

ACT AMENDING THE CRIMINAL PROCEDURE CODE (NO. 30),
B.E. 2558 (2015)

BHUMIBOL ADULYADEJ, REX;
Given on the 25th Day of December B.E. 2558;
Being the 70th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to amend the Criminal Procedure Code;
Be it, therefore, enacted by the King, by and with the advice and consent of the
National Legislative Assembly, as follows.

Section 1. This Act is called the “Act Amending the Criminal Procedure Code (No. 30), B.E. 2558 (2015)”.

Section 2.¹ This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The provisions of paragraph three of section 108 of the Criminal Procedure Code as amended by the Act Amending the Criminal Procedure Code (No. 22), B.E. 2547 (2004) shall be repealed and replaced by the following:

“In permitting a provisional release, the official with the authority to order a provisional release or the Court may fix conditions in relation to the residence or any other conditions to be observed by the provisionally released person or may, in the case where such person gives consent thereto, order the use of an electronic device or any other device capable

* Translated by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

¹ Published in Government Gazette, Vol. 132, Part 127a, Page1, dated 30th December, B.E. 2558 (2015).

of detecting or restricting the travelling of the provisionally released person, for the purpose of preventing any possible escape, dangers or losses. But, if the provisionally released person is below eighteen years of age, an order for the use of such device may be given, despite such person's consent, only if such person has any conduct likely to be gravely harmful to other persons or there exists any other reasonable cause."

Section 4. The provisions of paragraph three of section 110 of the Criminal Procedure Code as amended by the Act Amending the Criminal Procedure Code (No. 22), B.E. 2547 (2004) shall be repealed and replaced by the following:

"A bail or security under paragraph one or paragraph two may not be demanded in excess of reasonableness in the circumstances of the case and regard must also be had to conditions and preventive measures employed on the provisionally released person, in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation or the Regulation of the President of the Supreme Court, as the case may be."

Section 5. The following provisions shall be added as paragraph two of section 117 of the Criminal Procedure Code as amended by the Act Amending the Criminal Procedure Code (No. 22), B.E. 2547 (2004):

"In the case where an order is given for the use of an electronic device or any other device under section 108 paragraph three on any alleged offender or accused, if such device is destroyed or rendered useless by any means whatsoever, it shall be presumed that such alleged offender or accused has escaped or attempts an escape."

Section 6. The provisions of section 119 of the Criminal Procedure Code as amended by the Act Amending the Criminal Procedure Code (No. 22), B.E. 2547 (2004) shall be repealed and replaced by the following:

"**Section 119.** In the case of a breach of a bond given to the Court, the Court has the competence to order the enforcement of the bond or order otherwise as the Court deems appropriate without institution of an action, provided that the Court may give an order staying the enforcement of the bond or reducing the amount of money payable under the bond, having regard to attempts made by the surety in following the alleged offender or accused who has

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

escaped as well as the amount of loss which has arisen, and when an order has been given by the Court, the party against whom the enforcement of the bond is made or the Public Prosecutor has the power to appeal against it. The decision of the Court of Appeal shall be final.

Cash or other securities deposited with the Court as the security under section 114 shall not be subject to any seizure or attachment in satisfaction of debts in favour of other creditors until the liability under the bond is extinguished, unless the Court considers that the debts owed to such creditors have not resulted from fraud and gives an order for a release of such property.

In the case where there arises a need for the execution by reason of a breach of the bond under paragraph one, the Court shall have the competence to issue a writ of execution or any other order against the property of the person liable under the bond as if such person were a judgment debtor. In this regard, the Court Official appointed and the Public Prosecutor shall have the power and duty to enforce the bond, and the Execution Officer of the Legal Execution Department shall have the power and duty to carry out the seizure or attachment of the property of the surety and a sale thereof by auction as informed by the Court or the Public Prosecutor, and if the property deposited with the Court as security is to be sold, it shall be deemed that, when the property or document relating thereto is furnished by the Court to the Execution Officer of the Legal Execution Department, such property has been seized. In this regard, State agencies shall not levy costs or expenses from those carrying out the execution.

The execution under this section shall be carried out in compliance with the Civil Procedure Code *mutatis mutandis*, unless the President of the Supreme Court, with the approval of the general assembly of the Supreme Court, issues the Regulations specifying otherwise. Such Regulation shall come into force upon their publication in the Government Gazette.”

Section 7. At the expiration of three years as from the date on which this Act comes into force, the Council of Ministers shall put in place the assessment of worthiness and costs incurred by the State in the use of electronic devices or any other devices under section 108 paragraph three of the Criminal Procedure Code as amended by this Act. In the case where the Council of Ministers deems it appropriate to charge provisionally released persons for the use of such devices, the rates of costs, rules, procedures and conditions therefor shall be prescribed

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

in the Royal Decree, which shall also set out exemptions of the collection of costs from persons having insufficient property for payment thereof.

Section 8. The President of the Supreme Court, Prime Minister, Minister of Interior and Minister of Justice shall have charge and control of the execution of this Act.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.