

A BILL

ENTITLED

AN ACT to Amend the Cybercrimes Act, and to provide for connected matters.

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BE IT ENACTED by the Parliament of Jamaica, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Cybercrimes (Amendment) Act, 2026, and shall be read and construed as one with the Cybercrimes Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title
and
construction.

2. Section 2 of the principal Act is amended in the definition of “key” by inserting next after the words “any key” the words “(whether electronic or digital)”.

Amendment
of section 2
of principal
Act.

Amendment
of section 4
of principal
Act.

3. Section 4 of the principal Act is amended in subsection (4)(b) by—

- (a) deleting the word “or” at the end of sub-paragraph (ii);
- (b) deleting the full-stop at the end of sub-paragraph (iii) and substituting therefor a semi-colon; and
- (c) inserting the following as sub-paragraph (iv)—

“(iv) in any case where the offence is committed against an individual who is under the age of eighteen years, imprisonment for a term not exceeding twenty years.”.

Amendment
of section 8
of principal
Act.

4. Section 8 of the principal Act is amended in subsection (2)(b) by—

- (a) deleting the word “or” at the end of sub-paragraph (ii);
- (b) deleting the full-stop at the end of sub-paragraph (iii) and substituting therefor a semi-colon; and
- (c) inserting the following as sub-paragraph (iv)—

“(iv) in any case where the offence is committed against an individual who is under the age of eighteen years, imprisonment for a term not exceeding twenty years.”.

Amendment
of section 9
of principal
Act.

5. Section 9 of the principal Act is amended—

- (a) in subsection (1) by deleting the words “send to another person” and substituting therefor the word “publish”;
- (b) by inserting next after subsection (1) the following subsections—

“ (1A) A person commits an offence if that person publishes an intimate image of any individual—

- (a) without the consent of that individual; or
- (b) reckless as to whether the individual consents to the publication.

(1B) For the purposes of this section—

- (a) “intimate image” means any image that depicts sexual activity, nudity or partial nudity, and that is captured, generated or created by photography, film, video or other means;
- (b) “publish” in relation to any image or data means “sending, transferring, posting, disseminating or otherwise providing access to the image or data;
- (c) a person who is under the age of eighteen years is incapable of giving consent under subsection (1A).

(1C) It shall be a defence in any proceedings for the commission of an offence under subsection (1A) for the defendant to show that the image was published—

- (a) only to the individual depicted in the image;
 - (b) for the purpose of detecting, investigating or preventing crime;
 - (c) for any purpose in any legal proceedings;
 - (d) for *bona fide* educational, scientific, medical or research purposes;
 - (e) for the purpose of reporting about historical events; or
 - (f) for the purpose of reporting about current events, and that all reasonable care was taken to omit the depiction of the sexual activity, nudity or partial nudity (as the case may be).”;
- (c) in subsections (2) and (3) by inserting next after the words “subsection (1)” in each case the words “or (1 A)”;

(d) in subsection (3)(b) by—

- (i) deleting the word “or” at the end of sub-paragraph (ii);
- (ii) deleting the full-stop at the end of sub-paragraph (iii) and substituting therefor a semi-colon; and
- (iii) inserting the following as sub-paragraph (iv)—

“(iv) in any case where the offence is committed against an individual who is under the age of eighteen years, imprisonment for a term not exceeding twenty years.”.

Amendment
of section 10
of principal
Act.

6. Section 10 of the principal Act is amended by deleting subsection (1) and substituting therefor the following—

“ (1) A person commits an offence if that person, without lawful justification, intentionally—

(a) manufactures, sells, imports, distributes, discloses or otherwise makes available—

- (i) a computer;
- (ii) any key; or
- (iii) any other data or device,

that is designed or adapted primarily for the purpose of committing an offence under any of sections 3 to 9; or

(b) receives or possesses any item mentioned in paragraph (a)(i), (ii) or (iii), with the intent that the item be used by any person for the purposes of committing an offence under any of sections 3 to 9.”.

Amendment
of section 11
of principal
Act.

7. Section 11 of the principal Act is amended in—

- (a) subsection (2)(d) by inserting next after the words “communications infrastructure,” the word “revenue,”; and

- (b) subsection (2)(e) by deleting the word “medical” and substituting therefor the word “health”.

8. Section 15 of the principal Act is repealed and the following substituted therefor—

Repeal and replacement of section 15 of principal Act.

“ Using premises for commission of offence. 15.—(1) The owner, occupier or any other person responsible for the management of any premises, commits an offence where that owner, occupier or other person knowingly causes or knowingly permits the premises to be used for any purpose that constitutes an offence under this Act.

(2) A person who commits an offence under subsection (1) shall be liable upon conviction upon indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding fifteen years.”.

9. Section 19 of the principal Act is amended by inserting next after subsection (6) the following subsection—

Amendment of section 19 of principal Act.

“(7) The Commissioner of Police shall cause to be developed and implemented a code of the standard procedures to be complied with by constables and persons assisting in any search and seizure under section 18, for the due observance of the provisions of this section.”.

10. Section 20 of the principal Act is amended—

Amendment of section 20 of principal Act.

- (a) in subsection (1) by deleting the words “to section 19” and substituting therefor the words “to a warrant issued under section 18”; and
- (b) in subsection (2) by deleting the words “Director of Public Prosecutions” and substituting therefor the word “prosecution”.

11. Section 2 of the Interception of Communications Act is amended in the definition of “key” by inserting next after the words “any key” the words “(whether electronic or digital)”.

Consequential amendment of the Interception of Communications Act.

MEMORANDUM OF OBJECTS AND REASONS

Pursuant to section 25 of the Cybercrimes Act, a Joint Select Committee of the Houses of Parliament was established to review the Act. That Joint Select Committee made its report to the Houses of Parliament in May, 2023. A decision has been taken to amend the Cybercrimes Act to give effect to the recommendations of the Joint Select Committee as set out in its report.

The recommendations include the repeal of section 15 of the Cybercrimes Act, which provides for compensation of victims of cybercrimes. The repeal will enable the application of section 24A of the Criminal Justice (Administration) Act, which makes more comprehensive provision for compensation, to victims of cybercrimes.

This Bill seeks to give effect to that decision.

ANDREW HOLNESS, ON, PC, MP, DLP
Minister of Economic Growth and Infrastructure
Development.

ABILL

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As introduced by the Honourable Minister of Economic
Growth and Infrastructure Development.

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