

AN ACT TO AMEND CHAPTERS 14 AND 15 SUB-CHAPTER(C), TITLE 26 OF THE LIBERIAN CODE OF LAWS REVISED, KNOWN AS THE NEW PENAL LAW OF 1976, BY ADDING THERETO FOUR NEW SECTIONS THEREBY MAKING THE CRIMES OF ARMED ROBBERY, TERRORISM AND HIJACKING, RESPECTIVELY, CAPITAL OFFENSES, AND PROVIDING PUNISHMENT THEREOF.

APPROVED JULY 22, 2008

PUBLISHED BY AUTHORITY OF THE MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA, JULY 30, 2008

WHEREAS, there has been an unprecedented increase in recent time in the wave, gravity, magnitude and viciousness of Armed robbery, Terrorism, Hijacking and related offenses in Liberia.

ALARMED by method(s) deployed by the perpetrators/culprits is/are heinous, frightening, and fearful, to the citizenry and have resulted in numerous deaths, rapes, permanent disabilities, destruction of properties, and other types of extreme victimization of our citizens, especially women and children, and foreign residents with in our borders.

REALIZING that said act of the culprits, acting alone, in union and many instances in groups, are intended and have effect of subjecting our people into and creating a state of fear and panic in the nation with the ultimate end of fermenting instability and destabilization.

COGNIZING that the Legislature has the prerogative under the Liberian Constitution to provide for the security and protection of the nation and its people, and of putting into place the mechanisms, processes and penalties for enforcement by the executive and adjudication by the criminal justice system;

RECALLING that all accused persons have the right to bail under Article 21 (D) of the 1986 constitution unless charged for criminal offenses or grave offenses as defined by law;

ACKNOWLEDGING that the provision of the Liberian Constitution referred to above, upon with the perpetrators of criminal offenses have availed themselves and have benefited therefrom, also vest in the Legislature the authority to characterized offenses capital and other grave nature which are perpetrated to the detriment of the nation and its citizens, and the Legislature did appropriately act under that authority when, in compliance with Article 21 (D) of the Constitution, amended with effect on January 4th 1995, the Penal Law of Liberia, and therein defined as capital offenses, the crime of the maximum allowed for such offenses;

ALARMED by the magnitude of the offenses of Armed Robbery, Terrorism and Hijacking not only have attained the proportion of capital offenses but the manners of their perpetration are deemed to be grave enough to be characterized as such, given the results. That have been inflicted upon the nation and its people with death, murder, severe bodily injury, creating effects of Terrorism and like situations, and therefore warranting higher penalties;

MINDFUL of the current state of Armed Robbery, Terrorism and Hijacking in the Liberian society, the Liberian Legislature and determined, consistent with above mentioned provision of the Liberian Constitution, to lift the level of such criminal offenses and characterized the penalties of such level to secure the protection and safety of the Liberian nation and people, by further amendments to the New Penal Laws;
Now Therefore

It Is Enacted By The Senate And The House of Representatives Of The Republic Of Liberia, In Assembled

SECTION1: AMENDMENT OF CHAPTERS 14 AND 15, SUB-CHAPTER (c)

That Chapter 14, Sub-Chapter (C) and 15 Sub-Chapter (C), Titled 26, of the Penal Law of Liberia, Liberian Code of Laws Revised, as amended in 1995, hereby further amended by a redefinition of the term Terrorism, Armed Robbery, Hijacking, and adding thereto revisions which not only recognize the crime of Terrorism, Armed Robbery, Hijacking, respectively as capital and grave offenses, but which also provide for greater punishment thereof, commensurate with crimes, which new sections shall read as follow:

SUB-CHAPTER (C)-KIDNAPPING AND RELATED OFFENSES

SECTION 14.54: TERRORISM-A person has committed a felony of the first degree, a capital offense, if he unlawfully, deliberately or intentionally, attempts to discharge, or discharges fire-arm, grenades, bombs, missiles, explosives, or lethal devices which are likely to cause bodily injury, or place such person or group of persons in a building, outdoors, or in the open air space, or are in vehicle

Or any means of water transport whether or not such explosive device or means causes bodily injury or death to another person or group of persons.

SUB-CHAPTER C-ARMED ROBBERY

SECTION 15.32-ARMED ROBBERY- A person has committed Armed Robbery, a felony of the first degree and a capital and grave offenses, if in the process of course of committing theft

one threatens to kill, kills commits other acts indicative of an intent to kill threatens, to rape, rapes, threatens arson, commits arson, or inflicts bodily injury upon a person or group of persons, or places such person or groups of persons in imminent danger of peril of life under gun point or by other means of fire-arms of any kind and nature, explosive, weapons or other lethal devices or instruments such as sticks, metals, bow and arrows, spears, knives, cutlasses, or bacteria, virus, poison, intoxicants, acid and other chemicals capable of causing physical or mental injury or death.

SECTION 15.33: HIJACKING-A person has committed Hijacking, a felony of the first degree, and capital offenses if such person commandeers at a vehicle or air-plane at gun point or by any other means that threatens life. Hijacking is a capital offense and an offense repugnant to international law; hence, any person or group of persons charged with hijacking will be kept in maximum security prison.

SECTION 15.34: PENALTIES FOR ARMED ROBBERY, TERRORISM AND HIJACKING

Any person or group of persons of the capital offenses of Armed Robbery, Hijacking or Terrorism shall be sentenced in the following manner:

1. Following a conviction of the crime of Armed Robbery, Terrorism or Hijacking under Sections 14.54, 15.32 and 33 of this Act, the felons shall be sentenced to a term of imprisonment for a period of not less than fifteen calendar years with possibility of parole after eight (8) calendar years after serving three quarters of the sentence in the case of a higher sentence, provided that a longer sentence may be imposed by the court based on peculiar facts and circumstances of the case, and provided further that where no death, rape, or property damage or personal injury occurs as a result of any of the offender or offenders;
2. Any person convicted of Armed Robbery, Terrorism or Hijacking under Sections 14.54, 15.32 and 15.33 of the Act be sentenced to a term of imprisonment of not less than twenty (20) calendar years with possibility of parole after twelve (12) calendar years or after serving three quarters of the sentence in the case of a higher sentence, provided that the longer sentence may be imposed by the court based on the peculiar facts and circumstances of the case, and provided further that where personal injury is sustained and/or valuables taken away as a result of the act of the felon or felons.
3. Any person convicted of Armed Robbery, Terrorism, or Hijacking under Section 14.54, 15.32 and 15.33 who in the course of commission of the criminal acts threatens to commit rape upon the body of a victim and thus any act aimed at consummating the threat, or commits rape upon the body of the victim, whether the victim is a minor or an adult, or causes injuries that lead to partial or permanent disabilities to the victim shall be sentenced to a term of imprisonment for life with possibilities of parole at age 90 (ninety) years;
4. In the event death occurs during the commission of a crime of Armed Robbery, Terrorism or Hijacking, the accused convicted under Section 14.54, 15.32 and 15.33 of

this Act shall be sentenced to death by hanging or imprisonment for life without possibility of parole;

SECTION 2: BAIL: Consistent with the Constitution and the Criminal Procedure Law and given the gravity and magnitude of the offenses of Terrorism, Armed Robbery, and Hijacking and the continued danger which such acts pose to the Liberian Nation and Citizens, the said capital crimes shall not be bailable, regardless of the penalties stipulated herein. The crimes of Terrorism, Armed Robbery, and Hijacking, being capital offenses, any person or group of persons charged with Hijacking or any of the offenses listed in this Act shall be kept in maximum security prison facilities.

SECTION 3-EFFECTIVE DATE OF ACT: This Act shall take effect immediately upon publication in handbail

ANY LAW TO THE CONTRARY NOTWITHSTANDING

a felony of the first degree if in the course of committing the theft the actor attempts to kill anyone, or purposely inflicts or attempts to inflict serious bodily injury.⁶¹

§ 15.31. Piracy.

1. *Offense.* Piracy is any illegal act of violence or detention or any act of depredation committed for private ends by the crew or passengers of a private ship or private aircraft, or committed by the crew of a warship or government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft, and is directed:

(a) On the high seas, against another ship or aircraft or against persons or property on board another ship or aircraft; or

(b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any nation or government.

"High seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of any nation or government.

2. *Jurisdiction.* Piracy is an offense against the law of nations and any person charged with piracy may be tried in a court of appropriate jurisdiction in Liberia.

3. *Grading.* Piracy is a felony of the first degree if, in the course of committing the piracy the actor attempts to kill anyone, or purposely inflicts or attempts to inflict serious bodily injury. Otherwise piracy is a felony of the second degree. An act shall be deemed "in the course of committing piracy", if it occurs in an attempt to commit piracy, whether or not the piracy is successfully completed, or in immediate flight from the commission of, or an unsuccessful effort to commit piracy.

4. *Seizure of vessels.* The President of the Republic of Liberia is authorized to instruct the commander of any armed vessel of the Republic to

61. *Prior legislation:* 1956 Code 27:293; Crim. Code, § 63.

subdue, seize, and take into any port of Liberia any vessel, the crew or passengers of which have attempted to commit or have committed any act of piracy and to retake any Liberian vessel which has been captured by pirates upon the high seas. The commander of any armed vessel of the Republic, knowing any vessel has committed an act of piracy, may pursue, capture and hold such vessel and the crew thereof and cause them to be taken into a port of Liberia to be dealt with according to law.

5. *Sale and distribution of proceeds.* Whenever any vessel has been captured and brought into any port of the Republic under authority of paragraph 4, and has been condemned by trial in a court of admiralty, the vessel shall be adjudged to be sold and the proceeds of such sale distributed one half to the Republic and the other half to the captor. The court condemning such vessel shall decree such sale and distribution.⁶²

Subchapter D. THEFT AND RELATED OFFENSES

§ 15.50. Consolidation of theft offenses.

1. *Construction of sections.* Conduct denominated theft in Sections 15.51, 15.52, and 15.53 constitutes a single offense designed to include the separate offenses heretofore known as larceny, defrauding and cheating, obtaining money under false pretense, embezzlement, extortion, blackmailing, receiving stolen goods, and the like.

2. *Charging theft.* An indictment or information charging theft under Sections 15.51, 15.52, or 15.53 which contains enough information about the events alleged to have taken place, fairly to appraise the defendant of the nature of the charges against him shall be sufficient without further specifying the precise legal category of theft of which the defendant may be convicted. The defendant may be found guilty of theft under such an indictment or information if his conduct falls under any of Sections 15.51, 15.52, 15.53, so long as the conduct proved is sufficient-

62. *Prior legislation:* 1956 Code 27:370-381; OBB 145, Act defining piracy; Acts 1844, Act for the establishment of a court of admiralty, 2 Hub. 1640.

degree if the offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person. Otherwise it is an infraction.

3. *Defense.* It is an affirmative defense to prosecution under this section that:

(a) A building or occupied structure involved in an offense under paragraph (1) was abandoned; or

(b) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(c) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

4. *Unauthorized occupation, possession, sale or other conveyance of property.* A person commits an offense if, knowing that he is not licensed or privileged to do so:

(a) enters upon, occupies and improves real property not having fee simple title thereto, or permission of the owner;

(b) disposes of real property by sale, mortgage or otherwise without having proper and valid ownership to the same; or

(c) leases, rents, mortgage or otherwise conveys real property to another without a deed or other instrument of conveyance establishing ownership thereof in himself.

An offense under this paragraph constitutes a felony of the third degree. In cases where the said property thus illegally entered upon, occupied and improved, leased, mortgaged or otherwise disposed of is part of the public domain, no damages shall be assessable; but in case of private property the rightful owner of said property shall be entitled to redress

in damages for trespass recoverable from him. In each such case, evidence of ownership must be shown by profert of a title deed or other proper instrument of conveyance.

The judgment in every such case shall include the vesting of all improvements in the true owner; or where the property is public domain, the vesting of all improvements shall be in the Republic.⁵⁹

§ 15.22. Definitions.

As used in this subchapter:

(a) "occupied structure" means any structure, vessel, vehicle or place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present.

(b) "night" means the period between six o'clock in the evening and six o'clock in the morning.⁶⁰

Subchapter C. ROBBERY

§ 15.30. Robbery.

1. *Offense.* A person is guilty of robbery if, in the course of committing a theft, he inflicts or attempts to inflict bodily injury upon another, or threatens another with imminent bodily injury. An act shall be deemed "in the course of committing a theft" if it occurs in an attempt to commit theft, whether or not the theft is successfully completed, or in immediate flight from the commission of, or an unsuccessful effort to commit, the theft.

2. *Grading.* Robbery is a felony of the second degree, except that it is

59. *Prior legislation:* Act to amend the Penal Law with respect to property, May 8, 1969.

60. *Prior legislation:* 1956 Code 27:291; Crim. Code, § 67.