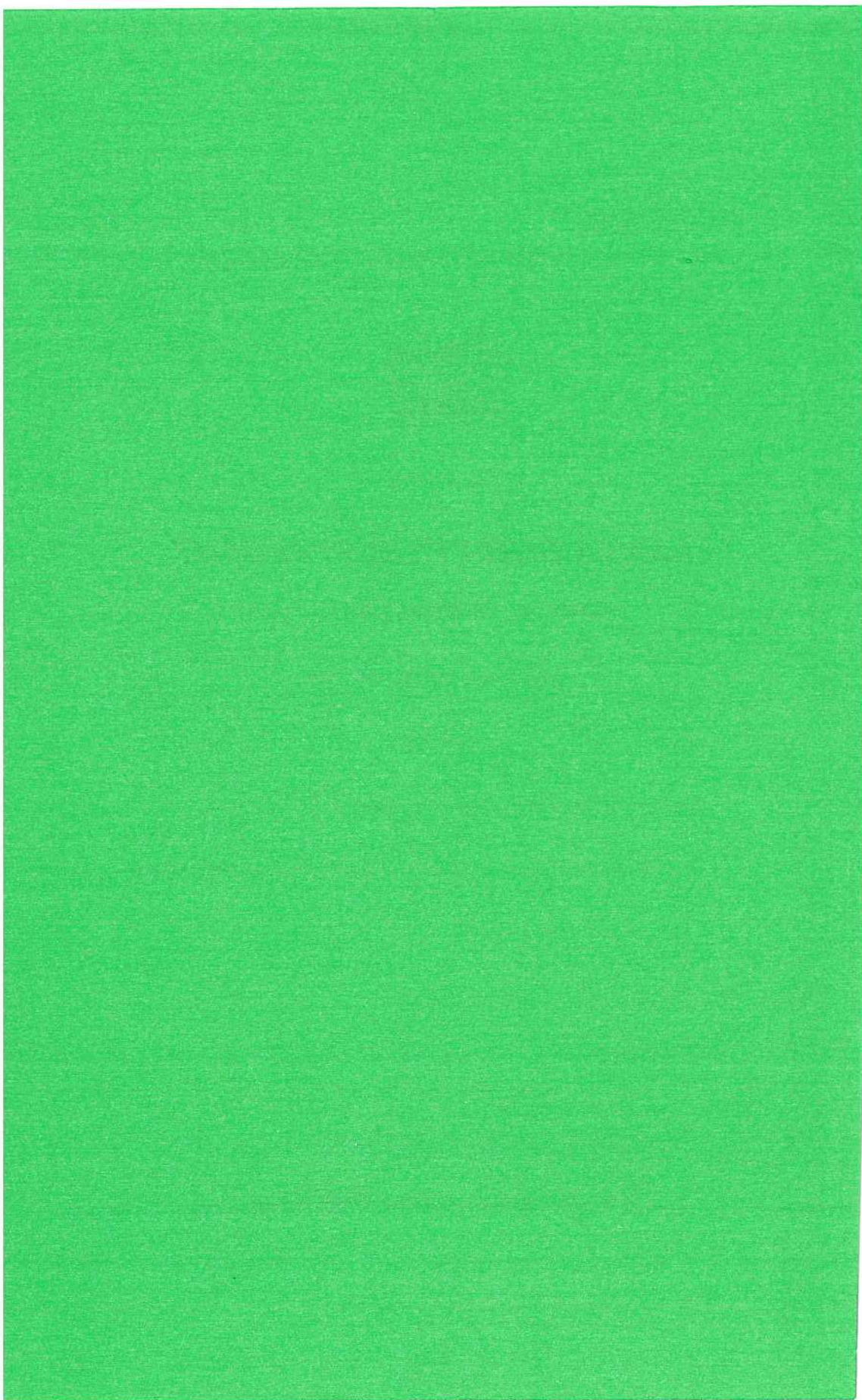
Bill for Introduction into the National Assembly—

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The Anti-Corruption and Economic Crimes (Amendment) Bill, 2019 57



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**THE ANTI-CORRUPTION AND ECONOMIC
CRIMES (AMENDMENT) BILL, 2019**

A Bill for

AN ACT of Parliament to amend the Anti-Corruption and Economic Crimes Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Anti-Corruption and Economic Crimes (Amendment) Act, 2019. Short title.

2. The Anti-Corruption and Economic Crimes Act is amended in section 48(1) by deleting paragraph (a) and substituting therefor the following new paragraph— Amendment of
section 48 of No.
3 of 2003.

- (a) a fine not less than one million shillings, or to imprisonment for a term not less than ten years, or to both;

MEMORANDUM OF OBJECTS AND REASONS**Statement of objects and reasons for the Bill**

The principal object of this Bill is to amend the Anti-Corruption and Economic Crimes Act No. 3 of 2003 in order to prescribe a minimum penalty to act as deterrence mechanisms for persons who engage in corrupt conduct as defined in the Act. As it is presently, a person convicted of an offence under the Act is liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding ten years or to both. There has seen a surge in corruption cases in the country and one way of dealing with corruption is enhancing the consequences of engaging in such activities. Unless the menace of corruption is dealt with, corruption will continue to hamper the economic development of the country due to loss of public funds.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not affect the functions of county governments as set out in the Fourth Schedule of the Constitution and is therefore not a Bill concerning county governments.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 18th February, 2019.

NDINDI NYORO,
Member of Parliament.

*Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003
which it is proposed to be amended—*

Penalty for offence under this Part

48 (1) A person convicted of an offence under this Part shall be liable to—

- (a) a fine not exceeding one million shillings, or to imprisonment for a term not exceeding ten years, or to both; and
- (b) an additional mandatory fine if, as a result of the conduct that constituted the offence, the person received a quantifiable benefit or any other person suffered a quantifiable loss.

(2) The mandatory fine referred to in subsection (1) (b) shall be determined as follows—

- (a) the mandatory fine shall be equal to two times the amount of the benefit or loss described in subsection (1) (b);
- (b) if the conduct that constituted the offence resulted in both a benefit and loss described in subsection (1) (b), the mandatory fine shall be equal to two times the sum of the amount of the benefit and the amount of the loss.

