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CONTENTS

PENAL CODES (MISCELLANEOUS AMENDMENT) LAW

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A LAW TO AMEND THE PROVISIONS OF PENAL CODE AND SHARIA PENAL CODE LAWS CAP P3 AND CAP S7 LAWS OF JIGAWA STATE 2012 TO PROVIDE PUNISHMENTS FOR SEXUAL OFFENCES AND FOR RELATED MATTERS

ENACTED by the Jigawa State House of Assembly:

Date of commencement (29th December 2014)

1. **Citation:**
This Law may be cited as Penal Codes (Miscellaneous Amendment) Law
2. **Interpretations**
'Penal codes' means penal code provided under penal code law cap P3 and Shariah Penal Code provided under Cap S7 of the laws of Jigawa State 2012.
'Penal code' means schedule to the penal code Law cap P3 Laws of Jigawa State 2012.
'Shariah penal code' means schedule to the Shariah penal code Law, Cap S7 Laws of Jigawa State 2012.

PART 1. PENAL CODE LAW AMENDMENTS

3. **Amendment of Section 233 of the Penal Code on Rape.**
Section 233 of the of the Penal Code is deleted and replaced with the following:

'Notwithstanding the provision of any other law to the contrary but subject to section 285B, whoever commits rape shall be punished with imprisonment for life or for a term of not less than ten years, and where the rape committed falls under paragraph (e) of section 282(1) shall be punished with imprisonment for life'
4. **Amendment of Section 284 of the Penal Code on Sodomy, Lesbianism and Bestiality.**

Section 284 of the penal code is deleted and replaced with the following new sections:
'284(1) whoever being a man engages or consents to being engaged by another man in carnal intercourse against the order of nature is said to commit sodomy.
(2) Subject to the provision of section 285B, whoever commits the offence of sodomy shall be punished with imprisonment for a term of not less than fourteen years and where the offence is committed against a child of less than sixteen years shall be punished with imprisonment for life.
Provided that whoever is compelled by use of force or threats to commit the act of sodomy, shall not be deemed to have committed the offence.'

284A(1) Whoever being a woman, engages or consents to being engaged by another woman in carnal intercourse through her sexual organs or by means of stimulation, or sexual excitement of one another has committed the offence of lesbianism.'

(2) Whoever commits the offence of lesbianism shall be punished with imprisonment for a term of not less than ten years and where the offence is committed against a girl of less than fourteen years shall be punished with imprisonment for life.

Provided that whoever is compelled by use of force or threats to commit the act of lesbianism, shall not be deemed to have committed the offence.'

284B (1) whoever being a man or woman, has carnal intercourse with any animal is said to commit the offence of bestiality.

(2) Whoever commits the offence of bestiality shall be punished with imprisonment for a term of not less than two years and shall be liable to compensate the market value of the animal involved.

Provided that whoever is compelled by use of force or threats to commit the act of bestiality, shall not be deemed to have committed the offence.'

5. Amendment of Section 285 of the Penal Code on Gross Indecency.

Section 285 of the penal code is deleted and replaced as follows:

285 'Whoever acts in a manner which is offensive to common propriety or which generally offends against modesty or acts in an unbecoming manner that is unfit to be seen or heard is said to have committed gross indecency'

285A 'Whoever commits an act of gross indecency upon the person of another without his consent or by virtue of the use of force or threats or compels a person to join him in the commission of the act, shall be punished with imprisonment for a term of not less than seven years.

Provided that a consent given by a person below the age of sixteen years to such an act when done by his teacher, guardian or any person entrusted in his care or education shall not be deemed to be consent within the meaning of this section.

285B 'Whoever commits the offence of rape or sodomy or lesbianism or incest knowing or having reason to believe that he is HIV Positive shall be punished with death.'

6. Amendment of Section 390 of the Penal Code on Incest

Section 390 of the Penal Code is deleted and replaced with the following new section:

390(1) 'Whoever being a man has sexual intercourse with a woman who is and who he knows or has reason to believe to be his daughter, his mother or any other of his female ascendants or descendants, his sister or the daughter of his brother or sister; his paternal or maternal aunt is said to commit incest.

(2) Whoever being a woman voluntarily permits a man who is and whom she knows or has reason to believe to be her son, her grandson, her father or any other of her male ascendants or descendants, her brother or the son of her brother or sister; paternal or maternal uncle to have sexual intercourse with her is said to commit incest.

(3) Subjects to the provision of section **285B**, whoever commits incest shall be punished with imprisonment for a term of not less than ten years and where the offence is committed against a person of less than sixteen years with imprisonment for life.

Provided that whoever is compelled by use of force or threats to commit the act of incest, shall not be deemed to have committed the offence.'

PART 2: SHARIAH PENAL CODE LAW AMENDMENTS

7. Amendment of Section 131 of the Shariah Penal Code on Sodomy.

Section **131** of the Shariah Penal Code is deleted and replaced with new section as follows:

131' whoever commits the offence of sodomy shall be punished with death.

Provided that whoever is compelled by use of force or threats to commit the act of sodomy, shall not be deemed to have committed the offence.'

8. Amendment of Section 134 and 135 of the Shariah Penal Code on Lesbianism.

Section **134** of the Shariah Penal Code is deleted and replaced as follows:

134 'whoever being a woman, engages or consents to being engaged by another woman in carnal intercourse through her sexual organs or by means of stimulation or sexual excitement of one another has committed the offence of lesbianism.

Provided that whoever is compelled by use of force or threats to commit the act of lesbianism, shall not be deemed and replaced as follows:

Section 135 of the Shariah Penal Code is deleted and replaced as follows:

135 'whoever commits the offence of lesbianism shall be punished with imprisonment for a term of not less than ten years and where the offence is committed against a girl of less than fourteen years shall be punished with imprisonment for life'

9. Amendment of Section 137 of the Shariah Penal Code on Bestiality.

Section 137 of the Shariah Penal Code is deleted and replaced with the following new section:

137 'whoever commits the offence of bestiality shall be punished with imprisonment for a term of not less than two years and shall be liable to compensate the market value of the animal while the animal involved shall be liked and buried.

Provided that whoever is compelled by use of force or threats to commit the act of bestiality shall not be deemed to have committed the offence.'

MADE AT DUTSE THIS.....29th.....DAY OF.....December.....2014

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**(DR) SULE LAMIDO, CON
GOVERNOR
JIGAWA STATE OF NIGERIA**