

Legislation Development

As a part of Subregional Action Plan being implemented by UNDCP and the six countries that have signed the 1993 Memorandum of Understanding on Drug Control in East Asia, the project on “Strengthening of Judicial and Prosecutorial Drug Control Capacity in East Asia” has been implemented from 1998-2000. The project aims at strengthening the judicial and prosecutorial capacity of six MOU countries to administer national drug control and support subregional cooperation by providing a program of in-country legal training for drug control to meet the specific needs of each country as well as establishing a mechanism for developing and implementing Mutual Legal Assistance Agreements and other initiatives.

For Thailand, ONCB and UNDCP organized a National Legal Training Workshop under this project on February 8-10, 2000 in Bangkok. The main objectives of this workshop are:

1. To enhance better understanding for judges, prosecutors and law enforcement officers on national drug control legislation and legal procedure for more effective international cooperation;
2. To enhance the judicial and prosecutorial training on legal procedure related to drug cases and on international cooperation related to drug prosecution at both national and sub-regional levels;
3. To support the enactment of laws and the conclusion of agreements or treaties, which facilitate the inter-country cooperation for further drug related investigations and prosecutions.

The Amendment of Narcotics Control Act

Recently, drug offences almost occur in business place such as gas stations and entertainment places. In order to efficiently control of drugs, Narcotics Control Act (Vol.3) B.E.2543 (2000) has been enforced. ONCB has already drafted measures relating to narcotic offenses in business places as well as prescribed both owners and business operators by:

1. Empower the Narcotics Control Board (NCB) to provisionally lockout the business places and suspend a business

license for 15 days if any narcotic offense is found.

2. Empower the NCB, Secretary-General, NCB, Deputy Secretary - General, NCB and competent officials to examine or test or order any individual or groups of people to receive a narcotic test.
3. Amend the penalty with new coming provisions as well as empower the NCB or person designated by NCB to fine offenders in case of offences punishable only with fine.

There are four categories of business places prescribed under the Prime Minister's Notification as follows:

1. Gas station according to the law on petrol and other affiliation in their charge.
2. Service places according to the law on service places and other entertainment places.
3. Dwelling places on association with the license for billiard and snooker business.

The Amendment of the Act on Measures for the Suppression of Offenders in our Offence Relating to Narcotics

1. According to the Constitution Law of Thailand B.E.2540 (1997), the Commission of Counter Corruption has been changed to the National Counter Corruption Commission as well as in order to be effective cooperation in examining the property.

Some organization structure of the Properties Examination Committee need to be modified such as the Chairman of the Properties Examination Committee has been changed from the Chairman of the Commission of Counter Corruption to the Permanent Secretary for Justice etc.

2. Extend the time of filing a motion with the Court, this means if the Public Prosecutor has reasonable ground that could not file a motion to the Court before the Court of First Instance issue the order. He/she could file a motion within one year from the date of the Court of First Instance issuing the order except a final judgement dismissing the charge against offender.
3. After the Public Prosecutor having files a motion with the Court to issue an order of property forfeiture, upon the filing thereof, the Court shall order to publish for at least two consecutive days in a daily newspaper which is widely distributed in such locality.