



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- FIFTH SESSION (2026)
THE NATIONAL ASSEMBLY

**IN THE MATTER OF ARTICLE 118 (1) (b) OF THE CONSTITUTION
AND**

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

- (1) **THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2026);**
- (2) **THE PENAL CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2026)**
- (3) **THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)**

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the **Criminal procedure Code (Amendment) Bill (National Assembly Bill No. 11 of 2026)**, the **Penal Code (Amendment) Bill (National Assembly Bill No. 12 of 2026)**, and the **Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026)** were read a First Time on 16th April, 2026 and referred to the **Departmental Committee on Justice and Legal Affairs** and the **Departmental Committee on Transport & Infrastructure**, for consideration and reporting back to the **House**:

IT IS NOTIFIED that—

(1) The **Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 11 of 2026)** is a Bill sponsored by the **Hon. George Gitonga Murugara, MP**, that is informed by criminal justice reform proposals submitted to Parliament by the **National Council on the Administration of Justice (NCAJ)**. The Bill seeks to—

- (a) align the Act with the Constitution, particularly Articles 27, 28, 29, 31, 39, 48, 49, 50, and 51, which protect equality, dignity, liberty, privacy, property, access to justice, fair trial rights, and the rights of arrested and detained persons, respectively;
- (b) review provisions relating to transfer of cases between magistrates, suspended sentences, entering of nolle prosequi, official court languages, forfeiture of property, disposal of forfeited goods, and release of exhibits;
- (c) introduce special procedural safeguards for persons with mental illness and aligns the Act with the Mental Health Act, Cap. 248; and
- (d) enhance procedural efficiency, professionalism, accountability, and the effective functioning of the criminal justice system.

(2) The **Penal Code (Amendment) Bill (National Assembly Bill No. 12 of 2026)** is a Bill sponsored by the **Hon. George Gitonga Murugara, MP**, that is informed by criminal justice reform proposals submitted to Parliament by the **National Council on the Administration of Justice (NCAJ)**. The Bill seeks to—

- (a) align the Act with the Constitution, relevant statutes and court pronouncements on the unconstitutionality of mandatory death sentences and the definition and punishment for the offences of “robbery” and “robbery with violence”;
- (b) incorporate constitutional principles relating to sentencing and freedom of expression in the Act;
- (c) harmonize terminology concerning persons with mental illness with the Mental Health Act, Cap. 248;
- (d) align provisions on children in conflict with the law with the Children Act, 2022;
- (e) delete obsolete references to detention camps following the repeal of the Detention Camps Act by the Community Service Orders Act, No. 10 of 1998; and
- (f) shift the burden of proof for the offences of incitement to violence and disobedience to the prosecution, in conformity with general principles of criminal law.

(3) The **Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026)** is a Bill sponsored by the **Hon. Robert Ngui Basil, MP**, that seeks to amend the Traffic Act, Cap. 403 to protect persons from being unreasonably deprived of their property through detention vehicles and motorcycles to enforce the provisions of the current section 107 of the Act.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the relevant Departmental Committees listed below—

| | BILL | COMMITTEE |
|----|--|--|
| 1. | The Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 11 of 2026) | Departmental Committee on Justice and Legal Affairs |
| 2. | The Penal Code (Amendment) Bill (National Assembly Bill No. 12 of 2026) | |
| 3. | The Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) | Departmental Committee on Transport and Infrastructure |

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Building, and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Building, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Monday, 4th May, 2026 at 5.00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
18th April, 2026