

Draft Law on Regulating Concentrate Acid
Unofficial Translation done by CCHR

CHAPTER 1
General Provisions

Article 1

This law aims to set out the regulation and controlling of all kind of Concentrate Acid that can cause harm on health and life of other persons.

Article 2

This law aims to sets out the prevention, curbing, and crackdown of all kind of Concentrate Acid attempt and offences causing damage on health and life of other persons.

Article 3

The scope of this law applies to all of the production, innovation, import, export, packaging, transportation, possession, distribute, buying, selling, storing, and using of all kind of Concentrate Acid that can cause damage on health and life of other persons in the Kingdom of Cambodia.

Article 4

Concentrate Acid, in this law, referred to acid, raw material and substances containing acid in any form whether in liquid or solid form and contain pH equal or less than 3(three) that can cause damage on health and life of other persons as listed in the annex of this law. This annex can be changed by Sub Decree.

CHAPTER 2
Competence of Regulating Concentrate Acid

Article 5

Production, innovation, import, export, packaging, transportation, possession, distribute, buying, selling, storing, and using of all kind of Concentrate Acid shall have license or permission letter or which set out by provision of other relevant laws and standards.

Article 6

Issuing a license or permission letter that related to the import, export, production and innovation for all kind of Concentrate Acid is under competence of Ministry of Industry Mines and Energy.

For Hydrochloric Acid and Sulfuric Acid which are used in health sector are under competence of Ministry of Health.

Issuing a license or permission letter regarding the importing of all kind of Concentrate Acid for business purpose including possession for general uses is under competence of Ministry of Commerce.

Article 7

Formats and conditions of selling, buying, storing, distributing, transportation, packaging, possession and using of all kind of concentrate acid will be provided by Sub Decree.

Article 8

Any natural person or legal entities with license permit to use all kind of Concentrate Acid shall use them according to their purpose with respect to the technical standard in the highest level of security.

Article 9

All kind of Concentrate Acid which listed in the annex of this law are permitted to use in the purpose of serving the industry, health, agriculture, handicraft, technology, science, scientific research, experiment, testing and other sectors to serve the purpose of economic and social interests and in daily legitimate uses only.

CHAPTER 3

Support of the Victim(s) of Concentrate Acid Attack

Article 10

In the case of seeing the victim of Concentrate Acid attack, responsible and relevant authority must immediately bring the victim(s) to the closest health centers, state-own hospital or any other state-own health institutions.

Article 11

Health center, state-own hospital or other state-own health institutions shall provide support and treatment to the victim(s) of Concentrate Acid free of charge.

Identify the level of disability of the victim of Concentrate Acid attack is under competence of specialized committee which established by the Ministry of Health.

The state shall provide legal support to the victim(s) of Concentrate Acid.

Article 12

Support, rehabilitation and reintegration the victim of Concentrate Acid into society are under competence of Ministry of Social Affairs, Veterans, and Youth Rehabilitation.

Article 13

The states encourage the participation from public, associations, national and international NGOs and private sectors to support the victim of Concentrate Acid.

CHAPTER 4

Penalties

Article 14

Production, innovation, import, export, packaging, transportation, carry, distribute, buying, selling, storing, and using of all kind of Concentrate Acid without license or permission or without respect of others relevant laws or standards, the following penalties will apply:

1. Punished to monetary fine between 500,000 (five hundred thousands) riel to 1,500,000 (one thousand five hundred thousand) riel and additional penalty by confiscating Concentrate Acid, if possess of Concentrate Acid less than 500 (five hundred) milliliters.
2. Punished to monetary fine between 1,500,000 (one thousand five hundred thousands) riel to 10,000,000 (ten millions) riel and additional penalty by confiscating Concentrate Acid, if possess Concentrate Acid more than 500 (five hundred) milliliters.
3. In case of Sulfuric Acid in chemical solution which has density less than 33% used for battery will be allowed to possess, sell, buy, store and use not more than 25 Kilogram. In the case more than 25 Kilogram the punishment in the section 1 and 2 in this article will be applied according to the amount of acid that over limitation.

Article 15

Legal entities can be declared for Criminal Responsibility according to article 42 (Criminal Responsibility for Legal Entities) in Criminal Code for criminal offence that stated in article 14 above.

Legal entities are punished to monetary fine from 5,000,000 (five millions) riel to 10,000,000 (ten millions) riel if possess Concentrate Acid less than 500 (five hundred) milliliters.

Legal entities are punished to monetary fine from 10,000,000 (ten millions) riel to 50,000,000 (fifty millions) riel if possess Concentrate Acid more than 500 (five hundred) milliliters.

Legal entities will receive one or more additional sentences as stated in article 168 (Additional sentence for legal entities) of Criminal Code.

Article 16

Intentional killing by using Concentrate Acid will be punished from 15 years to 30 years in prison.

Will be punished to life time imprisonment if above criminal offence has any:

1. Advanced plan or ambush.
2. Torture or cruel acts before or in the time of killing.

In the above offence additional sentence which stated 206 (additional sentence: type and duration) of Criminal Code can be declared.

Article 17

Acts that lead to the death of others unintentionally, due to carelessness or violate the obligation of security or obligation of carefulness that laws or other relevant standards stated in order to regulate Concentrate Acid is punishable from 1 (one) year to 5 (five) years in prison with a fine from 2,000,000 (two millions) riel to 10,000,000 (ten millions) riel.

For above misdemeanor offence, additional sentence stated in article 208 (additional sentence: type and duration) of Criminal Code can be declared.

Article 18

Legal entities can be declared for Criminal Responsibility according to conditions that stated by article 42 (Criminal Responsibility for Legal Entities) in Criminal Code for offence that stated in article 17 above.

Legal entities are punished to monetary fine from 20,000,000 (twenty millions) riel to 50,000,000 (fifty millions) riel with one or more additional sentences as stated in article 209 (Criminal Responsibility for Legal Entities) of Criminal Code.

Article 19

Torture and cruel acts using Concentrate Acid on any other individual is punishable from 10 (ten) years to 20 (twenty) years in prison.

Will be sentenced from 15 (fifteen) years to 25 (twenty five) years in prison if the above criminal offence cause the cut of any parts of the body or lead to permanent disability.

Will be sentenced from 20 (twenty) years to 30 (thirty) years if the criminal offence lead to the death of the victims unintentionally or cause the victims to commit suicide.

For above criminal offence additional sentence which stated in article 206 (additional sentence: type and duration) of Criminal Code can be declared.

Article 20

Intentional violence on others by using Concentrate Acid will be sentenced from 2 (two) years to 5 (five) years in prison and fine from 4,000,000 (four millions) riel to 10,000,000 (ten millions) riel.

Will be sentenced from 5 (five) years to 10 (ten) years in prison if those act lead to the cut of any parts of the body or lead to permanent disability.

Will be sentenced from 10 (ten) years to 20 (twenty) years in prison if those act lead to the death of the victim unintentionally.

For above criminal offence additional sentence stated in article 229 (additional sentence: type and duration) of Criminal Code can be declared.

Attempts to conduct this misdemeanor offence which stated in paragraph 1 of this article will also be sentenced the same as this misdemeanor offence.

Article 21

Act that lead to injury unintentionally, by carelessness or violate the obligation of security or obligation of carefulness that laws or other relevant standards stated in order to control Concentrate Acid will be punished from 1 (one) month to 1 (one) year in prison and will be fined from 200,000 (two hundred thousand) riel to 2,000,000 (two millions) riel.

Will be sentenced from 6 (six) months to 3 (three) years and will be fined from 1,000,000 (one millions) riel to 6,000,000 (six millions) riel if those act lead to the cut of any parts of the body or lead to permanent disability.

For above misdemeanor offence additional sentence stated in article 237 (additional sentence: type and duration) of Criminal Code can be declared.

Article 22

Legal entities can be declared for Criminal Responsibility according to conditions that stated by article 42 (Criminal Responsibility for Legal Entities) in Criminal Code for offence that stated in article 17 above.

Legal entities are punished to monetary fine from 5,000,000 (five millions) riel to 20,000,000 (twenty millions) riel with one or more additional sentences as stated in article 238 (Criminal Responsibility for Legal Entities) of Criminal Code.

Article 23

Production of food by using Concentrate Acid which do not comply with technical standard will be sentenced from 1 (one) year to 5 (five) years in prison and will be fined from 2,000,000 (two millions) riel to 10,000,000 (ten millions) riel.

Article 24

Legal entities can be declared for Criminal Responsibility according to conditions that stated by article 42 (Criminal Responsibility for Legal Entities) in Criminal Code for offence that stated in article 23 above.

Legal entities are punished to monetary fine from 20,000,000 (twenty millions) riel to 50,000,000 (fifty millions) riel with one or more additional sentences as stated in article 168 (Criminal Responsibility for Legal Entities) of Criminal Code.

CHAPTER 5
Transitional Provisions

Article 25

After this law comes into force any natural person or legal entities that are doing the business related to Concentrate Acid without license and plan to run the business regarding Concentrate Acid have to fill out the form to request permission to run the business according to the law.

Article 26

Provision as stated in article 14 of this law can be applied after the Sub Decree as set out in article 7 of this law was passed.

CHAPTER 6
Final Provisions

Article 27

Any provision contrary to this law shall be abrogated.

This law is adopted by the National Assembly of the Kingdom of Cambodia
on: (date)..... 2011
during the session of forth mandate
Phnom Penh, (date).....2011

Head of National Assembly

Samdech Akkak Moha Seina Ponhea Chakrey **Heng Samrin**