

ANTIGUA AND BARBUDA



THE ELECTRONIC CRIMES (AMENDMENT) BILL, 2019

No. of 2019

ANTIGUA & BARBUDA

THE ELECTRONIC CRIMES (AMENDMENT) BILL, 2019

ARRANGEMENT OF SECTIONS

Sections

1. Short title.
2. Interpretation
3. Insertion of a Schedule

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THE ELECTRONIC CRIMES (AMENDMENT) BILL, 2019
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AN ACT to amend the Electronic Crimes Act, 2013 and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Electronic Crimes (Amendment) Act, 2019

2. Interpretation

In this Act—

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

3. Insertion of a Schedule

The principal Act is amended by inserting, after section 32 the following Schedule—

“SCHEDULE

SEARCH WARRANT

ANTIGUA AND BARBUDA

IN THE MATTER OF A SEARCH WARRANT ISSUED UNDER THE AUTHORITY OF SECTION 19 OF THE ELECTRONIC CRIMES ACT 2013 NO. 14 OF 2013 OF THE LAWS OF ANTIGUA AND BARBUDA

IN THE MAGISTRATE’S COURT

To Each and all of the Peace Officers of the State

Evidence on oath having been made before me by Affiant,....., who has reasonable cause to believe that stored data in an electronic system namely would be relevant for the purpose of an investigation concerning the offence of And that said electronic system(s) is/are in the possession of (hereafter referred to as “the Possessor)

I am satisfied that the before mentioned evidence on OATH establishes reasonable cause to believe that stored data relevant to the commission of the abovementioned offence/s may be found on the above electronic system/s and establishes grounds for the issuance of this warrant.

You are therefore hereby commanded, with proper assistance, to enter any premises, or any place, where the Possessor may be, at any time of the day or night, and by force, if reasonably necessary, to:

- (a) access, inspect and check the operation of above-mentioned electronic system;

- (b) use or cause to be used an electronic system or other appropriate device to access, search, collect and seize any data contained in or available to the above-mentioned electronic system;
- (c) access any information, code or technology which has the capability of transforming or unscrambling encrypted data contained or available to the above-mentioned electronic system into readable and comprehensive format or text for the purpose of investigating any offence under the Electronic Crimes Act or any other offence which is disclosed in the course of the lawful exercise of the powers under this section;
- (d) require a person in possession of the decryption information (including codes, passwords) to grant the police officer access to such decryption information necessary to decrypt data required for the purpose of investigating the offence;
- (e) seize or secure electronic system.

Give under my hand this.....day of20.....

District Magistrate “.

Passed by the House of Representatives on
the , 2019.

Passed by the Senate on the , 2019.

Speaker.

President.

Clerk to the House of Representatives.

Clerk to the Senate.

EXPLANATORY MEMORANDUM

The purpose of this Bill is to insert into the Electronic Crimes Act a Search Warrant that can be used to obtain data from an electronic device that can be used as evidence.

By virtue of the Electronic Crimes Act, 2013, No. 14 of 2013 a person can commit certain offences such as:

Access to or interference with an electronic system or network;

Sending offensive messages through communication services, etc;

Identity theft;

Electronic forgery

Electronic fraud

Violation of privacy

Misuse of encryption

Child pornography

Disabling or obtaining access to a sensitive electronic system;

Electronic terrorism

Harrassment utilizing means of electronic system;

False websites and spam;

Unauthorised access to code.

The evidence of the commission of these offences is likely to be stored in data on the electronic device used to commit the offence, and the use of the Warrant will grant the powers of access, search and seizure of the electronic device in question for the purpose of investigation.

*Hon. Steadroy C.O. Benjamin
Attorney General and
Minister of Legal Affairs*