



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 574

Pretoria, 26 April 2013

No. 36415

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GENERAL NOTICE

NOTICE 435 OF 2013

DEPARTMENT OF POLICE

NOTICE OF INTENTION TO INTRODUCE THE CRIMINAL LAW (FORENSIC PROCEDURES) AMENDMENT BILL, 2013 IN THE NATIONAL ASSEMBLY AND PUBLICATION OF THE EXPLANATORY SUMMARY OF THE BILL

Mr E N Mthethwa : Minister of Police intends introducing the Criminal Law (Forensic Procedures) Amendment Bill, 2013, in the National Assembly shortly. The annexed explanatory summary of the Bill is hereby published in accordance with Rule 241(1)(c) of the Rules of the National Assembly.

The Bill seeks to amend:

- (a) The Criminal Procedure Act, 1977 (Act No. 51 of 1977), to provide for the taking of specified bodily samples from certain categories of persons for the purposes of forensic DNA analysis; to provide the conditions that samples or forensic DNA profiles derived from the samples, taken under the Act are retained and destroyed within defined periods; to further regulate proof of certain facts by affidavit or certificate;
- (b) the South African Police Service Act, 1995 (Act No. 68 of 1995), to establish and regulate the administration and maintenance of the National Forensic DNA Database of South Africa; and to provide for matters connected therewith.
- (c) the Firearms Control Act, 2000 (Act No. 60 of 2000), so as to further regulate the powers in respect of bodily samples; and
- (d) the Explosives Act, 2003 (Act. No. 15 of 2003), so as to further regulate the powers in respect of bodily samples for investigation purposes; and to provide for matters connected therewith.

A copy of the Bill can be found on the website of the Civilian Secretariat for Police at <http://www.policesecretariat.gov.za> as well as on the website of the South African Police Service at <http://www.saps.gov.za> and can, after introduction in Parliament, also be obtained from:

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EXPLANATORY SUMMARY**CRIMINAL LAW (FORENSIC PROCEDURES) AMENDMENT BILL, 2013**

The Criminal Law (Forensic Procedures) Amendment Bill, 2013 seeks to amend the Criminal Procedure Act, 1977 (Act No. 51 of 1977) to provide for the taking of specified bodily samples from certain categories of persons for the purposes of forensic DNA analysis; to provide for the forensic DNA profile derived from bodily samples being used to conduct a comparative search and for the conditions under which the samples or forensic DNA profiles derived from the samples, taken under the Act, are retained and destroyed within defined periods. The amendment also regulates proof of certain facts by affidavit or certificate.

The Amendment Bill further seeks to amend the South African Police Service Act, 1995 (Act 68 of 1995) to establish and regulate the administration and maintenance of the National Forensic DNA Database of South Africa that consists of a Crime Scene Index, an Arrestee Index, an Offenders Index, a Volunteer Index and an Elimination Index; to provide for parliamentary oversight and the establishment and composition of the National Forensic Oversight Board.

The Amendment Bill further seeks to amend the Firearms Control Act, 2000 (Act No 60 of 2000) by aligning certain definitions with the proposed amendments to the definitions in the Criminal Procedure Act, 1977 (Act No. 51 of 1977) and to further regulate the powers in respect of bodily samples; and to provide for matters connected therewith.

The Amendment Bill finally seeks to also amend the Explosives Act, 2003 (Act No.15 of 2003) by aligning certain definitions with the proposed amendments to the definitions in the Criminal Procedure Act, 1977 (Act No. 51 of 1977); to further regulate the powers in respect of bodily samples for investigation purposes; and to provide for matters connected therewith.