

Mini summit x: Indonesia and Indochina compliance issues update

Update on the Thai Anti-Bribery Law

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Effective date

The Anti-Bribery Law was amended by the Anti-Bribery Act (No. 3).

The amendments came into effect on **10 July 2015**.

Major amendments

- I. Definitions**
- II. New significant offenses**
- III. Extended power of the National Anti-Corruption Commission (NACC) and the courts**
- IV. Suspending the prescription period**

I. New definitions

“Official of a foreign country”

- A person who holds a legislative, administrative, or judicial position.
- A person who performs duties within a government entity or state enterprise.

“Official of an international organization”

- A person performing any functions of, or on behalf of, an international organization.

II. New significant offenses

Offense of the receiver

- Imposes punishment on an **official** who demands, accepts, or agrees to accept assets or other benefits to do, or refrain from doing, any functions, **whether legitimate or not.**

Penalty

- Fine of Baht 100,000 to 400,000*, 5 to 20 years or life imprisonment, or death.

*USD 1 is approximately Baht 34.

II. New significant offenses (cont.)

Offense of the briber

- Imposes punishment on **any person** who gives, offers, or agrees to give assets or other benefits to **official** to persuade them to do, delay, or refrain from doing, anything wrongfully.

Penalty

- Fine not exceeding Baht 100,000, or a maximum of five years imprisonment, or both.
- If a person who commits this offense **is related to a juristic person** and the offense is committed **for the benefit of the juristic person**, the juristic person shall be subject to a penalty of a fine from one time but not exceeding **twice the value of the damage incurred** from the commission of the offense.

II. New significant offenses (cont.)

Offense of the intermediary

- Imposes punishment on **any person** who demands, accepts, or agrees to accept assets or other benefits to persuade **official** to do or refrain from doing anything wrongfully.

Penalty

- Fine not exceeding Baht 100,000, or a maximum of five years imprisonment, or both.

III. Extended power of the NACC and the courts

- Empowers the NACC to investigate and consider offenses.
- Empowers the NACC to facilitate and accommodate cross-border investigations.
- Empowers the courts to forfeit assets in the offense.

IV. Suspending the prescription period

- Prescription period suspended during flight, prosecution, and after conviction by a final judgment.