

Eleventh Parliament

(No. 121)



Second Session
Morning Sitting
(581)

REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SPECIAL SITTING

THURSDAY, DECEMBER 18, 2014 AT 9.30 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8*. COMMITTEE OF THE WHOLE HOUSE

The Security Laws (Amendment) Bill (National Assembly Bill No. 39 of 2014)
(The Chairperson, Departmental Committee on Administration and National Security)

*** Denotes Orders of the Day**

NOTICES**I. THE SECURITY LAWS (AMENDMENT) BILL, 2014**
(NATIONAL ASSEMBLY BILL NO. 39 OF 2014)

1. Notice is given that the chairperson of the Committee on Administration and National Security (Hon. Asman Kamama), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 1

THAT, clause 1 be amended by inserting the words “and shall come into force upon publication” at the end thereof.

CLAUSE 2

THAT, clause 2 be deleted.

CLAUSE 3

THAT, clause 3 be amended by deleting paragraph (c).

CLAUSE 4

THAT, clause 4 be deleted.

CLAUSE 5

THAT, clause 5 be deleted.

CLAUSE 31

THAT, clause 31 be amended in the proposed new section 18A—

- (a) in subsection (1), by deleting the word “may” appearing after the word “Director” and substituting therefor the word “shall”;
- (b) in subsection (2), by inserting the words “in writing” immediately before the words “of the intention”;
- (c) by inserting the following new subsection immediately after subsection (2)—

“(2A) The cancellation of a registration and the revocation of a card under subsection (2) shall not take effect until after the expiry of fifteen days from the date of cancellation and revocation to allow the card holder to appeal to a court of competent jurisdiction”;

CLAUSE 32

THAT, clause 32 be amended in the proposed section 20A(1) by inserting the words “by an officer of or above the rank of a Chief Inspector or a magistrate” immediately after the word “him”.

CLAUSE 38

THAT, clause 38 be amended, in the proposed new section 36A, by deleting the words “with other prisoners” appearing immediately after the word “any communication” and substituting therefor

CLAUSE 40

THAT, clause 40 be amended in paragraph (b) by inserting the word “silencers” immediately after the word “mufflers” appearing in the proposed new paragraph (c).

CLAUSE 41

THAT, clause 41 be amended in the proposed new section 3(2), by—

(a) deleting paragraph (a).

(b) inserting the following new paragraphs immediately after paragraph (b)—

“(c) one representative from the Office of the Attorney-General;

(d) one representative from a private members group of lawfully registered gun owners;

(e) one representative from Kenya Wildlife Service”.

CLAUSE 44

THAT, clause 44 be deleted.

CLAUSE 45

THAT, clause 44 be deleted.

CLAUSE 46

THAT, clause 46 be deleted.

CLAUSE 49

THAT, clause 49 be deleted.

CLAUSE 51

THAT, clause 51 be deleted.

CLAUSE 62

THAT, clause 62 be amended in the new section 6A(1) by—

(a) deleting the words “and detain any person whom the officer” appearing immediately after the word ”stop” and substituting therefor the words” arrest and handover any person to the nearest police station”;

(a) deleting paragraph (c)

CLAUSE 63

THAT, clause 63 be amended by deleting the expression “11C”.

CLAUSE 65

THAT, clause 65 be amended by deleting paragraph (b).

CLAUSE 66

THAT, clause 66 be amended—

(a) in the proposed title to the new Part V by deleting the word “COVERT” and substituting therefor the word “SPECIAL”;

(b) in the proposed new section 42(1), by deleting the word “covert” appearing before the word “operations” and substituting therefor the word “special”;

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(c) in the proposed new section 42(3)(c), by deleting subparagraph (v) and substituting therefor the following new subparagraph—

“(v) take all necessary action, within the law, to preserve national security; and”

(d) in the proposed new section 42(3), by inserting the words “and accompanied by a warrant from the High Court in the case of paragraph (c)” immediately after the words “shall be specific”.

CLAUSE 67

THAT, clause 67 be deleted.

CLAUSE 68

THAT, clause 68(a) be amended by deleting the proposed new paragraph (dd) and substituting therefor the following new paragraph—

“(dd) such other public officer as the President may appoint ”.

CLAUSE 70

THAT, clause 70 be amended by inserting the following new proviso at end of the proposed new subsection (3)—

“Provided that for purposes of the intelligence referred to in paragraph (a), it shall be specific, actionable and timely”.

CLAUSE 71

THAT, clause 71 be amended by deleting the words “as far as practicable” and substituting therefor the words “shall afford the affected entity reasonable opportunity”.

CLAUSE 72

THAT, clause 72 be amended by deleting the proposed new section 9A and substituting therefor the following new section—

Facilitation of
terrorist acts

9A. A person who advocates, promotes, advises or facilitates with intent to commit a terrorist act, any act preparatory to a terrorist act, commits an offence and is liable, on conviction to imprisonment for a term not exceeding twenty years.

CLAUSE 73

THAT, clause 73 be amended—

(a) in the proposed new section 12A—

(i) in subsection (1), by deleting the word “twenty” appearing before the words “less than” and substituting therefor the following words “twenty-five”;

(ii) by deleting subsection (2) and substituting therefor the following new subsection—

“(2) Without prejudice to subsection (1), unlawful possession of improvised explosive devices, assault rifles, rocket propelled grenades or grenades shall be presumed to be for terrorist or criminal purposes”.

- (b) in the proposed new section 12B, by deleting the words “in a place of worship institution” appearing before the words “or a public place” and substituting therefor the following words “in any premises, institution”;

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- (c) in the proposed new section 12C(1), by—

- (i) deleting the words “place of worship institution” appearing before the words “or public place” and substituting therefor the following words “premises, institution”;
- (ii) deleting the words “twenty years” appearing before the words “not exceeding” and substituting therefor the words “thirty years”;

- (d) in the proposed new section 12C(2), by deleting the words “in a place of worship institution” appearing before the words “or a public place” and substituting therefor the words “in any premises, institution”.

CLAUSE 76

THAT, clause 76 of the Bill be amended by deleting subclause (a)

CLAUSE 77

THAT, clause 77 be amended by deleting paragraphs (a) and (b).

CLAUSE 80

THAT, clause 80 of the Bill be amended in the proposed new section 36A by—

- (a) renumbering the existing provision as subclause (1);
- (b) inserting the following new subclause immediately after the renumbered subclause (1)—

“(2) The Cabinet Secretary shall make regulations to give effect to subsection (1), and such regulations shall only take effect upon approval by the National Assembly.

(3) The right to privacy under Article 31 of the Constitution shall be limited under this section for the purpose of intercepting communication directly relevant in the detecting, deterring and disrupting terrorism”.

CLAUSE 81

THAT, clause 81 of the Bill be amended by deleting the word “subordinate” and substituting therefor the words “Chief Magistrate”.

CLAUSE 83

THAT, clause 83 of the Bill be amended in proposed new section 39A by deleting the words “without due” appearing immediately after the words “before it” and substituting therefor the words “without undue”.

CLAUSE 85

THAT, clause 85 be amended—

- (a) in the proposed new section 40A(2) by—
- (i) inserting the word “national” immediately after the words “such other” appearing in paragraph (e);
- (ii) inserting the following new paragraphs immediately after paragraph (c)—

“(ca) the Attorney General”;

“(cb) Directorate of Immigration and Registration;”

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(b) in the proposed new section 40A(3), by deleting the words “period of” appearing immediately after the words “for a” and substituting therefor the words “period not exceeding”;

(c) by inserting the words “or companies” at the end of paragraph (2)(e) of the proposed section 40B.

CLAUSE 96

THAT, clause 96 of the Bill be amended by deleting paragraph (na) and substituting therefor the following new paragraph—

“(na) designate from among the county commanders in each county the most Senior Officer from either the Kenya Police Service or the Administration Police Service, who shall coordinate in consultation with the two Deputy Inspector-Generals, the operational command and control of the county, and the officer so designated shall, with respect to coordination, execute operational command and control in a manner that respects the command structure set out in Article 245(3) of the Constitution”.

CLAUSE 97

THAT, clause 97 of the Bill be amended by deleting the words “National Assembly” appearing in the proposed new subsection (2), and substituting therefor the following word “Parliament”.

CLAUSE 98

THAT, clause 98 be amended by inserting the expression “(3)” immediately after the expression “(2)”.

CLAUSE 103

THAT, clause 103 of the Bill be amended in the proposed new subsection (3A), by deleting the words “not exceeding ten ” and substituting therefor the words “ not less than ten years and not more than twenty”.

CLAUSE 105

THAT, clause 105 be amended in new section 95A(1) by deleting the words “or magistrate” appearing immediately after the word ”judge” in paragraph (a)

CLAUSE 106

THAT, clause 106 be deleted.

2. **Notice is given that chairperson of the Committee on Justice and Legal Affairs (Hon. Samuel Chepkonga), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 15

THAT, the Bill be amended by deleting clause 15 and replacing with a new clause 15 as follows—

Insertion of new section 66A in Cap. 63.

15. The Penal Code is amended by inserting the following new section immediately after section 66—

Prohibited publications and **66A.** (1) A person who publishes, broadcasts or causes to be published or distributed, through print, digital or electronic means, insulting, threatening, or inciting material or images of dead or injured persons which are likely to cause fear

broadcasts. and alarm to the general public or disturb public peace commits an offence and is liable, upon conviction, to a fine not exceeding five million shillings or imprisonment for a term not exceeding three years or both.

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(2) A person who publishes or broadcasts any information which undermines investigations or security operations by the National Police Service or the Kenya Defence Forces commits an offence and is liable, upon conviction, to a fine not exceeding five million shillings or a imprisonment for a term not exceeding three years, or both.

(3) The freedom of expression and the freedom of the media under Articles 33 and 34 of the Constitution shall be limited as specified under this section for the purposes of limiting the publication or distribution of material likely to cause public alarm, incitement to violence or disturb public peace.

CLAUSE 16

THAT, clause 16 of the Bill be amended by deleting the proposed new section 128A and substituting therefor the following—

Offences by public officers. **128A.** A public officer commits an offence and is liable, upon conviction, to imprisonment for a term of not less than fifteen years where in the course of his or her employment he or she—

- (a) aids or facilitates the commission of a felony;
- (b) facilitates the irregular entry of an alien or a criminal into Kenya;
- (c) conceals the whereabouts of a criminal; or
- (d) irregularly issues identification documents.

CLAUSE 17

THAT, clause 17 of the Bill be amended by deleting the proposed new section 251A and substituting therefor the following —

Insulting modesty by forcible stripping. **251A.** A person who intentionally insults the modesty of any other person by forcibly stripping such person, commits an offence and is liable, upon conviction, to imprisonment for a term not less than ten years.

CLAUSE 18

THAT, the Bill be amended by deleting clause 18 and replacing with a new clause 18 as follows—

Insertion of section 36A of Cap. 75. **18.** The Criminal Procedure Code is amended by inserting the following new sections immediately after section 36 —

Remand by court. **36A.** (1) Pursuant to Article 49(1) (f) and (g) of the Constitution, a police officer shall present a person who has been arrested in court within twenty-four hours after being arrested.

(2) Notwithstanding subsection (1), if a police officer has reasonable grounds to believe that the detention of a person arrested beyond the twenty-four hour period is necessary, the police officer shall—

- (a) produce the suspect before a court; and
- (b) apply in writing to the court for an extension of time for holding the suspect in custody.

(3) An application under subsection (2) shall be supported by an affidavit sworn by the police officer and shall specify —

- (a) the nature of the offence for which the suspect has been arrested;
- (b) the general nature of the evidence on which the suspect has been arrested;
- (c) the inquiries that have been made by the police in relation to the offence

- and any further inquiries proposed to be made by the police; and
- (d) the reasons necessitating the continued holding of the suspect in custody.

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(4) In determining an application under subsection (2), the court shall consider any objection that the suspect may have in relation to the application and may—

- (a) release the suspect unconditionally;
- (b) release the suspect subject to such conditions as the court may impose to ensure that the suspect—
 - (i) does not, while on release, commit an offence, interfere with witnesses or the investigations in relation to the offence for which the suspect has been arrested;
 - (ii) is available for the purpose of facilitating the conduct of investigations and the preparation of any report to be submitted to the court dealing with the matter in respect of which the suspect stands accused; and
 - (iii) appears at such a time and place as the court may specify for the purpose of conducting preliminary proceedings or the trial or for the purpose of assisting the police with their inquiries; or
- (c) having regard to the circumstances specified under subsection (5), make an order for the remand of the suspect in custody.

(5) A court shall not make an order for the remand in custody of a suspect under subsection (4) (c) unless—

- (a) there are compelling reasons for believing that the suspect shall not appear for trial, may interfere with witnesses or the conduct of investigations, or commit an offence while on release;
- (b) it is necessary to keep the suspect in custody for his protection, or, where the suspect is a minor, for his welfare;
- (c) the suspect is serving a custodial sentence; or
- (d) the suspect, having been arrested in relation to the commission of an offence, has breached a condition for his release.

(6) The court may, for the purpose of ensuring the attendance of a suspect under subsection (4)(b)(ii) or (iii), require the suspect—

- (a) to execute a bond for such reasonable amount as the court considers appropriate in the circumstances; and
- (b) to provide one or more suitable sureties for the bond.

(7) Where a court makes an order for the remand of a suspect under subsection (4) (c), the period of remand shall not exceed thirty days.

(8) A police officer who detains a suspect in respect of whom an order has been issued under subsection (4) (c) may, at any time before the expiry of the period of remand specified by the court, apply to the Court for an extension of that period.

(9) The court shall not make an order for the extension of the time for remand under subsection (8) unless it is satisfied that having regard to the circumstances for which an order was issued under subsection (4) (c), it is necessary to grant the order.

(10) Where the court grants an extension under subsection (9), such period shall not, together with the period for which the suspect was first remanded in custody, exceed ninety days.

THAT, clause 19 of the Bill be amended by deleting the proposed new section 42A and substituting therefor the following—

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Disclosure by prosecution. **42A.** (1) Pursuant to Article 50(2)(j) of the Constitution, the prosecution shall inform the accused person in advance of the evidence that the prosecution intends to rely on and ensure that the accused person has reasonable access to that evidence.

(2) In proceedings under the Prevention of Terrorism Act, the Narcotic Drugs and Psychotropic Substances (Control) Act, the Prevention of Organized Crimes Act, the Proceeds of Crime and Anti-Money Laundering Act and the Counter-Trafficking in Persons Act, the prosecution may, with leave of court, not disclose certain evidence on which it intends to rely until immediately before the hearing—

- (a) if the evidence may facilitate the commission of other offences;
- (b) if it is not in the public interest to disclose such evidence;
- (c) where there are grounds to believe that disclosing such evidence might lead to an attempt being improperly made to persuade a witness to make a statement retracting his original statement, not to appear in court or otherwise to intimidate him.”;

(3) Evidence shall be deemed to be in the public interest, if that evidence —

- (a) touches on matters of national security;
- (b) touches on the identity of an informant where there are good reasons for believing that disclosure of the informant’s identity may place the family of the informant in danger;
- (c) discloses the identity of a witness who might be in danger of assault or intimidation if his identity is known;
- (d) contains details which, if they become known, might facilitate the commission of other offences or alert someone not in custody that the person was a suspect; or
- (e) discloses some unusual form of surveillance or method of detecting crime.

(4) Disclosure of evidence to the Court and the accused person under this section shall be done in camera.

CLAUSE 20

THAT, Clause 20 of the

Bill be amended Bill by deleting the proposed new section 118 and substituting therefor the following—

Ex-parte application for search warrant.

118A. An application for a search warrant under section 118 shall be made ex-parte to a magistrate.

CLAUSE 21

THAT, the Bill be amended by deleting clause 21;

CLAUSE 22

THAT, the Bill be amended by deleting clause 22;

CLAUSE 23

THAT, clause 23 of the Bill be amended—

(a) by deleting the proposed new section 344 and substituting therefor the following—

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Requirements
from persons
subject to police
supervision.

344. (1) A court may at any time direct that a person shall, whilst subject to police supervision under section 343 and at large in Kenya, comply with all or any of the following requirements, and may vary any such directions at any time—

- (a) to reside within the limits of a specified area;
- (b) not to transfer his or her residence to another area without the written consent of an authorised police officer in charge of that area;
- (c) not to leave the area in which the person resides without the written consent of the police officer in charge of that area;
- (d) at all times to keep the authorised police officer in charge of the area in which the person resides notified of the house or place in which he or she resides and provide his or her telephone and other contacts;
- (e) to present him or herself, whenever called upon by the authorised police officer in charge of the area in which the person resides, at any place in that area specified by that officer

(2) The freedom of movement and residence under Article 39 of the Constitution shall be limited as specified under this section for the purposes of limiting the movement of persons under a lawful police supervision order.

(3) The Cabinet Secretary may make regulations for carrying out the provisions of this section, and in particular prescribing the manner in which persons may be brought before a court for the purposes of this section.

(b) in the proposed new section 344A by deleting the proposed subsection (2) and substituting therefor the following—

“(2) A person who is subject to police supervision under this section shall, whilst he or she is so subject—

- (a) reside within the limits of such area as the Commissioner of Prisons shall, in each case, specify in writing to the Inspector General of Police upon the person’s release;
- (b) not transfer his or her residence to another area without the written consent of the police officer in charge of the specified area;
- (c) not leave the area in which he or she resides without the written consent of the police officer in charge of that area;
- (d) at all times keep the police officer in charge of the area in which he or she resides notified of the house or place in which he or she resides;
- (e) present him or herself, whenever called upon by the police officer in charge of the area in which he resides, at any place in that area specified by that officer.”;

(c) by inserting a new subsection immediately after the proposed subsection (2) as follows—

“(3) The freedom of movement and residence under Article 39 of the Constitution shall be limited as specified under this section for the purposes of limiting the movement of persons under a lawful police supervision order.”;

(d) in the proposed new section 345 by—

- (i) deleting the proposed subsection (1) and substituting therefor the following—

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“(1) A person subject to police supervision who fails to comply with a requirement placed upon him or her by or by virtue of section 344 or 344A commits an offence and is liable, upon conviction, to imprisonment for a term not exceeding six months and on a second or subsequent conviction for that offence to imprisonment for a term not exceeding twelve months;”

- (ii) inserting a new subsection immediately after the proposed subsection (1) as follows—
“(1A) Reasonable efforts made by a person to comply with a supervision order shall be a defence to the offences under subsection (1).”;

- (e) by deleting the proposed new section 346.

CLAUSE 25

THAT, clause 25 of the Bill be amended by deleting the proposed new paragraph (c) and substituting therefor the following—

“(c) in proceedings under section 203 or 296 (2) of the Penal Code, the Prevention of Terrorism Act, the Narcotic Drugs and Psychotropic Substances (Control) Act, the Prevention of Organized Crimes Act, the Proceeds of Crime and Anti-Money Laundering Act and the Counter-Trafficking in Persons Act, where the subordinate court has granted bail to an accused person, and the Director of Public Prosecution has indicated his intention to apply for review of the order of the court, the order of the subordinate court shall be stayed for a period not exceeding fourteen days pending the filing of the application for revision.”

CLAUSE 26

THAT, clause 26 of the Bill be amended by deleting the proposed new section 379A and substituting therefor the following—

Appeal
to the
Court of
Appeal
on High
Court's
original
jurisdiction.
379A. In proceedings under section 203 or 296 (2) of the Penal Code, the Prevention of Terrorism Act, the Narcotic Drugs and Psychotropic Substances (Control) Act, the Prevention of Organized Crimes Act, the Proceeds of Crime and Anti-Money Laundering Act and the Counter-Trafficking in Persons Act, where the High Court, in exercise of its original jurisdiction, has granted bail or bond to an accused person, the Director of Public Prosecution, may, as of right, appeal against that decision to the court of appeal and the order may be stayed for a period not exceeding fourteen days pending the filing of an appeal.

CLAUSE 28

THAT, the Bill be amended by deleting clause 28;

CLAUSE 32

THAT, clause 32 of the Bill be amended in the proposed new section 20A by inserting the words “, by an officer of or above the rank of an Chief inspector or a magistrate,” immediately after the word “him” appearing in the proposed subsection (1);

CLAUSE 35

THAT, clause 35 of the Bill be amended in the proposed new section 59A—

- (a) by inserting a marginal note as follows—

“Agreement on facts not in issue.”

- (b) in the proposed subsection (1) by deleting the word “or” appearing immediately after the words “notice to the accused person” and substituting therefor the word “and”;

- (c) in the proposed subsection (2) by deleting the word “or” appearing immediately after the words “handed to the accused” and substituting therefor the word “and”;

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- (d) in the proposed subsection (3) by deleting the word “or” appearing immediately after the words “accused person” and substituting therefor the word “and”;
- (e) in the proposed subsection (5) by deleting the word “reaction” appearing immediately after the words “such fact and of the” and substituting therefor the word “response”;
- (f) in the proposed subsection (6) by deleting the word “initiative” appearing immediately after the words “on its own” and substituting therefor the word “motion”;

CLAUSE 36

THAT, clause 36 of the Bill be amended in the proposed new section 63A by deleting the expression “(5)” appearing immediately before the words “The Chief Justice” and substituting therefor the expression “(2)”.

3. **Notice is given that the Chairperson of the Select Committee on Constituencies Development Fund (Hon. Mosses Lessonet) intends to move the following amendments to The Security Laws (Amendment) Bill, 2014 at the Committee Stage-**

CLAUSE 96

THAT, Clause 96 of the Bill be amended in the proposed paragraph (na) by—

- (a) deleting the word “neither” appearing after the word “from”
- (b) deleting the words “or the Administrative Police Service” appearing after the word “service”

CLAUSE 98

THAT, Clause 98 of the Bill be amended by deleting the proposed clause and substituting with the following new clause —

“ **98.** Section 15 of the National Police Service Act is amended —

- (a) in subsection (2) by deleting the word “Commission” appearing after the words “petitions to the” and substituting with the words “ Independent police Oversight Authority”
- (b) in subsection (3) by—
- (i) deleting the words “the Commission” appearing before the word “shall” and substituting with the words “ Independent police Oversight Authority”;
- (ii) deleting the words “at least two thirds” appearing before the word “if” and substituting with the word “majority”; and
- (iii) deleting the words “the Commission” appearing after the word “subsection (1)” and substituting with the words “ Independent police Oversight Authority”;
- (c) in subsection (4) by adding the words “who shall act in accordance with the recommendations within seven days” immediately after the word “President”
- (d) by deleting subsections (5), (6), (7) and (8).

CLAUSE 99

THAT, Clause 99 of the Bill be amended deleting the proposed clause and substituting with the following new clause —

“ **99.** Section 17 of the National Police Service Act is amended —

- (a) In subsection (1) by adding the following new words immediately after the word “office” “on recommendations of the Independent Police Oversight Authority”

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- (b) in subsection (2) by deleting the word “Commission” appearing after the words “petitions to the” and substituting with the words “ Independent police Oversight Authority”
- (c) in subsection (3) —
- (i) by deleting the words “the Commission” appearing before the word “shall” and substituting with the words “ Independent police Oversight Authority”; and
- (ii) paragraph (c) by deleting the words “if at least two thirds majority of all members , excluding the person under investigation are satisfied that the person under investigation and”
- (d) in subsection (4) by deleting the words “the Commission” appearing before the word “the” and substituting with the words “ Independent police Oversight Authority”;
- (e) in subsection (5) by deleting the words “the Commission” appearing before the word “the” and substituting with the words “ Independent police Oversight Authority”;

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 99—

Amendment of
section 18 of Act
No. 11A of 2011

99A.The National Police Service Act is amended in section 18by adding the following new words immediately after the words “four years” “but may be removed before expiry of his term subject to the provisions of Article 245(7) of the Constitution.”

Amendment of
section 21 of Act
No. 11A of 2011

99B. The National Police Service Act is amended by deleting section 21.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 100-

Amendment of
section 31 of Act
No. 11A of 2011

99A. The National Police Service Act is amended in section 31 —

- (a) In subsection (1) by adding the following new words immediately after the word “office” “on recommendations of the Independent Police Oversight Authority”
- (b) in subsection (2) by deleting the word “Commission” appearing after the words “petitions to the” and substituting with the words “Independent police Oversight Authority”
- (c) in subsection (3) —
- (i) by deleting the words “the Commission” appearing before the word “shall” and substituting with the words “ Independent police Oversight Authority”;
- (ii) by deleting the words “the Commission”

appearing after the word “sub-section (l)” and substituting with the words “Independent police Oversight Authority”; and

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- (iii) paragraph (c) by deleting the words “if at least two thirds majority of all members, excluding the person under investigation are satisfied that the person under investigation and”
- (d) in subsection (4) by deleting the words “the Commission” appearing before the word “the” and substituting with the words “Independent police Oversight Authority”;
- (e) in subsection (5) by deleting the words “the Commission” appearing before the word “the” and substituting with the words “Independent police Oversight Authority”;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 106-

Transition clauses
of amendments to
Act No. 11A of
2011

106A.The National Police Service Act amended in section 131 by —

- (a) renumbering the existing provision as (1)
- (b) by inserting the following new section after section (1) paragraph (c)
“(2) the amendment to this Act under the provisions of the Security amendment Bill, 2014 shall declare vacant the office of the Deputy Inspector General in charge of Kenya Police, the Deputy Inspector General in charge of Administration Police service and the Director of Criminal Investigation holding office upon enactment of this Bill.”

4. **Notice is given that the Chairperson of the Departmental Committee on Labour and Social Welfare (Hon. David Were) intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 53

THAT, clause 53 of the Bill be amended—

(a) in the proposed new section 54A, by—

- (i) renumbering the existing provision as subsection (1) and inserting the following new subsection immediately after the renumbered subsection (1)—

“(2) The officer from the Ministry responsible for labour shall be the chairperson of the Inter-ministerial Committee.”

(ii) deleting the word ‘and’ in sub clause (c);
(iii) inserting the word ‘and’ immediately after the words ‘Attorney-General’; and
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(iv) inserting the following new paragraph immediately after paragraph (d)—

“(e) the Ministry responsible for Foreign Affairs.”

(b) by deleting the proposed new section 54B and substituting therefor the following new section—

Functions of the
Inter-ministerial
committee.

54B. The Inter-Ministerial committee shall be responsible for —

(a) advising the Cabinet Secretary responsible for labour on matters related to work permits in relation with security issues; and

(b) vetting the application for registration made by employment bureaus and agencies.

(c) in the proposed new section 54C, by inserting the words “and for employment of foreigners within Kenya” immediately after the word “Kenya”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 53—

Amendment of
section 56 of No.
12 of 2007

53A. The Labour Institutions Act is amended in section 56 by—

(a) inserting the following new subsection immediately after subsection (1)—

“(2) The applications for registration made under subsection (1) shall be vetted by the Inter-Ministerial Committee established under section 54A”;

(b) renumbering subsection (2) as subsection (3);

(c) inserting the following new paragraph immediately before paragraph (a) in the renumbered subsection (3)—

“(aa) the applicant has satisfied the vetting process under section 54A”

5. **Notice is given that the Leader of the Majority Party (Hon. Aden Duale), intends to move the following amendments to the Security Laws (Amendment) Bill (National Assembly Bill, No. 39 of 2014) at Committee Stage—**

CLAUSE 31

THAT clause 31 of the Bill be amended in the proposed clause 18A (1) by inserting the words “it is determined by a court of competent jurisdiction that” immediately after the word “if”.

CLAUSE 72

THAT clause 72 of the Bill be amended in the proposed clause 9A by inserting the words “with intent to promote violence” immediately after the word “who”.

(No.121)

THURSDAY, DECEMBER 18, 2014

(596)

CLAUSE 73

THAT clause 73 of the Bill be amended —

- (a) by deleting the words “in a place of worship” appearing in the proposed clause 12B and substituting therefor the words “in any premises,”; and
- (b) by deleting the words “in a place of worship” appearing in the proposed clause 12C and substituting therefor the words “ in any premises”.

CLAUSE 83

THAT clause 83 of the Bill be amended in the proposed clause 39A by deleting the word “without” and substituting therefor the word “with”.

6. **Notice is given that the Member for Wajir South Constituency (Hon. Abdullahi Diriye) intends to move the following amendments to the Security Laws (Amendment) Bill, (National Assembly Bill No.39 of 2014) at the Committee Stage—**

CLAUSE 31

THAT, clause 31 be amended by inserting the following new section immediately after the proposed new section 18A—

Constitution of
taskforce

18B. The Cabinet Secretary shall constitute an inclusive taskforce whose mandate shall be to determine Kenyan nationals who have registered as refugees, and whose fingerprints are captured in the refugees database, for purposes of issuing them with national identification cards.

CLAUSE 55

THAT, clause 55 be deleted.

CLAUSE 58

THAT, clause 58 of the Bill be amended in the proposed insertion of Clause 16A to the Refugees Act by deleting the words “one hundred and fifty” appearing in the proposed sub clause (1) and substituting therefor the words “six hundred”.

CLAUSE 73

THAT, clause 73 of the Bill be amended in the proposed insertion of Clause 12C to the Prevention of Terrorism Act by inserting the following new sub clause immediately after the proposed sub clause (2)—

“(3) No person shall invade a place of worship with the intention of recovering a weapon, an improvised explosive device or components of an improvised explosive device without the permission of the Cabinet Secretary in consultation with the religious leaders.”

CLAUSE 75

THAT, clause 75 of the Bill be amended in the proposed insertion of Clause 30A to the Prevention of Terrorism Act by deleting the word “fourteen” appearing immediately after the word “exceeding” in the proposed sub clause (1) and substituting therefor the word “three”.

(No.121)

THURSDAY, DECEMBER 18, 2014

(597)

CLAUSE 77

THAT, clause 77 of the Bill be amended in the provision relating to the Prevention of Terrorism Act by deleting the proposed paragraph (d) and substituting therefore the following new paragraph-

“(d) in subsection 10 by deleting the words “ninety days” and substituting therefor the words “one hundred and twenty.”

CLAUSE 80

THAT, the Bill be amended by deleting clause 80.

CLAUSE 104

THAT, clause 104 of the Bill be amended in the proposed insertion of Clause 76A to the National Police Service Act by deleting the words “or otherwise leave service” appearing immediately after the word “dismissed”.

CLAUSE 106

THAT, the Bill be amended by deleting clause 106

CLAUSE 107

THAT, clause 107 of the Bill be amended in the provision relating to the Public Benefits Organizations Act by—

(a) deleting the words “upon consultation with the cabinet secretary” appearing after the word “Authority” in the proposed sub clause (4B)

(b) deleting the proposed sub clause (4C).

7. Notice is given that the Member for Balambala (Hon. Abdikadir Aden), intends to move the following amendments to the Security Laws (Amendment) Bill, (National Assembly Bill No.39 of 2014) at the Committee Stage—

CLAUSE 4

THAT, clause 4 be deleted.

CLAUSE 5

THAT, clause 5 be deleted.

CLAUSE 8

THAT, clause 8 be amended by deleting paragraph (b).

CLAUSE 12

THAT, clause 12 be deleted.

CLAUSE 15

THAT, clause 15 be deleted.

CLAUSE 37

THAT, clause 37 be amended in the proposed new section 78A(2), by deleting the word “not” appearing immediately before the words “The court shall ”.

CLAUSE 55

THAT, clause 55 be deleted.

(No.121)

THURSDAY, DECEMBER 18, 2014

(598)

CLAUSE 58

THAT, clause 58 be deleted.

CLAUSE 60

THAT, clause 60 be deleted.

CLAUSE 61

THAT, clause 61 be amended by deleting paragraph (b).

CLAUSE 63

THAT, clause 63 be deleted.

CLAUSE 64

THAT, clause 64 be deleted.

CLAUSE 66

THAT, clause 66 be deleted.

CLAUSE 73

THAT, clause 73 be amended—

- (a) by deleting subsection (1) of the proposed new clause 12A and substituting therefor the following new subsection—

“(1) An unauthorized person who is in possession of a weapon, an improvised explosive device or components of an improvised explosive device commits an offence and is liable, on conviction, to imprisonment for a term not less than twenty years”;

- (b) by deleting the proposed new section 12D and substituting therefor the following new section—

Promotion of
ideologically-
based violence.

12D. A person who promotes ideologically-based violence to advance political, religious or social change commits an offence and is liable, on conviction, to imprisonment for a term not exceeding thirty years.

CLAUSE 75

THAT, clause 75 be amended by deleting the proposed new section 30F.

CLAUSE 80

THAT, clause 80 be deleted.

CLAUSE 97

THAT, clause 97 be deleted.

CLAUSE 98

THAT, clause 98 be deleted.

CLAUSE 99

THAT, clause 99 be deleted.

CLAUSE 100

THAT, clause 100 be deleted.

CLAUSE 107

THAT, clause 107 be deleted.

(No.121)

THURSDAY, DECEMBER 18, 2014

(599)

8. **Notice is given that the Member for Kiminini (Hon. Chris Wamalwa), intends to move the following amendments to the Security Laws (Amendment) Bill, (National Assembly Bill No.39 of 2014) at the Committee Stage—**

CLAUSE 4

THAT, clause 4 be deleted.

CLAUSE 5

THAT, clause 5 be deleted.

CLAUSE 15

THAT, clause 15 be deleted.

CLAUSE 19

THAT, clause 19 be amended by deleting subsections (2) and (3) of the proposed new section 42A.

CLAUSE 38

THAT, clause 38 be amended by deleting the proposed new section 36A and substituting therefor the following new section—

Prisoners detained
for terrorist activity
to be kept apart.

36A. The Commissioner shall confine persons who are imprisoned for committing an offence under the Prevention of Terrorism Act, 2012 in a prison specifically set aside for persons imprisoned for offences under the Act.

CLAUSE 66

THAT, clause 66 be amended, in the proposed new section 42(3), by deleting paragraph (c).

CLAUSE 75

THAT, clause 75 be amended by deleting the proposed new section 30F.

CLAUSE 80

THAT, clause 80 be deleted.

9. **Notice is given that the Member for Dagoretti (Hon. Denis Waweru), intends to move the following amendments to the Security Laws (Amendment) Bill, (National Assembly Bill No.39 of 2014) at the Committee Stage—**

CLAUSE 96

THAT, clause 96 be amended by deleting the proposed new paragraph (na) and substituting therefor the following new paragraphs—

“(na) designate in each county, in consultation with the Deputy Inspectors-General, an officer of the Kenya Police Service and the Administration Police Service, respectively, as the commander of that Service in the county:

Provided that the officer designated under this paragraph shall, with respect to the co-ordination of joint operations of the Services, respect the command structure set out in Article 245(3) of the Constitution;

(nb) designate in each county, in consultation with the Deputy Inspectors-General, the most senior officer from either the Kenya Police Service or the Administration Police Service. Who shall co-ordinate joint operations of the Services in the county”.

(No.121)

THURSDAY, DECEMBER 18, 2014

(600)

10. **Notice is given that the Member for Navakholo, Hon. Emmanuel Wangwe, M.P., intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 96

THAT, clause 96 be deleted.

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 100—

Insertion of
new section
40A in No.
11A of
2011.

100A. The National Police Service Act is amended by inserting the following new section immediately before section 40 under Part VI—

Police
command
structure
in the
counties,
etc.

39A. (1) There is established the office of the county commander-in-charge of the Kenya Police Service, the Administration Police Service and the Directorate of Criminal Investigation, respectively, in each county.

(2) An officer appointed as the commander in-charge of a county in the Kenya Police Service, the Administration Police Service and the Directorate, respectively, shall—

- (a) subject to the direction of the respective Deputy Inspector General, and the Director in the case of the Directorate, exercise command over the respective service and Directorate, and shall be responsible for the performance of the functions of the respective service and Directorate in the county;
- (b) have full authority over all officers of the Service and Directorate who are deployed under the county command, whatever their rank.

(3) Without prejudice to the exercise of command by an officer appointed in accordance with subsection (2), and upon consultations between the Inspector-General, the Deputy Inspectors-General and the Director, the officer in command of a county holding the senior most rank from which ever Service, shall—

- (a) be designated to convene and chair deliberations of the respective Services in regard to conduct of joint law enforcement and or security operations, and to cause a brief of the same to the respective County Security and Intelligence Committee;
- (b) cause the assignment of a lead commander and issuance of appropriate orders necessary for the effective execution of such operations, as may be determined necessary;
- (c) be responsible for issuing public communications as and

when necessary in respect of matters related to the policing in the county.

- (5) In the discharge of his or her duty, a police officer in command of a Service or component of that service in a county, or designated to perform duty in accordance with subsection (3), including during a security operation, whether joint or otherwise, shall—

(No.121) THURSDAY, DECEMBER 18, 2014 (601)

(a) be cognizance of the meaning, scope and authority on matters that are of security nature as vesting under the National Security Council and its subordinate structures; and that the authority on matters related to law enforcement vest under the Inspector-General of the Service;

(b) not conduct themselves in manner prejudicial to or that may be construed as removing, detracting from or diminishing any power or duty expressly conferred, enforced or imposed by the respective Deputy Inspectors-General or by any law, upon a county commander of a service.

11. **Notice is given that the Member for Tongaren (Hon. (Dr.) David Eseli Simiyu, intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 4

THAT, clause 4 be deleted.

CLAUSE 5

THAT, clause 5 be deleted.

CLAUSE 17

THAT, clause 17 be deleted.

CLAUSE 19

THAT, clause 19 be deleted.

CLAUSE 21

THAT, clause 21 be deleted.

CLAUSE 31

THAT, clause 31 be amended by deleting paragraph (f) in the proposed new section 18A(1).

CLAUSE 32

THAT, clause 32 be amended in the proposed new section 20A(2) by inserting the words “seven days” immediately before the words “before the date”.

CLAUSE 38

THAT, clause 38 be deleted.

CLAUSE 52

THAT, clause 52 be amended in the proposed new subsection (2) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

CLAUSE 58

THAT, clause 58 be amended by deleting the words “one hundred and fifty” appearing in the proposed new section 16A(1) and substituting therefor the words “five hundred”.

CLAUSE 62

THAT, clause 62 be amended by deleting the words “stop and detain” appearing in the proposed new section 6A, and substituting therefor the word “arrest”.

CLAUSE 65

THAT, clause 65 be amended by deleting paragraph (b).

CLAUSE 66

THAT, clause 66 be deleted.

(No.121)

THURSDAY, DECEMBER 18, 2014

(602)

CLAUSE 73

THAT, clause 73 be amended by deleting the proposed new section 12D.

CLAUSE 75

THAT, clause 75 be amended by—

- (a) deleting subsection (3) of the proposed new section 30A;
- (b) deleting subclause (2) of the proposed new section 30B;
- (c) deleting the proposed new section 30C.

CLAUSE 106

THAT, clause 106 be amended in the proposed new subsection (4A) by deleting the expression “any unique character obtaining to such guests and submit such record to the police station at least once every week” and substituting therefor the expression “and avail such records to the police on demand”.

12. **Notice is given that the Member for Kiambu (Hon. Jude Njomo), intends to move the following amendments to the Security Laws (Amendments) Bill, 2014 at the Committee Stage—**

CLAUSE 96

THAT clause 96 be amended by inserting the following new proviso immediately after the proposed new paragraph (na)—

“Provided that, in designating the most senior officers to have overall responsibility in respective counties, the inspector General shall ensure fair allocation of the designations between the Kenya Police Service and the Administration Police Service.”

13. **Notice is given that the Member for Machakos Town (Hon. (Dr.) Victor Munyaka), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 72

THAT clause 72 be amended by inserting the following new section immediately after proposed new section 9A—

Aiding or abetting of terrorist acts by police officers.

9B. Notwithstanding the generality of section 9A, any police officer who abets or aids terrorist activities, whether by spying or any other way, or discloses information to any unauthorised person, including a terrorist suspect, that in any way prejudices investigations or the working of the National Police Service commits an offence and is liable, on conviction, to imprisonment for a term not exceeding twenty years.

14. Notice is given that the Hon. Zuleikha Hassan, MP, intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 7

THAT, clause 7 be deleted.

CLAUSE 15

THAT, clause 15 be deleted.

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CLAUSE 31

THAT, clause 31 be deleted.

CLAUSE 65

THAT, clause 65 be deleted.

CLAUSE 66

THAT, clause 66 be deleted.

CLAUSE 72

THAT, clause 72 be deleted.

CLAUSE 73

THAT, clause 73 be amended by deleting the proposed new section 12D.

CLAUSE 75

THAT, clause 75 be amended by—

- (a) deleting the proposed new section 30A; and
- (b) deleting the proposed new section 30F.

CLAUSE 85

THAT, clause 85 be deleted.

CLAUSE 107

THAT, clause 107 be deleted.

15. Notice is given that the Member for Rangwe (Hon. George Oner) intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 4

THAT, clause 4 be deleted.

CLAUSE 5

THAT, clause 5 be deleted.

CLAUSE 7

THAT, clause 7 be amended by deleting paragraph (c).

CLAUSE 8

THAT, clause 8 be amended by deleting paragraph (c).

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

CLAUSE 15

THAT, clause 15 be deleted.

(No.121)

THURSDAY, DECEMBER 18, 2014

(604)

CLAUSE 16

THAT, clause 16 be amended in the proposed new section 128A by—

(a) inserting the following words “or any undocumented or restricted or known fugitive or terrorist” immediately after the words “criminal” appearing in paragraph (b); and

(b) inserting the following new paragraph immediately after paragraph (c)—

(d) aids or facilitates the entry into Kenya of any item which may be used in the commission of a crime;

CLAUSE 18

THAT, clause 18 be amended in the proposed new section 36A by inserting the following new subsection immediately after subsection (3)—

“(3)(a) An officer who knowingly, maliciously or without reasonable cause swears an affidavit pursuant to subsection (3) commits an offence.”

CLAUSE 21

THAT, clause 21 be deleted.

CLAUSE 25

THAT, clause 25 be deleted.

CLAUSE 26

THAT, clause 26 be deleted.

CLAUSE 32

THAT, clause 32 be deleted.

CLAUSE 35

THAT, clause 35 be deleted.

CLAUSE 37

THAT, clause 37 be deleted.

CLAUSE 41

THAT, clause 41 be amended in the proposed new section 3(2) by deleting paragraph (a).

NEW CLAUSE

Amendment of section 11 of Cap 56.

9. Section 11 of the Public Order Act is amended in subsection (1) by deleting the words “two years or to a fine not exceeding ten” and substituting therefor the words “ ten years or to a fine not exceeding one hundred”.

THAT, the Bill be amended by inserting the following new clause immediately after 46—

Insertion of new section in Cap. 395

46A. The Kenya Airports Authority Act is amended by inserting the following new section immediately after section 42—

Compulsory acquisition of land

42A. Subject to the provisions of the proposed new section 17D (b), the Cabinet Secretary shall initiate the process compulsory acquisition of any land which is adjacent to an aerodrome.

CLAUSE 57

THAT, the Bill be amended by deleting clause 57 and substituting therefor the following new clause—

Amendment of section 14 of No.13 of 2006.

57. Section 14 of the Refugees Act is amended —

- (a) by renumbering the existing provision as (1);
- (b) by inserting the following new paragraph immediately after paragraph (b)—
- (c) not leave the designated refugee camp without the permission of the Refugee Camp Officer.

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- (c) by inserting the following new sub-sections immediately after sub-section(1) —
 - (2) A Refugee Camp Officer may give a refugee or asylum seeker, permission to leave the designated refugee camp—
 - (a) for medical grounds; or
 - (b) on such grounds as maybe prescribed in legislation.
 - (3) A refugee or asylum seeker shall report to the nearest police station at least once every three days during the period which he is out of the designated refugee camp.

CLAUSE 85

THAT, clause 85 be amended in the proposed new section 40B (2) by inserting the following new paragraphs immediately after paragraph (e)—

- (f) receive and analyse the manifests of all inbound and outbound vessels against the national and international databases of persons and vessels involved in terrorism related activities.

16. **Notice is given that the Member for Pokot South (Hon. David Pkosing), intends to move the following amendment to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 73

THAT, clause 73 be amended in the proposed new section 12A by deleting subsection (2).

17. **Notice is given that the Member for Mandera East (Hon. Issak Shabaan), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 75

THAT, clause 75 be amended by deleting the proposed new section 30C.

18. **Notice is given that the, Member of Wajir County (Hon. Fatuma Ali) intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 15

THAT clause 15 be amended in the proposed clause 66A by deleting the words “or causes to be published or distributed obscene, gory or” immediately after the words “A person who publishes”.

CLAUSE 31

THAT clause 31 be deleted.

CLAUSE 59

THAT clause 59 be amended in paragraph (b) by deleting the words “, measures and activities conducted to safeguard or protect classified information, critical installations, key government infrastructure and important personalities” appearing immediately after the words “assessment of threats and vulnerabilities”.

CLAUSE 62

THAT clause 62 be deleted.

CLAUSE 63

THAT clause 63 be deleted.

(No.121)

THURSDAY, DECEMBER 18, 2014

(606)

CLAUSE 64

THAT clause 64 be deleted.

CLAUSE 65

THAT clause 65 be deleted.

CLAUSE 66

THAT clause 66 be deleted.

CLAUSE 68

THAT clause 68 be amended in paragraph (a) by deleting the words “Head of Public Service” and substituting therefor the words “any officer appointed by the Cabinet Secretary”.

CLAUSE 69

THAT clause 69 be deleted.

19. **Notice is given that the Member for Suna East (Hon. Junet Nuh), intends to move the following amendments to the Security Laws (Amendments) Bill, 2014 at the Committee Stage—**

CLAUSE 31

THAT, clause 31 be amended by deleting subsection (2) in the proposed new section 18A and substituting therefor the following new subsections—

“(2) Before cancellation of registration and revocation of an identity card under subsection (1), the Director shall give at least thirty days’ notice to the card holder of the intention to cancel the registration and revoke the card.

(2A) The cardholder shall, within seven days following the expiry of the period specified in subsection(2), in writing to the Director, show cause why the cancellation of the registration and revocation should not be effected, but the Director may allow a further period not exceeding fourteen days.

(2B) A person who is aggrieved by the decision of the Director to revoke an identity card under subsection (1) may apply to the High Court for review of the decision of the Director”.

20. **Notice is given that the Member for Mukurweini (Hon. Kabando wa Kabando), intends to move the following amendments to the Security Laws (Amendments) Bill, 2014 at the Committee Stage—**

CLAUSE 5

THAT clause 5 be amended by inserting the following new subsection immediately after the proposed new subsection (1B) —

(1C) Any person who, during a public meeting or procession causes damage to public infrastructure, including damage caused by lighting of bonfires on tarmac roads, commits an offence and is liable for any repairs that may be required.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 99—

Amendment of section 35 into No.11A of 2011.

- 99A.** The National Police Service Act is amended in section 35 by—
- (a) numbering the existing provision as subsection (1); and
 - (b) inserting the following new subsections after the renumbered subsection (1)—

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THURSDAY, DECEMBER 18, 2014

(607)

“(2) The investigations referred to under subsection (1) (b) shall be undertaken and completed within six months from the date of commencement.

(3) Despite subsection (2) the Inspector-General may, at the request of the Director of Criminal Investigations, extend the period of investigations for a period not exceeding ninety days”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 106—

Insertion of section 123A into No.11A of 2011.

106A. The National Police Service Act is amended by inserting the following new section immediately after section 123—

Quarterly progress reports on the status of criminal investigations.

123A. The Inspector-General shall prepare and submit quarterly progress reports on the status of criminal investigations to the National Assembly.

21. Notice is given that Hon. Eng. Mohamed Maalim Mahamud, M.P., intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 16

THAT, clause 16 of the Bill be amended by deleting the proposed new section 128A and substituting therefor the following—

- Offences by public officers. **128A.** A public officer commits an offence and is liable, upon conviction, to imprisonment for a term not exceeding ten years where in the course of his or her employment he or she knowingly—
- (e) aids or facilitates the commission of a felony;
 - (f) facilitates the entry of a criminal into Kenya; or
 - (g) conceals the whereabouts of a criminal;

CLAUSE 18

THAT, the Bill be amended by deleting clause 18;

CLAUSE 23

THAT, clause 23 of the Bill be amended—

- (f) by deleting the proposed new section 343;
- (g) by deleting the proposed new section 344;
- (h) by deleting the proposed new section 344A and replacing with the following—

Police
supervisi
on.

344 A. (1) A court may subject a person who is convicted of an offence under section 296(1), 297(1), 308 or 322 of the Penal Code or the Prevention of Terrorism Act or the Sexual Offences Act to police supervision for a period of five years from the date of his release from prison.

(2) A person who is subject to police supervision under this section shall, whilst he or she is so subject—

- (f) not transfer his or her residence to another area without written notification to the police officer in charge of the specified area;
- (g) not leave the area in which he or she resides without written notification to the police officer in charge of that area;
- (h) at all times keep the police officer in charge of the area in which he or she resides notified of the house or place in which he or she resides;

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- (i) present him or herself, whenever called upon by the police officer in charge of the area in which he resides, at any place in that area specified by that officer.

- (i) in the proposed new section 345 by deleting the expression “344 or” appearing immediately after the words by virtue of section” in the proposed subsection (1);

CLAUSE 27

THAT, the Bill be amended by deleting clause 27;

CLAUSE 29

THAT, the Bill be amended by deleting clause 29;

CLAUSE 55

THAT, clause 55 of the Bill be amended by inserting the words “provided a person can show reasonable cause for delay” immediately after the word “entry”;

CLAUSE 56

THAT, the Bill be amended by deleting clause 56;

CLAUSE 57

THAT, the Bill be amended by deleting clause 57;

CLAUSE 58

THAT, the Bill be amended by deleting clause 58;

CLAUSE 59

THAT, clause 59 of the Bill be amended in subclause (b) by deleting the words “, measures and activities conducted to safeguard or protect classified information, critical installations, key government infrastructure and important personalities” appearing immediately after the word “vulnerabilities”;

CLAUSE 61

THAT, the Bill be amended by deleting clause 61;

CLAUSE 66

THAT, the Bill be amended by deleting clause 66;

CLAUSE 73

THAT, clause 73 of the Bill be amended—

- (a) in the proposed new section 12A by deleting the words “a weapon” appearing immediately after the words “possession of” in the proposed subsection (1);
- (b) deleting the proposed new section 12B;
- (c) in the proposed new section 12C—
 - (i) by deleting the words “place of worship institution” appearing immediately after the words “charge of any” in the proposed subsection (1) and substituting therefor the word “premises”;
 - (ii) by deleting the words “place of worship institution” appearing immediately after the words “weapons in the” in the proposed subsection (2) and substituting therefor the word “premises”;
- (d) in the proposed new section 12D by deleting the words “adopts or promotes an extreme belief system for the purposes of facilitating” appearing immediately after the words “A person who” and substituting therefor the words “engages in”;

(No.121)

THURSDAY, DECEMBER 18, 2014

(609)

CLAUSE 75

THAT, clause 75 of the Bill be amended—

- (a) in the proposed new section 30A by deleting the proposed subsection (3);
- (b) in the proposed new section 30B by deleting the proposed subsection (2);
- (c) by deleting the proposed new section 30F;

22. Notice is given that the Member for Mbeere North (Hon. Muriuki Njagagua), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 96

THAT, clause 96 be deleted.

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 100—

Insertion of
new section
40A in No.
11A of
2011.

100A. The National Police Service Act is amended by inserting the following new section immediately before section 40 under Part VI—

Police
command
structure in
the counties,
etc.

39A. (1) There is established the office of the county commander-in-charge of the Kenya Police Service, the Administration Police Service and the Directorate of Criminal Investigation, respectively, in each county.

(2) An officer appointed as the commander in-charge of a county in the Kenya Police Service, the Administration Police Service and the Directorate, respectively, shall—

(c) subject to the direction of the respective Deputy Inspector General, and the Director in the case of the Directorate, exercise command over the respective service and Directorate, and shall be responsible for the performance of the functions of the respective service and Directorate in the county;

(d) have full authority over all officers of the Service and Directorate who are deployed under the county command, whatever their rank.

(3) Without prejudice to the exercise of command by an officer appointed in accordance with subsection (2), and upon consultations between the Inspector-General, the Deputy Inspectors-General and the Director, the officer in command of a county holding the senior most rank from which

ever Service, shall—

- (d) be designated to convene and chair deliberations of the respective Services in regard to conduct of joint law enforcement and or security operations, and to cause a brief of the same to the respective County Security and Intelligence Committee;
- (e) cause the assignment of a lead commander and issuance of appropriate orders necessary for the effective execution of such operations, as may be determined necessary;
- (f) be responsible for issuing public communications as and when necessary in respect of matters related to the policing in the county.

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(4) In the discharge of his or her duty, a police officer in command of a Service or component of that service in a county, or designated to perform duty in accordance with subsection (3), including during a security operation, whether joint or otherwise, shall—

- (c) be cognizance of the meaning, scope and authority on matters that are of security nature as vesting under the National Security Council and its subordinate structures; and that the authority on matters related to law enforcement vest under the Inspector-General of the Service;
- (d) not conduct themselves in manner prejudicial to or that may be construed as removing, detracting from or diminishing any power or duty expressly conferred, enforced or imposed by the respective Deputy Inspectors-General or by any law, upon a county commander of a service.

23. Notice is given that the Member for Mbita (Hon Millie –Mabona), intends to move the following amendments to the Security Laws (Amendment) Bill, (National Assembly Bills No. 39), 2014 at the committee stage-

CLAUSE 4

THAT, Clause 4 be deleted.

CLAUSE 5

THAT, Clause 5 be deleted.

NEW CLAUSE

THAT the following new clause be inserted immediately after clause 2—

Amendm
ent of
section 2
of Cap.

2A. Section 2 of the Public Order Act is amended by inserting the following new definitions in their proper alphabetical sequence—

56.

“meeting” means a formal gathering of an undefined number of people at an enclosed public space and whose object can reasonably be foreseen and predetermined by the organizers;

“procession” means a march in a designated route by an undisclosed number of people and whose object can reasonably be foreseen and predetermined by the organizers and for which due notice has been given under the law.

“public rally” means a gathering of an undefined number of people at an unenclosed public space and whose object can reasonably be foreseen and predetermined by the organizers and for which due notice has been given under the law.

CLAUSE 10

THAT, CLAUSE 10 be deleted.

CLAUSE 15

THAT, CLAUSE 15 be deleted.

CLAUSE 17

THAT, CLAUSE 17 be amended by-

(a) deleting the word “or” and replacing with the word “and”;

(b) deleting the words “not exceeding” and replacing with the words “of not less than”.

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CLAUSE 18

THAT, Clause 18 be deleted.

CLAUSE 31

THAT, Clause 31 be amended by deleting the proposed section 18A (1)(f).

CLAUSE 58

THAT, Clause 58 be deleted.

CLAUSE 61

THAT, Clause 61 be deleted.

CLAUSE 75

THAT, Clause 75 be deleted.

CLAUSE 87

THAT, Clause 87 be deleted.

CLAUSE 88

THAT, Clause 88 be deleted.

CLAUSE 92

THAT, Clause 92 be deleted.

CLAUSE 97

THAT, Clause 97 be deleted.

24. **Notice is given that the Member for Homa Bay Town (Hon. George Kaluma), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage-**

CLAUSE 4

THAT, clause 4 of the Bill be deleted.

CLAUSE 5

THAT, clause 5 of the Bill be deleted.

CLAUSE 7

THAT, clause 7 of the Bill be amended in sub-paragraph (i) by deleting the words “Cabinet Secretary, on the advise of”.

CLAUSE 8

THAT, clause 8 of the Bill be amended—

(a) in paragraph (b) by deleting the words “Cabinet Secretary” and substituting therefor the words “Inspector-General of the National Police Service”; and

(b) by deleting paragraph (c).

CLAUSE 9

THAT, clause 9 of the Bill be deleted.

CLAUSE 15

THAT, clause 15 of the Bill be deleted.

CLAUSE 18

THAT, clause 18 of the Bill be deleted.

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CLAUSE 19

THAT, clause 19 of the Bill be deleted.

CLAUSE 20

THAT, clause 20 of the Bill be amended in the proposed new section 118A by deleting the words “and the police officer carrying out the search pursuant to such warrant shall not, if acting in good faith, be liable to any legal proceedings.”

CLAUSE 21

THAT, clause 21 of the Bill be deleted.

CLAUSE 22

THAT, clause 22 of the Bill be deleted.

CLAUSE 23

THAT, clause 23 of the Bill be amended by deleting the proposed sections 343, 344,344A and 345.

CLAUSE 25

THAT, clause 25 of the Bill be deleted.

CLAUSE 26

THAT, clause 26 of the Bill be deleted.

CLAUSE 28

THAT, clause 28 of the Bill be deleted.

CLAUSE 31

THAT, clause 31 of the Bill be amended in the proposed new section 18A—

(a) in sub subsection (1) by deleting —

(i) the word “fraudulently” appearing in paragraph (c) and substituting therefor the word “fraud”; and

(ii) by deleting paragraph (f);

(b) inserting the following new sub-section immediately after subsection (2) —

(2) (a) A notification under subsection (2) shall be in writing and shall set out the reasons for the intended cancellation or revocation.

(c) by inserting the following new sub-sections immediately after sub-section (3)—

(3)(b) A person whose registration has been cancelled and an identity card revoked may appeal against the decision of the Director in the High Court within fourteen days.

(3) (c) A person whose registration has been cancelled and an identity card revoked, shall not be deported until an appeal filed under subsection (3) (b) is heard and determined.

CLAUSE 32

THAT, clause 32 of the Bill be amended in the proposed new section 20A–

- (a) by deleting the words “at least two days before the commencement of the proceedings,” in subsection (2);

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(613)

- (b) in subsection (5) by deleting the words “in lieu of the State calling as a witness the person who made the statement”.

- (c) in the proposed new subsection (7) by inserting the words “and may cross-examine the person on the statement” immediately after the word “evidence appearing in paragraph (a);

CLAUSE 39

THAT, clause 39 of the Bill be deleted.

CLAUSE 40

THAT, clause 40 of the Bill be amended by deleting paragraph (c) and substituting therefor the following new paragraph–

“(c) bulletproof gear;”

CLAUSE 41

THAT, clause 41 of the Bill be amended by —

- (a) deleting paragraph (a) and substituting therefor the following new paragraph —
 - (a) the Attorney General;
- (b) inserting the words “with the approval of the National Assembly” immediately after the words “Cabinet Secretary” in subsection (2) of the proposed new section 3.

CLAUSE 44

THAT, clause 44 of the Bill be deleted.

CLAUSE 45

THAT, clause 45 of the Bill be deleted.

CLAUSE 46

THAT, clause 46 of the Bill be deleted.

CLAUSE 49

THAT, clause 49 of the Bill be amended–

- (a) by deleting the words “the National Police Service” in the proposed subsection (3); and
- (b) by deleting paragraph (c).

CLAUSE 50

THAT, clause 50 of the Bill be deleted.

CLAUSE 58

THAT, clause 58 of the Bill be deleted.

CLAUSE 62

THAT, clause 62 of the Bill be amended in the proposed new section 6A–

- (a) by deleting the words “ and detain” appearing in the proposed subsection (1) and substituting therefor the words “arrest and immediately hand over to the nearest police station”; and
- (b) by deleting paragraph (c).

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CLAUSE 65

THAT, clause 65 of the Bill be amended by deleting sub section (2).

CLAUSE 66

THAT, clause 66 of the Bill be amended

- (a) by deleting the word “COVERT” appearing in the heading to Part V and substituting therefor the word “SPECIAL”;
- (b) in the proposed new section 42–
 - (i) by deleting the word “covert” wherever it appears and substituting therefor the word “special”;
 - (ii) by deleting the words “subject to guidelines approved by the Council, issue written authorization to an officer of the Service” in the proposed subsection (2) and substituting therefor the words “apply to the High Court for warrant”;
 - (iii) by deleting the words “written authorization issued by the Director-General” in the proposed subsection (3) and substituting therefor the words “warrant issued by the High Court”;and
 - (iv) in sub section (3) (c) by deleting sub paragraph (v).

CLAUSE 72

THAT, clause 72 of the Bill be amended in the proposed section 9A by deleting the words “glorifies, advises” and substituting therefor the word “promotes”.

CLAUSE 73

THAT, clause 73 of the Bill be in the proposed section 12A by deleting the words “for purposes of terrorism”.

CLAUSE 75

THAT, clause 75 of the Bill be amended–

(a) in the proposed new section 30A–

- (i) in subsection (1) by deleting the words “ is likely to be understood as” and deleting the words “encouraging” and “inducing” and substituting therefor the words “encourages” and “induces” respectively;

- (ii) by deleting the proposed new subsection (2); and
- (iii) by deleting the proposed new subsection (3);
- (b) by deleting subsection (2) in the proposed new section 30B;
- (c) in the proposed new section 30C–
 - (i) by deleting the words “designated by the Cabinet Secretary to be a terrorist training country” in subsection (1); and
 - (ii) by deleting subsection (3); and
- (d) by deleting the proposed new section 30F.

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CLAUSE 77

THAT, clause 77 of the Bill be amended by deleting paragraph (d).

CLAUSE 80

THAT, clause 80 of the Bill be deleted.

CLAUSE 83

THAT, clause 83 of the Bill be deleted.

CLAUSE 85

THAT, clause 85 of the Bill be deleted.

CLAUSE 86

THAT, clause 86 of the Bill be deleted.

CLAUSE 96

THAT, clause 96 of the Bill be amended by deleting the words “either the Kenya Police Service or the Administration Police Service” in the proposed new paragraph (na) and substituting therefor the words “ National Police Service”.

CLAUSE 98

THAT, clause 98 of the Bill be deleted.

CLAUSE 99

THAT, clause 99 of the Bill be deleted.

CLAUSE 100

THAT, clause 100 of the Bill be deleted.

CLAUSE 101

THAT, clause 101 of the Bill be deleted.

CLAUSE 102

THAT, clause 102 of the Bill be deleted.

CLAUSE 105

THAT, clause 105 of the Bill be amended in the proposed new section 95A by deleting the words “or magistrate” in paragraph (a).

CLAUSE 106

THAT, clause 106 of the Bill be deleted.

CLAUSE 107

THAT, clause 107 of the Bill be deleted.

NOTICE PAPER

Tentative business for Thursday (Afternoon), December 18, 2014

It is notified that, in accordance with Standing Order 29, the Speaker of the National Assembly, vide Kenya *Gazette* Notice No. 9021 of December 15, 2014 has notified the following business to be transacted on Thursday, December 18, 2014, including the Afternoon Sitting:-

1. **COMMITTEE OF THE WHOLE HOUSE**

The Security Laws (Amendment) Bill (National Assembly Bill No. 39 of 2014)
(The Chairperson, Departmental Committee on Administration and National Security)

2. **SPECIAL MOTION** – Consideration of Nominee for appointment as the Cabinet Secretary for Interior and Coordination of National Government
(Chairperson, Committee on Appointment)

3. **SPECIAL MOTION** – Consideration of Nominees for appointment as Board Members to the Constituencies Development Fund Board
(Chairperson, Select Committee on the Constituencies Development Fund)

Eleventh Parliament

(No.122)



Second Session
Afternoon Sitting
(616)

REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SPECIAL SITTING

THURSDAY, DECEMBER 18, 2014 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8*. COMMITTEE OF THE WHOLE HOUSE

The Security Laws (Amendment) Bill (National Assembly Bill No. 39 of 2014)
(The Chairperson, Departmental Committee on Administration and National Security)

(Resumption of consideration interrupted in the Morning Sitting)

*** Denotes Orders of the Day**

...../Notices

NOTICES

I. THE SECURITY LAWS (AMENDMENT) BILL, 2014 **(NATIONAL ASSEMBLY BILL NO. 39 OF 2014)**

1. Notice is given that the chairperson of the Committee on Administration and National Security (Hon. Asman Kamama), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 1

THAT, clause 1 be amended by inserting the words “and shall come into force upon publication” at the end thereof.

CLAUSE 2

THAT, clause 2 be deleted.

CLAUSE 3

THAT, clause 3 be amended by deleting paragraph (c).

CLAUSE 4

THAT, clause 4 be deleted.

CLAUSE 5

THAT, clause 5 be deleted.

CLAUSE 31

THAT, clause 31 be amended in the proposed new section 18A—

- (d) in subsection (1), by deleting the word “may” appearing after the word “Director” and substituting therefor the word “shall”;
- (e) in subsection (2), by inserting the words “in writing” immediately before the words “of the intention”;
- (f) by inserting the following new subsection immediately after subsection (2)—

“(2A) The cancellation of a registration and the revocation of a card under subsection (2) shall not take effect until after the expiry of fifteen days from the date of cancellation and revocation to allow the card holder to appeal to a court of competent jurisdiction”;

CLAUSE 32

THAT, clause 32 be amended in the proposed section 20A(1) by inserting the words “by an officer of or above the rank of a Chief Inspector or a magistrate” immediately after the word “him”.

CLAUSE 38

THAT, clause 38 be amended, in the proposed new section 36A, by deleting the words “with other prisoners” appearing immediately after the word “any communication” and substituting therefor the words “other than with a prisoner convicted of an offence under the Prevention of Terrorism Act, 2012.”

CLAUSE 40

THAT, clause 40 be amended in paragraph (b) by inserting the word “silencers” immediately after the word “mufflers” appearing in the proposed new paragraph (c).

CLAUSE 41

THAT, clause 41 be amended in the proposed new section 3(2), by—

(c) deleting paragraph (a).

(d) inserting the following new paragraphs immediately after paragraph (b)—

“(c) one representative from the Office of the Attorney-General;

(d) one representative from a private members group of lawfully registered gun owners;

(e) one representative from Kenya Wildlife Service”.

CLAUSE 44

THAT, clause 44 be deleted.

CLAUSE 45

THAT, clause 44 be deleted.

CLAUSE 46

THAT, clause 46 be deleted.

CLAUSE 49

THAT, clause 49 be deleted.

CLAUSE 51

THAT, clause 51 be deleted.

CLAUSE 62

THAT, clause 62 be amended in the new section 6A(1) by—

(b) deleting the words “and detain any person whom the officer” appearing immediately after the word ”stop” and substituting therefor the words” arrest and handover any person to the nearest police station”;

(b) deleting paragraph (c)

CLAUSE 63

THAT, clause 63 be amended by deleting the expression “11C”.

CLAUSE 65

THAT, clause 65 be amended by deleting paragraph (b).

CLAUSE 66

THAT, clause 66 be amended—

(e) in the proposed title to the new Part V by deleting the word “COVERT” and substituting therefor the word “SPECIAL”;

- (f) in the proposed new section 42(1), by deleting the word “covert” appearing before the word “operations” and substituting therefor the word “special”;

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(619)

- (g) in the proposed new section 42(3)(c), by deleting subparagraph (v) and substituting therefor the following new subparagraph—

“(v) take all necessary action, within the law, to preserve national security; and”

- (h) in the proposed new section 42(3), by inserting the words “and accompanied by a warrant from the High Court in the case of paragraph (c)” immediately after the words “shall be specific”.

CLAUSE 67

THAT, clause 67 be deleted.

CLAUSE 68

THAT, clause 68(a) be amended by deleting the proposed new paragraph (dd) and substituting therefor the following new paragraph—

“(dd) such other public officer as the President may appoint ”.

CLAUSE 70

THAT, clause 70 be amended by inserting the following new proviso at end of the proposed new subsection (3)—

“Provided that for purposes of the intelligence referred to in paragraph (a), it shall be specific, actionable and timely”.

CLAUSE 71

THAT, clause 71 be amended by deleting the words “as far as practicable” and substituting therefor the words “shall afford the affected entity reasonable opportunity”.

CLAUSE 72

THAT, clause 72 be amended by deleting the proposed new section 9A and substituting therefor the following new section—

Facilitation of
terrorist acts

9A. A person who advocates, promotes, advises or facilitates with intent to commit a terrorist act, any act preparatory to a terrorist act, commits an offence and is liable, on conviction to imprisonment for a term not exceeding twenty years.

CLAUSE 73

THAT, clause 73 be amended—

- (e) in the proposed new section 12A—

(iii) in subsection (1), by deleting the word “twenty” appearing before the words “less than” and substituting therefor the following words “twenty-five”;

(iv) by deleting subsection (2) and substituting therefor the following new subsection—

“(2) Without prejudice to subsection (1), unlawful possession of improvised explosive devices, assault rifles, rocket propelled grenades or grenades shall be presumed to be for terrorist or criminal purposes”.

- (f) in the proposed new section 12B, by deleting the words “in a place of worship institution” appearing before the words “or a public place” and substituting therefor the following words “in any premises, institution”;

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- (g) in the proposed new section 12C(1), by—

(iii) deleting the words “place of worship institution” appearing before the words “or public place” and substituting therefor the following words “premises, institution”;

(iv) deleting the words “twenty years” appearing before the words “not exceeding” and substituting therefor the words “thirty years”;

- (h) in the proposed new section 12C(2), by deleting the words “in a place of worship institution” appearing before the words “or a public place” and substituting therefor the words “in any premises, institution”.

CLAUSE 76

THAT, clause 76 of the Bill be amended by deleting subclause (a)

CLAUSE 77

THAT, clause 77 be amended by deleting paragraphs (a) and (b).

CLAUSE 80

THAT, clause 80 of the Bill be amended in the proposed new section 36A by—

- (c) renumbering the existing provision as subclause (1);

- (d) inserting the following new subclause immediately after the renumbered subclause (1)—

“(2) The Cabinet Secretary shall make regulations to give effect to subsection (1), and such regulations shall only take effect upon approval by the National Assembly.

(3) The right to privacy under Article 31 of the Constitution shall be limited under this section for the purpose of intercepting communication directly relevant in the detecting, deterring and disrupting terrorism”.

CLAUSE 81

THAT, clause 81 of the Bill be amended by deleting the word “subordinate” and substituting therefor the words “Chief Magistrate”.

CLAUSE 83

THAT, clause 83 of the Bill be amended in proposed new section 39A by deleting the words “without due” appearing immediately after the words “before it” and substituting therefor the words “without undue”.

CLAUSE 85

THAT, clause 85 be amended—

- (d) in the proposed new section 40A(2) by—

(iii) inserting the word “national” immediately after the words “such other” appearing in paragraph (e);

(iv) inserting the following new paragraphs immediately after paragraph (c)—

“(ca) the Attorney General”;

“(cb) Directorate of Immigration and Registration;”

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(e) in the proposed new section 40A(3), by deleting the words “period of” appearing immediately after the words “for a” and substituting therefor the words “period not exceeding”;

(f) by inserting the words “or companies” at the end of paragraph (2)(e) of the proposed section 40B.

CLAUSE 96

THAT, clause 96 of the Bill be amended by deleting paragraph (na) and substituting therefor the following new paragraph—

“(na) designate from among the county commanders in each county the most Senior Officer from either the Kenya Police Service or the Administration Police Service, who shall coordinate in consultation with the two Deputy Inspector-Generals, the operational command and control of the county, and the officer so designated shall, with respect to coordination, execute operational command and control in a manner that respects the command structure set out in Article 245(3) of the Constitution”.

CLAUSE 97

THAT, clause 97 of the Bill be amended by deleting the words “National Assembly” appearing in the proposed new subsection (2), and substituting therefor the following word “Parliament”.

CLAUSE 98

THAT, clause 98 be amended by inserting the expression “(3)” immediately after the expression “(2)”.

CLAUSE 103

THAT, clause 103 of the Bill be amended in the proposed new subsection (3A), by deleting the words “not exceeding ten ” and substituting therefor the words “ not less than ten years and not more than twenty”.

CLAUSE 105

THAT, clause 105 be amended in new section 95A(1) by deleting the words “or magistrate” appearing immediately after the word ”judge” in paragraph (a)

CLAUSE 106

THAT, clause 106 be deleted.

2. **Notice is given that chairperson of the Committee on Justice and Legal Affairs (Hon. Samuel Chepkonga), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 15

THAT, the Bill be amended by deleting clause 15 and replacing with a new clause 15 as follows—

Insertion of new section 66A in Cap. 63.

16. The Penal Code is amended by inserting the following new section immediately after section 66—

Prohibited publications and **66A.** (1) A person who publishes, broadcasts or causes to be published or distributed, through print, digital or electronic means, insulting, threatening, or inciting material or images of dead or injured persons which are likely to cause fear

broadcasts. and alarm to the general public or disturb public peace commits an offence and is liable, upon conviction, to a fine not exceeding five million shillings or imprisonment for a term not exceeding three years or both.

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(622)

(2) A person who publishes or broadcasts any information which undermines investigations or security operations by the National Police Service or the Kenya Defence Forces commits an offence and is liable, upon conviction, to a fine not exceeding five million shillings or a imprisonment for a term not exceeding three years, or both.

(3) The freedom of expression and the freedom of the media under Articles 33 and 34 of the Constitution shall be limited as specified under this section for the purposes of limiting the publication or distribution of material likely to cause public alarm, incitement to violence or disturb public peace.

CLAUSE 16

THAT, clause 16 of the Bill be amended by deleting the proposed new section 128A and substituting therefor the following—

Offences by public officers. **128A.** A public officer commits an offence and is liable, upon conviction, to imprisonment for a term of not less than fifteen years where in the course of his or her employment he or she—

- (h) aids or facilitates the commission of a felony;
- (i) facilitates the irregular entry of an alien or a criminal into Kenya;
- (j) conceals the whereabouts of a criminal; or
- (k) irregularly issues identification documents.

CLAUSE 17

THAT, clause 17 of the Bill be amended by deleting the proposed new section 251A and substituting therefor the following —

Insulting modesty by forcible stripping. **251A.** A person who intentionally insults the modesty of any other person by forcibly stripping such person, commits an offence and is liable, upon conviction, to imprisonment for a term not less than ten years.

CLAUSE 18

THAT, the Bill be amended by deleting clause 18 and replacing with a new clause 18 as follows—

Insertion of section 36A of Cap. 75. **19.** The Criminal Procedure Code is amended by inserting the following new sections immediately after section 36 —

Remand by court. **36A.** (1) Pursuant to Article 49(1) (f) and (g) of the Constitution, a police officer shall present a person who has been arrested in court within twenty-four hours after being arrested.

(2) Notwithstanding subsection (1), if a police officer has reasonable grounds to believe that the detention of a person arrested beyond the twenty-four hour period is necessary, the police officer shall—

- (c) produce the suspect before a court; and
- (d) apply in writing to the court for an extension of time for holding the suspect in custody.

(3) An application under subsection (2) shall be supported by an affidavit sworn by the police officer and shall specify —

- (e) the nature of the offence for which the suspect has been arrested;
- (f) the general nature of the evidence on which the suspect has been arrested;
- (g) the inquiries that have been made by the police in relation to the offence

- and any further inquiries proposed to be made by the police; and
- (h) the reasons necessitating the continued holding of the suspect in custody.

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(4) In determining an application under subsection (2), the court shall consider any objection that the suspect may have in relation to the application and may—

- (d) release the suspect unconditionally;
- (e) release the suspect subject to such conditions as the court may impose to ensure that the suspect—
 - (iv) does not, while on release, commit an offence, interfere with witnesses or the investigations in relation to the offence for which the suspect has been arrested;
 - (v) is available for the purpose of facilitating the conduct of investigations and the preparation of any report to be submitted to the court dealing with the matter in respect of which the suspect stands accused; and
 - (vi) appears at such a time and place as the court may specify for the purpose of conducting preliminary proceedings or the trial or for the purpose of assisting the police with their inquiries; or
- (f) having regard to the circumstances specified under subsection (5), make an order for the remand of the suspect in custody.

(5) A court shall not make an order for the remand in custody of a suspect under subsection (4) (c) unless—

- (e) there are compelling reasons for believing that the suspect shall not appear for trial, may interfere with witnesses or the conduct of investigations, or commit an offence while on release;
- (f) it is necessary to keep the suspect in custody for his protection, or, where the suspect is a minor, for his welfare;
- (g) the suspect is serving a custodial sentence; or
- (h) the suspect, having been arrested in relation to the commission of an offence, has breached a condition for his release.

(6) The court may, for the purpose of ensuring the attendance of a suspect under subsection (4)(b)(ii) or (iii), require the suspect—

- (c) to execute a bond for such reasonable amount as the court considers appropriate in the circumstances; and
- (d) to provide one or more suitable sureties for the bond.

(7) Where a court makes an order for the remand of a suspect under subsection (4) (c), the period of remand shall not exceed thirty days.

(8) A police officer who detains a suspect in respect of whom an order has been issued under subsection (4) (c) may, at any time before the expiry of the period of remand specified by the court, apply to the Court for an extension of that period.

(9) The court shall not make an order for the extension of the time for remand under subsection (8) unless it is satisfied that having regard to the circumstances for which an order was issued under subsection (4) (c), it is necessary to grant the order.

(10) Where the court grants an extension under subsection (9), such period shall not, together with the period for which the suspect was first remanded in custody, exceed ninety days.

THAT, clause 19 of the Bill be amended by deleting the proposed new section 42A and substituting therefor the following—

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(624)

Disclosure by prosecution. **42A.** (1) Pursuant to Article 50(2)(j) of the Constitution, the prosecution shall inform the accused person in advance of the evidence that the prosecution intends to rely on and ensure that the accused person has reasonable access to that evidence.

(2) In proceedings under the Prevention of Terrorism Act, the Narcotic Drugs and Psychotropic Substances (Control) Act, the Prevention of Organized Crimes Act, the Proceeds of Crime and Anti-Money Laundering Act and the Counter-Trafficking in Persons Act, the prosecution may, with leave of court, not disclose certain evidence on which it intends to rely until immediately before the hearing—

- (d) if the evidence may facilitate the commission of other offences;
- (e) if it is not in the public interest to disclose such evidence;
- (f) where there are grounds to believe that disclosing such evidence might lead to an attempt being improperly made to persuade a witness to make a statement retracting his original statement, not to appear in court or otherwise to intimidate him.”;

(6) Evidence shall be deemed to be in the public interest, if that evidence —

- (f) touches on matters of national security;
- (g) touches on the identity of an informant where there are good reasons for believing that disclosure of the informant’s identity may place the family of the informant in danger;
- (h) discloses the identity of a witness who might be in danger of assault or intimidation if his identity is known;
- (i) contains details which, if they become known, might facilitate the commission of other offences or alert someone not in custody that the person was a suspect; or
- (j) discloses some unusual form of surveillance or method of detecting crime.

(7) Disclosure of evidence to the Court and the accused person under this section shall be done in camera.

CLAUSE 20

THAT, Clause 20 of the

Bill be amended Bill by deleting the proposed new section 118 and substituting therefor the following—

Ex-parte application for search warrant.

118A. An application for a search warrant under section 118 shall be made ex-parte to a magistrate.

C

CLAUSE 21

THAT, the Bill be amended by deleting clause 21;

CLAUSE 22

THAT, the Bill be amended by deleting clause 22;

CLAUSE 23

THAT, clause 23 of the Bill be amended—

(j) by deleting the proposed new section 344 and substituting therefor the following—

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(625)

Requirements
from persons
subject to police
supervision.

344. (1) A court may at any time direct that a person shall, whilst subject to police supervision under section 343 and at large in Kenya, comply with all or any of the following requirements, and may vary any such directions at any time—

- (f) to reside within the limits of a specified area;
- (g) not to transfer his or her residence to another area without the written consent of an authorised police officer in charge of that area;
- (h) not to leave the area in which the person resides without the written consent of the police officer in charge of that area;
- (i) at all times to keep the authorised police officer in charge of the area in which the person resides notified of the house or place in which he or she resides and provide his or her telephone and other contacts;
- (j) to present him or herself, whenever called upon by the authorised police officer in charge of the area in which the person resides, at any place in that area specified by that officer

(2) The freedom of movement and residence under Article 39 of the Constitution shall be limited as specified under this section for the purposes of limiting the movement of persons under a lawful police supervision order.

(3) The Cabinet Secretary may make regulations for carrying out the provisions of this section, and in particular prescribing the manner in which persons may be brought before a court for the purposes of this section.

(k) in the proposed new section 344A by deleting the proposed subsection (2) and substituting therefor the following—

“(2) A person who is subject to police supervision under this section shall, whilst he or she is so subject—

- (j) reside within the limits of such area as the Commissioner of Prisons shall, in each case, specify in writing to the Inspector General of Police upon the person’s release;
- (k) not transfer his or her residence to another area without the written consent of the police officer in charge of the specified area;
- (l) not leave the area in which he or she resides without the written consent of the police officer in charge of that area;
- (m) at all times keep the police officer in charge of the area in which he or she resides notified of the house or place in which he or she resides;
- (n) present him or herself, whenever called upon by the police officer in charge of the area in which he resides, at any place in that area specified by that officer.”;

(l) by inserting a new subsection immediately after the proposed subsection (2) as follows—

“(3) The freedom of movement and residence under Article 39 of the Constitution shall be limited as specified under this section for the purposes of limiting the movement of persons under a lawful police supervision order.”;

(m) in the proposed new section 345 by—

- (iii) deleting the proposed subsection (1) and substituting therefor the following—

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“(1) A person subject to police supervision who fails to comply with a requirement placed upon him or her by or by virtue of section 344 or 344A commits an offence and is liable, upon conviction, to imprisonment for a term not exceeding six months and on a second or subsequent conviction for that offence to imprisonment for a term not exceeding twelve months;”

- (iv) inserting a new subsection immediately after the proposed subsection (1) as follows—
“(1A) Reasonable efforts made by a person to comply with a supervision order shall be a defence to the offences under subsection (1).”;

- (n) by deleting the proposed new section 346.

CLAUSE 25

THAT, clause 25 of the Bill be amended by deleting the proposed new paragraph (c) and substituting therefor the following—

“(c) in proceedings under section 203 or 296 (2) of the Penal Code, the Prevention of Terrorism Act, the Narcotic Drugs and Psychotropic Substances (Control) Act, the Prevention of Organized Crimes Act, the Proceeds of Crime and Anti-Money Laundering Act and the Counter-Trafficking in Persons Act, where the subordinate court has granted bail to an accused person, and the Director of Public Prosecution has indicated his intention to apply for review of the order of the court, the order of the subordinate court shall be stayed for a period not exceeding fourteen days pending the filing of the application for revision.”

CLAUSE 26

THAT, clause 26 of the Bill be amended by deleting the proposed new section 379A and substituting therefor the following—

Appeal
to the
Court of
Appeal
on High
Court's
original
jurisdiction.

379A. In proceedings under section 203 or 296 (2) of the Penal Code, the Prevention of Terrorism Act, the Narcotic Drugs and Psychotropic Substances (Control) Act, the Prevention of Organized Crimes Act, the Proceeds of Crime and Anti-Money Laundering Act and the Counter-Trafficking in Persons Act, where the High Court, in exercise of its original jurisdiction, has granted bail or bond to an accused person, the Director of Public Prosecution, may, as of right, appeal against that decision to the court of appeal and the order may be stayed for a period not exceeding fourteen days pending the filing of an appeal.

CLAUSE 28

THAT, the Bill be amended by deleting clause 28;

CLAUSE 32

THAT, clause 32 of the Bill be amended in the proposed new section 20A by inserting the words “, by an officer of or above the rank of an Chief inspector or a magistrate,” immediately after the word “him” appearing in the proposed subsection (1);

CLAUSE 35

THAT, clause 35 of the Bill be amended in the proposed new section 59A—

- (g) by inserting a marginal note as follows—

“Agreement on facts not in issue.”

- (h) in the proposed subsection (1) by deleting the word “or” appearing immediately after the words “notice to the accused person” and substituting therefor the word “and”;

- (i) in the proposed subsection (2) by deleting the word “or” appearing immediately after the words “handed to the accused” and substituting therefor the word “and”;

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- (j) in the proposed subsection (3) by deleting the word “or” appearing immediately after the words “accused person” and substituting therefor the word “and”;
- (k) in the proposed subsection (5) by deleting the word “reaction” appearing immediately after the words “such fact and of the” and substituting therefor the word “response”;
- (l) in the proposed subsection (6) by deleting the word “initiative” appearing immediately after the words “on its own” and substituting therefor the word “motion”;

CLAUSE 36

THAT, clause 36 of the Bill be amended in the proposed new section 63A by deleting the expression “(5)” appearing immediately before the words “The Chief Justice” and substituting therefor the expression “(2)”.

- 3. **Notice is given that the Chairperson of the Select Committee on Constituencies Development Fund (Hon. Mosses Lessonet) intends to move the following amendments to The Security Laws (Amendment) Bill, 2014 at the Committee Stage-**

CLAUSE 96

THAT, Clause 96 of the Bill be amended in the proposed paragraph (na) by—

- (c) deleting the word “neither” appearing after the word “from”
- (d) deleting the words “or the Administrative Police Service” appearing after the word “service”

CLAUSE 98

THAT, Clause 98 of the Bill be amended by deleting the proposed clause and substituting with the following new clause —

“ **98.** Section 15 of the National Police Service Act is amended —

- (e) in subsection (2) by deleting the word “Commission” appearing after the words “petitions to the” and substituting with the words “ Independent police Oversight Authority”
- (f) in subsection (3) by—
 - (iv) deleting the words “the Commission” appearing before the word “shall” and substituting with the words “ Independent police Oversight Authority”;
 - (v) deleting the words “at least two thirds” appearing before the word “if” and substituting with the word “majority”; and
 - (vi) deleting the words “the Commission” appearing after the word “subsection (1)” and substituting with the words “ Independent police Oversight Authority”;
- (g) in subsection (4) by adding the words “who shall act in accordance with the recommendations within seven days” immediately after the word “President”
- (h) by deleting subsections (5), (6), (7) and (8).

CLAUSE 99

THAT, Clause 99 of the Bill be amended deleting the proposed clause and substituting with the following new clause —

“ **99.** Section 17 of the National Police Service Act is amended —

- (f) In subsection (1) by adding the following new words immediately after the word “office” “on recommendations of the Independent Police Oversight Authority”

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- (g) in subsection (2) by deleting the word “Commission” appearing after the words “petitions to the” and substituting with the words “ Independent police Oversight Authority”
- (h) in subsection (3) —
- (iii) by deleting the words “the Commission” appearing before the word “shall” and substituting with the words “ Independent police Oversight Authority”; and
- (iv) paragraph (c) by deleting the words “if at least two thirds majority of all members , excluding the person under investigation are satisfied that the person under investigation and”
- (i) in subsection (4) by deleting the words “the Commission” appearing before the word “the” and substituting with the words “ Independent police Oversight Authority”;
- (j) in subsection (5) by deleting the words “the Commission” appearing before the word “the” and substituting with the words “ Independent police Oversight Authority”;

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 99—

Amendment of
section 18 of Act
No. 11A of 2011

99A.The National Police Service Act is amended in section 18by adding the following new words immediately after the words “four years” “but may be removed before expiry of his term subject to the provisions of Article 245(7) of the Constitution.”

Amendment of
section 21 of Act
No. 11A of 2011

99B. The National Police Service Act is amended by deleting section 21.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 100-

Amendment of
section 31 of Act
No. 11A of 2011

99A. The National Police Service Act is amended in section 31 —

- (f) In subsection (1) by adding the following new words immediately after the word “office” “on recommendations of the Independent Police Oversight Authority”
- (g) in subsection (2) by deleting the word “Commission” appearing after the words “petitions to the” and substituting with the words “Independent police Oversight Authority”
- (h) in subsection (3) —
- (iv) by deleting the words “the Commission” appearing before the word “shall” and substituting with the words “ Independent police Oversight Authority”;
- (v) by deleting the words “the Commission”

appearing after the word “sub-section (l)” and substituting with the words “ Independent police Oversight Authority”; and

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- (vi) paragraph (c) by deleting the words “if at least two thirds majority of all members , excluding the person under investigation are satisfied that the person under investigation and”
- (i) in subsection (4) by deleting the words “the Commission” appearing before the word “the” and substituting with the words “ Independent police Oversight Authority”;
- (j) in subsection (5) by deleting the words “the Commission” appearing before the word “the” and substituting with the words “ Independent police Oversight Authority”;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 106-

Transition clauses
of amendments to
Act No. 11A of
2011

106A.The National Police Service Act amended in section 131 by —

(c) renumbering the existing provision as (1)

(d) by inserting the following new section after section (1) paragraph (c)

“(2) the amendment to this Act under the provisions of the Security amendment Bill, 2014 shall declare vacant the office of the Deputy Inspector General in charge of Kenya Police, the Deputy Inspector General in charge of Administration Police service and the Director of Criminal Investigation holding office upon enactment of this Bill.”

4. **Notice is given that the Chairperson of the Departmental Committee on Labour and Social Welfare (Hon. David Were) intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 53

THAT, clause 53 of the Bill be amended—

(d) in the proposed new section 54A, by—

(v) renumbering the existing provision as subsection (1) and inserting the following new subsection immediately after the renumbered subsection (1)—

“(2) The officer from the Ministry responsible for labour shall be the chairperson of the Inter-ministerial Committee.”

(vi) deleting the word ‘and’ in sub clause (c);

- (vii) inserting the word ‘and’ immediately after the words ‘Attorney-General’;
and

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- (viii) inserting the following new paragraph immediately after paragraph (d)—
“(e) the Ministry responsible for Foreign Affairs.”

- (e) by deleting the proposed new section 54B and substituting therefor the following new section—

Functions of the
Inter-ministerial
committee.

54B. The Inter-Ministerial committee shall be responsible for —

- (a) advising the Cabinet Secretary responsible for labour on matters related to work permits in relation with security issues; and

(b) vetting the application for registration made by employment bureaus and agencies.

- (f) in the proposed new section 54C, by inserting the words “and for employment of foreigners within Kenya” immediately after the word “Kenya”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 53—

Amendment of
section 56 of No.
12 of 2007

53A. The Labour Institutions Act is amended in section 56 by—

- (d) inserting the following new subsection immediately after subsection (1)—

“(2) The applications for registration made under subsection (1) shall be vetted by the Inter-Ministerial Committee established under section 54A”;

- (e) renumbering subsection (2) as subsection (3);

- (f) inserting the following new paragraph immediately before paragraph (a) in the renumbered subsection (3)—

“(aa) the applicant has satisfied the vetting process under section 54A”

5. Notice is given that the Leader of the Majority Party (Hon. Aden Duale), intends to move the following amendments to the Security Laws (Amendment) Bill (National Assembly Bill, No. 39 of 2014) at Committee Stage—

CLAUSE 31

THAT clause 31 of the Bill be amended in the proposed clause 18A (1) by inserting the words “it is determined by a court of competent jurisdiction that” immediately after the word “if”.

CLAUSE 72

THAT clause 72 of the Bill be amended in the proposed clause 9A by inserting the words “with intent to promote violence” immediately after the word “who”.

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CLAUSE 73

THAT clause 73 of the Bill be amended —

- (c) by deleting the words “in a place of worship” appearing in the proposed clause 12B and substituting therefor the words “in any premises,”; and
- (d) by deleting the words “in a place of worship” appearing in the proposed clause 12C and substituting therefor the words “ in any premises”.

CLAUSE 83

THAT clause 83 of the Bill be amended in the proposed clause 39A by deleting the word “without” and substituting therefor the word “with”.

6. **Notice is given that the Member for Wajir South Constituency (Hon. Abdullahi Diriye) intends to move the following amendments to the Security Laws (Amendment) Bill, (National Assembly Bill No.39 of 2014) at the Committee Stage—**

CLAUSE 31

THAT, clause 31 be amended by inserting the following new section immediately after the proposed new section 18A—

Constitution of
taskforce

18B. The Cabinet Secretary shall constitute an inclusive taskforce whose mandate shall be to determine Kenyan nationals who have registered as refugees, and whose fingerprints are captured in the refugees database, for purposes of issuing them with national identification cards.

CLAUSE 55

THAT, clause 55 be deleted.

CLAUSE 58

THAT, clause 58 of the Bill be amended in the proposed insertion of Clause 16A to the Refugees Act by deleting the words “one hundred and fifty” appearing in the proposed sub clause (1) and substituting therefor the words “six hundred”.

CLAUSE 73

THAT, clause 73 of the Bill be amended in the proposed insertion of Clause 12C to the Prevention of Terrorism Act by inserting the following new sub clause immediately after the proposed sub clause (2)—

“(3) No person shall invade a place of worship with the intention of recovering a weapon, an improvised explosive device or components of an improvised explosive device without the permission of the Cabinet Secretary in consultation with the religious leaders.”

CLAUSE 75

THAT, clause 75 of the Bill be amended in the proposed insertion of Clause 30A to the Prevention of Terrorism Act by deleting the word “fourteen” appearing immediately after the word “exceeding” in the proposed sub clause (1) and substituting therefor the word “three”.

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CLAUSE 77

THAT, clause 77 of the Bill be amended in the provision relating to the Prevention of Terrorism Act by deleting the proposed paragraph (d) and substituting therefore the following new paragraph-

“(d) in subsection 10 by deleting the words “ninety days” and substituting therefor the words “one hundred and twenty.”

CLAUSE 80

THAT, the Bill be amended by deleting clause 80.

CLAUSE 104

THAT, clause 104 of the Bill be amended in the proposed insertion of Clause 76A to the National Police Service Act by deleting the words “or otherwise leave service” appearing immediately after the word “dismissed”.

CLAUSE 106

THAT, the Bill be amended by deleting clause 106

CLAUSE 107

THAT, clause 107 of the Bill be amended in the provision relating to the Public Benefits Organizations Act by—

(c) deleting the words “upon consultation with the cabinet secretary” appearing after the word “Authority” in the proposed sub clause (4B)

(d) deleting the proposed sub clause (4C).

7. Notice is given that the Member for Balambala (Hon. Abdikadir Aden), intends to move the following amendments to the Security Laws (Amendment) Bill, (National Assembly Bill No.39 of 2014) at the Committee Stage—

CLAUSE 4

THAT, clause 4 be deleted.

CLAUSE 5

THAT, clause 5 be deleted.

CLAUSE 8

THAT, clause 8 be amended by deleting paragraph (b).

CLAUSE 12

THAT, clause 12 be deleted.

CLAUSE 15

THAT, clause 15 be deleted.

CLAUSE 37

THAT, clause 37 be amended in the proposed new section 78A(2), by deleting the word “not” appearing immediately before the words “The court shall ”.

CLAUSE 55

THAT, clause 55 be deleted.

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CLAUSE 58

THAT, clause 58 be deleted.

CLAUSE 60

THAT, clause 60 be deleted.

CLAUSE 61

THAT, clause 61 be amended by deleting paragraph (b).

CLAUSE 63

THAT, clause 63 be deleted.

CLAUSE 64

THAT, clause 64 be deleted.

CLAUSE 66

THAT, clause 66 be deleted.

CLAUSE 73

THAT, clause 73 be amended—

- (c) by deleting subsection (1) of the proposed new clause 12A and substituting therefor the following new subsection—

“(1) An unauthorized person who is in possession of a weapon, an improvised explosive device or components of an improvised explosive device commits an offence and is liable, on conviction, to imprisonment for a term not less than twenty years”;

- (d) by deleting the proposed new section 12D and substituting therefor the following new section—

Promotion of
ideologically-
based violence.

12D. A person who promotes ideologically-based violence to advance political, religious or social change commits an offence and is liable, on conviction, to imprisonment for a term not exceeding thirty years.

CLAUSE 75

THAT, clause 75 be amended by deleting the proposed new section 30F.

CLAUSE 80

THAT, clause 80 be deleted.

CLAUSE 97

THAT, clause 97 be deleted.

CLAUSE 98

THAT, clause 98 be deleted.

CLAUSE 99

THAT, clause 99 be deleted.

CLAUSE 100

THAT, clause 100 be deleted.

CLAUSE 107

THAT, clause 107 be deleted.

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8. **Notice is given that the Member for Kiminini (Hon. Chris Wamalwa), intends to move the following amendments to the Security Laws (Amendment) Bill, (National Assembly Bill No.39 of 2014) at the Committee Stage—**

CLAUSE 4

THAT, clause 4 be deleted.

CLAUSE 5

THAT, clause 5 be deleted.

CLAUSE 15

THAT, clause 15 be deleted.

CLAUSE 19

THAT, clause 19 be amended by deleting subsections (2) and (3) of the proposed new section 42A.

CLAUSE 38

THAT, clause 38 be amended by deleting the proposed new section 36A and substituting therefor the following new section—

Prisoners detained
for terrorist activity
to be kept apart.

36A. The Commissioner shall confine persons who are imprisoned for committing an offence under the Prevention of Terrorism Act, 2012 in a prison specifically set aside for persons imprisoned for offences under the Act.

CLAUSE 66

THAT, clause 66 be amended, in the proposed new section 42(3), by deleting paragraph (c).

CLAUSE 75

THAT, clause 75 be amended by deleting the proposed new section 30F.

CLAUSE 80

THAT, clause 80 be deleted.

9. **Notice is given that the Member for Dagoretti (Hon. Denis Waweru), intends to move the following amendments to the Security Laws (Amendment) Bill, (National Assembly Bill No.39 of 2014) at the Committee Stage—**

CLAUSE 96

THAT, clause 96 be amended by deleting the proposed new paragraph (na) and substituting therefor the following new paragraphs—

“(na) designate in each county, in consultation with the Deputy Inspectors-General, an officer of the Kenya Police Service and the Administration Police Service, respectively, as the commander of that Service in the county:

Provided that the officer designated under this paragraph shall, with respect to the co-ordination of joint operations of the Services, respect the command structure set out in Article 245(3) of the Constitution;

(nb) designate in each county, in consultation with the Deputy Inspectors-General, the most senior officer from either the Kenya Police Service or the Administration Police Service. Who shall co-ordinate joint operations of the Services in the county”.

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10. Notice is given that the Member for Navakholo, Hon. Emmanuel Wangwe, M.P., intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 96

THAT, clause 96 be deleted.

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 100—

Insertion of
new section
40A in No.
11A of
2011.

100A. The National Police Service Act is amended by inserting the following new section immediately before section 40 under Part VI—

Police
command
structure
in the
counties,
etc.

39A. (1) There is established the office of the county commander-in-charge of the Kenya Police Service, the Administration Police Service and the Directorate of Criminal Investigation, respectively, in each county.

(2) An officer appointed as the commander in-charge of a county in the Kenya Police Service, the Administration Police Service and the Directorate, respectively, shall—

- (e) subject to the direction of the respective Deputy Inspector General, and the Director in the case of the Directorate, exercise command over the respective service and Directorate, and shall be responsible for the performance of the functions of the respective service and Directorate in the county;
- (f) have full authority over all officers of the Service and Directorate who are deployed under the county command, whatever their rank.

(3) Without prejudice to the exercise of command by an officer appointed in accordance with subsection (2), and upon consultations between the Inspector-General, the Deputy Inspectors-General and the Director, the officer in command of a county holding the senior most rank from which ever Service, shall—

- (g) be designated to convene and chair deliberations of the respective Services in regard to conduct of joint law enforcement and or security operations, and to cause a brief of the same to the respective County Security and Intelligence Committee;
- (h) cause the assignment of a lead commander and issuance of appropriate orders necessary for the effective execution of such operations, as may be determined necessary;
- (i) be responsible for issuing public communications as and

when necessary in respect of matters related to the policing in the county.

- (8) In the discharge of his or her duty, a police officer in command of a Service or component of that service in a county, or designated to perform duty in accordance with subsection (3), including during a security operation, whether joint or otherwise, shall—

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(e) be cognizance of the meaning, scope and authority on matters that are of security nature as vesting under the National Security Council and its subordinate structures; and that the authority on matters related to law enforcement vest under the Inspector-General of the Service;

(f) not conduct themselves in manner prejudicial to or that may be construed as removing, detracting from or diminishing any power or duty expressly conferred, enforced or imposed by the respective Deputy Inspectors-General or by any law, upon a county commander of a service.

11. Notice is given that the Member for Tongaren (Hon. (Dr.) David Eseli Simiyu, intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 4

THAT, clause 4 be deleted.

CLAUSE 5

THAT, clause 5 be deleted.

CLAUSE 17

THAT, clause 17 be deleted.

CLAUSE 19

THAT, clause 19 be deleted.

CLAUSE 21

THAT, clause 21 be deleted.

CLAUSE 31

THAT, clause 31 be amended by deleting paragraph (f) in the proposed new section 18A(1).

CLAUSE 32

THAT, clause 32 be amended in the proposed new section 20A(2) by inserting the words “seven days” immediately before the words “before the date”.

CLAUSE 38

THAT, clause 38 be deleted.

CLAUSE 52

THAT, clause 52 be amended in the proposed new subsection (2) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

CLAUSE 58

THAT, clause 58 be amended by deleting the words “one hundred and fifty” appearing in the proposed new section 16A(1) and substituting therefor the words “five hundred”.

CLAUSE 62

THAT, clause 62 be amended by deleting the words “stop and detain” appearing in the proposed new section 6A, and substituting therefor the word “arrest”.

CLAUSE 65

THAT, clause 65 be amended by deleting paragraph (b).

CLAUSE 66

THAT, clause 66 be deleted.

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CLAUSE 73

THAT, clause 73 be amended by deleting the proposed new section 12D.

CLAUSE 75

THAT, clause 75 be amended by—

- (d) deleting subsection (3) of the proposed new section 30A;
- (e) deleting subclause (2) of the proposed new section 30B;
- (f) deleting the proposed new section 30C.

CLAUSE 106

THAT, clause 106 be amended in the proposed new subsection (4A) by deleting the expression “any unique character obtaining to such guests and submit such record to the police station at least once every week” and substituting therefor the expression “and avail such records to the police on demand”.

12. **Notice is given that the Member for Kiambu (Hon. Jude Njomo), intends to move the following amendments to the Security Laws (Amendments) Bill, 2014 at the Committee Stage—**

CLAUSE 96

THAT clause 96 be amended by inserting the following new proviso immediately after the proposed new paragraph (na)—

“Provided that, in designating the most senior officers to have overall responsibility in respective counties, the inspector General shall ensure fair allocation of the designations between the Kenya Police Service and the Administration Police Service.”

13. **Notice is given that the Member for Machakos Town (Hon. (Dr.) Victor Munyaka), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 72

THAT clause 72 be amended by inserting the following new section immediately after proposed new section 9A—

Aiding or abetting of terrorist acts by police officers.

9B. Notwithstanding the generality of section 9A, any police officer who abets or aids terrorist activities, whether by spying or any other way, or discloses information to any unauthorised person, including a terrorist suspect, that in any way prejudices investigations or the working of the National Police Service commits an offence and is liable, on conviction, to imprisonment for a term not exceeding twenty years.

14. Notice is given that the Hon. Zuleikha Hassan, MP, intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 7

THAT, clause 7 be deleted.

CLAUSE 15

THAT, clause 15 be deleted.

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CLAUSE 31

THAT, clause 31 be deleted.

CLAUSE 65

THAT, clause 65 be deleted.

CLAUSE 66

THAT, clause 66 be deleted.

CLAUSE 72

THAT, clause 72 be deleted.

CLAUSE 73

THAT, clause 73 be amended by deleting the proposed new section 12D.

CLAUSE 75

THAT, clause 75 be amended by—

- (c) deleting the proposed new section 30A; and
- (d) deleting the proposed new section 30F.

CLAUSE 85

THAT, clause 85 be deleted.

CLAUSE 107

THAT, clause 107 be deleted.

15. Notice is given that the Member for Rangwe (Hon. George Oner) intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 4

THAT, clause 4 be deleted.

CLAUSE 5

THAT, clause 5 be deleted.

CLAUSE 7

THAT, clause 7 be amended by deleting paragraph (c).

CLAUSE 8

THAT, clause 8 be amended by deleting paragraph (c).

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

CLAUSE 15

THAT, clause 15 be deleted.

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CLAUSE 16

THAT, clause 16 be amended in the proposed new section 128A by—

(a) inserting the following words “or any undocumented or restricted or known fugitive or terrorist” immediately after the words “criminal” appearing in paragraph (b); and

(b) inserting the following new paragraph immediately after paragraph (c)—

(d) aids or facilitates the entry into Kenya of any item which may be used in the commission of a crime;

CLAUSE 18

THAT, clause 18 be amended in the proposed new section 36A by inserting the following new subsection immediately after subsection (3)—

“(3)(a) An officer who knowingly, maliciously or without reasonable cause swears an affidavit pursuant to subsection (3) commits an offence.”

CLAUSE 21

THAT, clause 21 be deleted.

CLAUSE 25

THAT, clause 25 be deleted.

CLAUSE 26

THAT, clause 26 be deleted.

CLAUSE 32

THAT, clause 32 be deleted.

CLAUSE 35

THAT, clause 35 be deleted.

CLAUSE 37

THAT, clause 37 be deleted.

CLAUSE 41

THAT, clause 41 be amended in the proposed new section 3(2) by deleting paragraph (a).

NEW CLAUSE

Amendment of section 11 of Cap 56.

9. Section 11 of the Public Order Act is amended in subsection (1) by deleting the words “two years or to a fine not exceeding ten” and substituting therefor the words “ten years or to a fine not exceeding one hundred”.

THAT, the Bill be amended by inserting the following new clause immediately after 46—

Insertion of new section in Cap. 395

46A. The Kenya Airports Authority Act is amended by inserting the following new section immediately after section 42—

Compulsory acquisition of land

42A. Subject to the provisions of the proposed new section 17D (b), the Cabinet Secretary shall initiate the process compulsory acquisition of any land which is adjacent to an aerodrome.

CLAUSE 57

THAT, the Bill be amended by deleting clause 57 and substituting therefor the following new clause—

Amendment of section 14 of No.13 of 2006.

57. Section 14 of the Refugees Act is amended —

- (d) by renumbering the existing provision as (1);
- (e) by inserting the following new paragraph immediately after paragraph (b)—
 - (c) not leave the designated refugee camp without the permission of the Refugee Camp Officer.

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- (f) by inserting the following new sub-sections immediately after subsection(1) —
 - (2) A Refugee Camp Officer may give a refugee or asylum seeker, permission to leave the designated refugee camp—
 - (c) for medical grounds; or
 - (d) on such grounds as maybe prescribed in legislation.
 - (3) A refugee or asylum seeker shall report to the nearest police station at least once every three days during the period which he is out of the designated refugee camp.

CLAUSE 85

THAT, clause 85 be amended in the proposed new section 40B (2) by inserting the following new paragraphs immediately after paragraph (e)—

- (f) receive and analyse the manifests of all inbound and outbound vessels against the national and international databases of persons and vessels involved in terrorism related activities.

16. **Notice is given that the Member for Pokot South (Hon. David Pkosing), intends to move the following amendment to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 73

THAT, clause 73 be amended in the proposed new section 12A by deleting subsection (2).

17. **Notice is given that the Member for Mandera East (Hon. Issak Shabaan), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 75

THAT, clause 75 be amended by deleting the proposed new section 30C.

18. **Notice is given that the, Member of Wajir County (Hon. Fatuma Ali) intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 15

THAT clause 15 be amended in the proposed clause 66A by deleting the words “or causes to be published or distributed obscene, gory or” immediately after the words “A person who publishes”.

CLAUSE 31

THAT clause 31 be deleted.

CLAUSE 59

THAT clause 59 be amended in paragraph (b) by deleting the words “, measures and activities conducted to safeguard or protect classified information, critical installations, key government infrastructure and important personalities” appearing immediately after the words “assessment of threats and vulnerabilities”.

CLAUSE 62

THAT clause 62 be deleted.

CLAUSE 63

THAT clause 63 be deleted.

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CLAUSE 64

THAT clause 64 be deleted.

CLAUSE 65

THAT clause 65 be deleted.

CLAUSE 66

THAT clause 66 be deleted.

CLAUSE 68

THAT clause 68 be amended in paragraph (a) by deleting the words “Head of Public Service” and substituting therefor the words “any officer appointed by the Cabinet Secretary”.

CLAUSE 69

THAT clause 69 be deleted.

19. **Notice is given that the Member for Suna East (Hon. Junet Nuh), intends to move the following amendments to the Security Laws (Amendments) Bill, 2014 at the Committee Stage—**

CLAUSE 31

THAT, clause 31 be amended by deleting subsection (2) in the proposed new section 18A and substituting therefor the following new subsections—

“(2) Before cancellation of registration and revocation of an identity card under subsection (1), the Director shall give at least thirty days’ notice to the card holder of the intention to cancel the registration and revoke the card.

(2A) The cardholder shall, within seven days following the expiry of the period specified in subsection(2), in writing to the Director, show cause why the cancellation of the registration and revocation should not be effected, but the Director may allow a further period not exceeding fourteen days.

(2B) A person who is aggrieved by the decision of the Director to revoke an identity card under subsection (1) may apply to the High Court for review of the decision of the Director”.

20. **Notice is given that the Member for Mukurweini (Hon. Kabando wa Kabando), intends to move the following amendments to the Security Laws (Amendments) Bill, 2014 at the Committee Stage—**

CLAUSE 5

THAT clause 5 be amended by inserting the following new subsection immediately after the proposed new subsection (1B) —

(1C) Any person who, during a public meeting or procession causes damage to public infrastructure, including damage caused by lighting of bonfires on tarmac roads, commits an offence and is liable for any repairs that may be required.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 99—

Amendment of section 35 into No.11A of 2011.

99A. The National Police Service Act is amended in section 35 by—
(c) numbering the existing provision as subsection (1); and
(d) inserting the following new subsections after the renumbered subsection (1)—

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“(2) The investigations referred to under subsection (1) (b) shall be undertaken and completed within six months from the date of commencement.

(3) Despite subsection (2) the Inspector-General may, at the request of the Director of Criminal Investigations, extend the period of investigations for a period not exceeding ninety days”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 106—

Insertion of section 123A into No.11A of 2011.

106A. The National Police Service Act is amended by inserting the following new section immediately after section 123—

Quarterly progress reports on the status of criminal investigations.

123A. The Inspector-General shall prepare and submit quarterly progress reports on the status of criminal investigations to the National Assembly.

21. Notice is given that Hon. Eng. Mohamed Maalim Mahamud, M.P., intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 16

THAT, clause 16 of the Bill be amended by deleting the proposed new section 128A and substituting therefor the following—

Offences by public officers. **128A.** A public officer commits an offence and is liable, upon conviction, to imprisonment for a term not exceeding ten years where in the course of his or her employment he or she knowingly—

- (l) aids or facilitates the commission of a felony;
- (m) facilitates the entry of a criminal into Kenya; or
- (n) conceals the whereabouts of a criminal;

CLAUSE 18

THAT, the Bill be amended by deleting clause 18;

CLAUSE 23

THAT, clause 23 of the Bill be amended—

- (o) by deleting the proposed new section 343;
- (p) by deleting the proposed new section 344;
- (q) by deleting the proposed new section 344A and replacing with the following—

Police
supervisi
on.

344 A. (1) A court may subject a person who is convicted of an offence under section 296(1), 297(1), 308 or 322 of the Penal Code or the Prevention of Terrorism Act or the Sexual Offences Act to police supervision for a period of five years from the date of his release from prison.

(2) A person who is subject to police supervision under this section shall, whilst he or she is so subject—

- (o) not transfer his or her residence to another area without written notification to the police officer in charge of the specified area;
- (p) not leave the area in which he or she resides without written notification to the police officer in charge of that area;
- (q) at all times keep the police officer in charge of the area in which he or she resides notified of the house or place in which he or she resides;

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- (r) present him or herself, whenever called upon by the police officer in charge of the area in which he resides, at any place in that area specified by that officer.

(r) in the proposed new section 345 by deleting the expression “344 or” appearing immediately after the words by virtue of section” in the proposed subsection (1);

CLAUSE 27

THAT, the Bill be amended by deleting clause 27;

CLAUSE 29

THAT, the Bill be amended by deleting clause 29;

CLAUSE 55

THAT, clause 55 of the Bill be amended by inserting the words “provided a person can show reasonable cause for delay” immediately after the word “entry”;

CLAUSE 56

THAT, the Bill be amended by deleting clause 56;

CLAUSE 57

THAT, the Bill be amended by deleting clause 57;

CLAUSE 58

THAT, the Bill be amended by deleting clause 58;

CLAUSE 59

THAT, clause 59 of the Bill be amended in subclause (b) by deleting the words “, measures and activities conducted to safeguard or protect classified information, critical installations, key government infrastructure and important personalities” appearing immediately after the word “vulnerabilities”;

CLAUSE 61

THAT, the Bill be amended by deleting clause 61;

CLAUSE 66

THAT, the Bill be amended by deleting clause 66;

CLAUSE 73

THAT, clause 73 of the Bill be amended—

- (e) in the proposed new section 12A by deleting the words “a weapon” appearing immediately after the words “possession of” in the proposed subsection (1);

- (f) deleting the proposed new section 12B;
- (g) in the proposed new section 12C—
 - (iii) by deleting the words “place of worship institution” appearing immediately after the words “charge of any” in the proposed subsection (1) and substituting therefor the word “premises”;
 - (iv) by deleting the words “place of worship institution” appearing immediately after the words “weapons in the” in the proposed subsection (2) and substituting therefor the word “premises”;
- (h) in the proposed new section 12D by deleting the words “adopts or promotes an extreme belief system for the purposes of facilitating” appearing immediately after the words “A person who” and substituting therefor the words “engages in”;

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CLAUSE 75

THAT, clause 75 of the Bill be amended—

- (d) in the proposed new section 30A by deleting the proposed subsection (3);
- (e) in the proposed new section 30B by deleting the proposed subsection (2);
- (f) by deleting the proposed new section 30F;

22. Notice is given that the Member for Mbeere North (Hon. Muriuki Njagagua), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage—

CLAUSE 96

THAT, clause 96 be deleted.

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 100—

Insertion of
new section
40A in No.
11A of
2011.

100A. The National Police Service Act is amended by inserting the following new section immediately before section 40 under Part VI—

Police
command
structure in
the counties,
etc.

39A. (1) There is established the office of the county commander-in-charge of the Kenya Police Service, the Administration Police Service and the Directorate of Criminal Investigation, respectively, in each county.

(2) An officer appointed as the commander in-charge of a county in the Kenya Police Service, the Administration Police Service and the Directorate, respectively, shall—

- (g) subject to the direction of the respective Deputy Inspector General, and the Director in the case of the Directorate, exercise command over the respective service and Directorate, and shall be responsible for the performance of the functions of the respective service and Directorate in the county;
- (h) have full authority over all officers of the Service and Directorate who are deployed under the county command, whatever their rank.

(3) Without prejudice to the exercise of command by an officer appointed in accordance with subsection (2), and upon consultations between the Inspector-General, the Deputy Inspectors-General and the Director, the officer in command of a county holding the senior most rank from which ever Service, shall—

- (j) be designated to convene and chair deliberations of the respective Services in regard to conduct of joint law enforcement and or security operations, and to cause a brief of the same to the respective County Security and Intelligence Committee;
- (k) cause the assignment of a lead commander and issuance of appropriate orders necessary for the effective execution of such operations, as may be determined necessary;
- (l) be responsible for issuing public communications as and when necessary in respect of matters related to the policing in the county.

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(4) In the discharge of his or her duty, a police officer in command of a Service or component of that service in a county, or designated to perform duty in accordance with subsection (3), including during a security operation, whether joint or otherwise, shall—

- (g) be cognizance of the meaning, scope and authority on matters that are of security nature as vesting under the National Security Council and its subordinate structures; and that the authority on matters related to law enforcement vest under the Inspector-General of the Service;
- (h) not conduct themselves in manner prejudicial to or that may be construed as removing, detracting from or diminishing any power or duty expressly conferred, enforced or imposed by the respective Deputy Inspectors-General or by any law, upon a county commander of a service.

23. Notice is given that the Member for Mbita (Hon Millie –Mabona), intends to move the following amendments to the Security Laws (Amendment) Bill, (National Assembly Bills No. 39), 2014 at the committee stage-

CLAUSE 4

THAT, Clause 4 be deleted.

CLAUSE 5

THAT, Clause 5 be deleted.

NEW CLAUSE

THAT the following new clause be inserted immediately after clause 2—

Amendm
ent of
section 2
of Cap.
56.

2A. Section 2 of the Public Order Act is amended by inserting the following new definitions in their proper alphabetical sequence—

“meeting” means a formal gathering of an undefined number of people at an enclosed public space and whose object can reasonably be foreseen and predetermined by the organizers;

“procession” means a march in a designated route by an undisclosed number of people and whose object can reasonably be foreseen and predetermined by the organizers and for which due notice has been given under the law.

“public rally” means a gathering of an undefined number of people at an unenclosed public space and whose object can reasonably be foreseen and predetermined by the organizers and for which due notice has been given under the law.

CLAUSE 10

THAT, CLAUSE 10 be deleted.

CLAUSE 15

THAT, CLAUSE 15 be deleted.

CLAUSE 17

THAT, CLAUSE 17 be amended by-

(c) deleting the word “or” and replacing with the word “and”;

(d) deleting the words “not exceeding” and replacing with the words “of not less than”.

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CLAUSE 18

THAT, Clause 18 be deleted.

CLAUSE 31

THAT, Clause 31 be amended by deleting the proposed section 18A (1)(f).

CLAUSE 58

THAT, Clause 58 be deleted.

CLAUSE 61

THAT, Clause 61 be deleted.

CLAUSE 75

THAT, Clause 75 be deleted.

CLAUSE 87

THAT, Clause 87 be deleted.

CLAUSE 88

THAT, Clause 88 be deleted.

CLAUSE 92

THAT, Clause 92 be deleted.

CLAUSE 97

THAT, Clause 97 be deleted.

24. **Notice is given that the Member for Homa Bay Town (Hon. George Kaluma), intends to move the following amendments to the Security Laws (Amendment) Bill, 2014 at the Committee Stage-**

CLAUSE 4

THAT, clause 4 of the Bill be deleted.

CLAUSE 5

THAT, clause 5 of the Bill be deleted.

CLAUSE 7

THAT, clause 7 of the Bill be amended in sub-paragraph (i) by deleting the words “Cabinet Secretary, on the advise of”.

CLAUSE 8

THAT, clause 8 of the Bill be amended-

- (c) in paragraph (b) by deleting the words “Cabinet Secretary” and substituting therefor the words “Inspector-General of the National Police Service”; and
(d) by deleting paragraph (c).

CLAUSE 9

THAT, clause 9 of the Bill be deleted.

CLAUSE 15

THAT, clause 15 of the Bill be deleted.

CLAUSE 18

THAT, clause 18 of the Bill be deleted.

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CLAUSE 19

THAT, clause 19 of the Bill be deleted.

CLAUSE 20

THAT, clause 20 of the Bill be amended in the proposed new section 118A by deleting the words “and the police officer carrying out the search pursuant to such warrant shall not, if acting in good faith, be liable to any legal proceedings.”

CLAUSE 21

THAT, clause 21 of the Bill be deleted.

CLAUSE 22

THAT, clause 22 of the Bill be deleted.

CLAUSE 23

THAT, clause 23 of the Bill be amended by deleting the proposed sections 343, 344, 344A and 345.

CLAUSE 25

THAT, clause 25 of the Bill be deleted.

CLAUSE 26

THAT, clause 26 of the Bill be deleted.

CLAUSE 28

THAT, clause 28 of the Bill be deleted.

CLAUSE 31

THAT, clause 31 of the Bill be amended in the proposed new section 18A—

(d) in sub subsection (1) by deleting —

(iii) the word “fraudulently” appearing in paragraph (c) and substituting therefor the word “fraud”; and

(iv) by deleting paragraph (f);

(e) inserting the following new sub-section immediately after subsection (2) —

(2) (a) A notification under subsection (2) shall be in writing and shall set out the reasons for the intended cancellation or revocation.

(f) by inserting the following new sub-sections immediately after sub-section (3)—

(3)(b) A person whose registration has been cancelled and an identity card revoked may appeal against the decision of the Director in the High Court within fourteen days.

(3) (c) A person whose registration has been cancelled and an identity card revoked, shall not be deported until an appeal filed under subsection (3) (b) is heard and determined.

CLAUSE 32

THAT, clause 32 of the Bill be amended in the proposed new section 20A–

(d) by deleting the words “at least two days before the commencement of the proceedings,” in subsection (2);

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(e) in subsection (5) by deleting the words “in lieu of the State calling as a witness the person who made the statement”.

(f) in the proposed new subsection (7) by inserting the words “and may cross-examine the person on the statement” immediately after the word “evidence appearing in paragraph (a);

CLAUSE 39

THAT, clause 39 of the Bill be deleted.

CLAUSE 40

THAT, clause 40 of the Bill be amended by deleting paragraph (c) and substituting therefor the following new paragraph–

“(c) bulletproof gear;”

CLAUSE 41

THAT, clause 41 of the Bill be amended by –

(c) deleting paragraph (a) and substituting therefor the following new paragraph –
(a) the Attorney General;

(d) inserting the words “with the approval of the National Assembly” immediately after the words “Cabinet Secretary” in subsection (2) of the proposed new section 3.

CLAUSE 44

THAT, clause 44 of the Bill be deleted.

CLAUSE 45

THAT, clause 45 of the Bill be deleted.

CLAUSE 46

THAT, clause 46 of the Bill be deleted.

CLAUSE 49

THAT, clause 49 of the Bill be amended–

(c) by deleting the words “the National Police Service” in the proposed subsection (3); and

(d) by deleting paragraph (c).

CLAUSE 50

THAT, clause 50 of the Bill be deleted.

CLAUSE 58

THAT, clause 58 of the Bill be deleted.

CLAUSE 62

THAT, clause 62 of the Bill be amended in the proposed new section 6A–

- (c) by deleting the words “ and detain” appearing in the proposed subsection (1) and substituting therefor the words “arrest and immediately hand over to the nearest police station”; and
- (d) by deleting paragraph (c).

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CLAUSE 65

THAT, clause 65 of the Bill be amended by deleting sub section (2).

CLAUSE 66

THAT, clause 66 of the Bill be amended

- (c) by deleting the word “COVERT” appearing in the heading to Part V and substituting therefor the word “SPECIAL”;
- (d) in the proposed new section 42–
 - (v) by deleting the word “covert” wherever it appears and substituting therefor the word “special”;
 - (vi) by deleting the words “subject to guidelines approved by the Council, issue written authorization to an officer of the Service” in the proposed subsection (2) and substituting therefor the words “apply to the High Court for warrant”;
 - (vii) by deleting the words “written authorization issued by the Director-General” in the proposed subsection (3) and substituting therefor the words “warrant issued by the High Court”;and
 - (viii) in sub section (3) (c) by deleting sub paragraph (v).

CLAUSE 72

THAT, clause 72 of the Bill be amended in the proposed section 9A by deleting the words “glorifies, advises” and substituting therefor the word “promotes”.

CLAUSE 73

THAT, clause 73 of the Bill be in the proposed section 12A by deleting the words “for purposes of terrorism”.

CLAUSE 75

THAT, clause 75 of the Bill be amended–

(e) in the proposed new section 30A–

- (iv) in subsection (1) by deleting the words “ is likely to be understood as” and deleting the words “encouraging” and “inducing” and substituting therefor the words “encourages” and “induces” respectively;

- (v) by deleting the proposed new subsection (2); and
- (vi) by deleting the proposed new subsection (3);
- (f) by deleting subsection (2) in the proposed new section 30B;
- (g) in the proposed new section 30C–
 - (iii) by deleting the words “designated by the Cabinet Secretary to be a terrorist training country” in subsection (1); and
 - (iv) by deleting subsection (3); and
- (h) by deleting the proposed new section 30F.

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CLAUSE 77

THAT, clause 77 of the Bill be amended by deleting paragraph (d).

CLAUSE 80

THAT, clause 80 of the Bill be deleted.

CLAUSE 83

THAT, clause 83 of the Bill be deleted.

CLAUSE 85

THAT, clause 85 of the Bill be deleted.

CLAUSE 86

THAT, clause 86 of the Bill be deleted.

CLAUSE 96

THAT, clause 96 of the Bill be amended by deleting the words “either the Kenya Police Service or the Administration Police Service” in the proposed new paragraph (na) and substituting therefor the words “ National Police Service”.

CLAUSE 98

THAT, clause 98 of the Bill be deleted.

CLAUSE 99

THAT, clause 99 of the Bill be deleted.

CLAUSE 100

THAT, clause 100 of the Bill be deleted.

CLAUSE 101

THAT, clause 101 of the Bill be deleted.

CLAUSE 102

THAT, clause 102 of the Bill be deleted.

CLAUSE 105

THAT, clause 105 of the Bill be amended in the proposed new section 95A by deleting the words “or magistrate” in paragraph (a).

CLAUSE 106

THAT, clause 106 of the Bill be deleted.

CLAUSE 107

THAT, clause 107 of the Bill be deleted.
