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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted and the President has proclaimed the following Law:

## **The Criminal Law**

### **General Part**

#### **Chapter I General Provisions**

##### **Section 1. Basis of Criminal Liability**

(1) Only a person who is guilty of committing a criminal offence, that is, one who deliberately (intentionally) or through negligence has committed an offence which is set out in this Law and which has all the constituent elements of a criminal offence, may be held criminally liable and sentenced.

(2) No one shall be found guilty of committing a criminal offence and criminal punishment shall not be imposed upon anyone other than by judgment of a court and in accordance with law.

##### **Section 2. Application of The Criminal Law in the Territory of Latvia**

(1) The liability of a person who has committed a criminal offence in the territory of Latvia shall be determined in accordance with this Law.

<sup>1</sup> The Parliament of the Republic of Latvia

(2) If a foreign diplomatic representative, or other person, who, in accordance with the laws in force or international agreements binding upon the Republic of Latvia, is not subject to the jurisdiction of the Republic of Latvia, has committed a criminal offence in the territory of Latvia, the issue of this person being held criminally liable shall be decided by diplomatic procedures or in accordance with bilateral agreements of the states.

### **Section 3. Applicability of The Criminal Law to Aircraft, and Sea and River Vessels Outside the Territory of Latvia**

A person who has committed a criminal offence outside the territory of Latvia, on an aircraft, or a sea or river vessel or other floating means of conveyance, if this means of conveyance is registered in the Republic of Latvia and if it is not provided otherwise in international agreements binding upon the Republic of Latvia, shall be held liable in accordance with this Law.

### **Section 4. Applicability of The Criminal Law Outside the Territory of Latvia**

(1) Latvian citizens and non-citizens, and aliens or stateless persons who have a permanent residence permit for the Republic of Latvia, shall be held liable in accordance with this Law for a criminal offence committed in the territory of another state.

(2) Soldiers of the Republic of Latvia who are located outside the territory of Latvia shall be held liable for criminal offences in accordance with this Law, unless it is provided otherwise in international agreements binding upon the Republic of Latvia.

(3) Aliens and stateless persons who do not have permanent residence permits for the Republic of Latvia and who have committed especially serious crimes in the territory of another state which have been directed against the Republic of Latvia or against the interests of its inhabitants, shall be held criminally liable in accordance with this Law irrespective of the laws of the state in which the crime has been committed, if they have not been held criminally liable or committed to stand trial in accordance with the laws of the state where the crime was committed.

(4) Aliens or stateless persons who do not have a permanent residence permit for the Republic of Latvia and who have committed a criminal offence in the territory of another state, in the cases provided for in international agreements binding upon the Republic of Latvia, irrespective of the laws of the state in which the offence has been committed, shall be held liable in accordance with this Law if they have not been held criminally liable for such offence or committed to stand trial in the territory of another state.

[17 October 2002]

### **Section 5. Time When The Criminal Law is In Force**

(1) The criminality and punishability of an offence (act or failure to act) are determined by the law, which was in force at the time the offence was committed.

(2) A law which recognises an offence as not punishable, reduces the sentence or otherwise is beneficial to a person, as long as it is not provided otherwise by the

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applicable law, has retrospective effect, that is, it applies to offences which have been committed prior to the applicable law coming into force, as well as to a person who is serving a sentence or has served a sentence but regarding whom conviction remains in effect.

(3) A law, which recognises an offence as punishable, increases the sentence, or is otherwise not beneficial to a person, does not have retrospective effect.

(4) A person, who has committed an offence against humanity, an offence against peace, a war crime or has participated in genocide, shall be punishable irrespective of the time when such offence was committed.

## **Chapter II Criminal Offences**

### **Section 6. Concept of a Criminal Offence**

(1) An offence (act or failure to act), committed deliberately (intentionally) or through negligence, provided for in this Law, and for the commission of which criminal punishment is set out, shall be considered a criminal offence.

(2) An offence (act or failure to act) which has the constituent elements of an offence set out in this Law, but has been committed in circumstances, which exclude criminal liability, shall not be considered criminal.

### **Section 7. Classification of Criminal Offences**

(1) Criminal offences are criminal violations and crimes. Crimes are sub-divided as follows: less serious crimes, serious crimes and especially serious crimes.

(2) A criminal violation is an offence for which this Law provides for deprivation of liberty for a term not exceeding two years, or a lesser punishment.

(3) A less serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding two years but not exceeding five years, or an offence which has been committed through negligence and for which this Law provides for deprivation of liberty for a term exceeding two years.

(4) A serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding five years but not exceeding ten years.

(5) An especially serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding ten years, life imprisonment or the death penalty.

### **Section 8. Forms of Guilt**

(1) Only a person who has committed a criminal offence deliberately (intentionally) or through negligence may be found guilty of it.

(2) In determining the form of guilt of a person who has committed a criminal offence, the mental state of the person in relation to the objective elements of the criminal offence must be established.

### **Section 9. Commission of a Criminal Offence Deliberately (Intentionally)**

A criminal offence shall be considered to have been committed deliberately (intentionally) if the person who has committed it has foreseen the consequences of the offence and has desired such (direct intent) or, even if such consequences have not been desired, nevertheless has knowingly allowed these to result (indirect intent).

### **Section 10. Commission of a Criminal Offence Through Negligence**

(1) A criminal offence shall be considered to be committed through negligence if the person who committed it foresaw the possibility that the consequences of his or her act or failure to act would result and nevertheless carelessly relied on these being prevented (criminal self-reliance), or did not foresee the possibility that such consequences would result, although according to the actual circumstances of the offence he or she should and could have foreseen such (criminal neglect).

(2) An offence provided for in this Law shall not be criminally punishable if the person did not foresee and should not and could not have foreseen the possibility that the consequences of his or her act or failure to act would result.

### **Section 11. Age at Which Criminal Liability Applies**

A natural person may be held criminally liable who, on the day of the commission of a criminal offence, has attained fourteen years of age. A juvenile, that is, a person who has not attained fourteen years of age, may not be held criminally liable.

### **Section 12. Liability of a Natural Person as the Representative of a Legal Person**

In a proceeding against a legal person regarding a criminal offence, the natural person who has committed such offence as the representative or at the instruction of the legal person concerned, or while in the service of the legal person, as well as a joint participant of such natural person, shall be criminally liable therefor.

### **Section 13. Mental Incapacity**

(1) A person who, during the time of the commission of the offence, was in a state of mental incapacity, that is, due to a mental disorder or mental disability was not able to understand his or her acts or control them, may not be held criminally liable.

(2) For a person who has been found to have a lack of mental capacity, the court shall order compulsory measures of a medical nature as set out in this Law.

### **Section 14. Diminished Mental Capacity**

(1) If a person, at the time of the commission of a criminal offence, due to mental disorder or mental disability, was not able to understand his or her acts fully or control them, that is, was in a state of diminished mental capacity, the court may reduce the

sentence to be adjudged or release such person from punishment, according to the actual circumstances of the offence.

(2) For a person who has been found to have diminished mental capacity, the court shall order compulsory measures of a medical nature as set out in this Law.

### **Section 15. Completed and Uncompleted Criminal Offences**

(1) A criminal offence shall be considered completed if it has all the constituent elements of a criminal offence set out in this Law.

(2) Preparation for a crime and an attempted crime are uncompleted criminal offences.

(3) The locating of, or adaptation of, means or tools, or the intentional creation of circumstances conducive for the commission of an intentional offence, shall be considered to be preparation for a crime if, in addition, it has not been continued for reasons independent of the will of the guilty party. Criminal liability shall result only for preparation for serious or especially serious crimes.

(4) A conscious act (failure to act), which is directly dedicated to intentional commission of a crime, shall be considered to be an attempted crime if the crime has not been completed for reasons independent of the will of the guilty party.

(5) Liability for preparation for a crime or an attempted crime shall apply in accordance with the same Section of this Law as sets out liability for a specific offence.

(6) A person shall not be held criminally liable for an attempt to commit a criminal violation.

### **Section 16. Voluntary Withdrawal**

(1) Voluntary withdrawal from the commission of a criminal offence means the complete discontinuance by a person, pursuant to his or her will, of a criminal offence commenced by such person while knowing that the possibility exists to complete the commission of the criminal offence.

(2) A person who has voluntarily withdrawn from the commission of a criminal offence shall not be held criminally liable. Such person shall be liable only in the case where the constituent elements of another criminal offence are present in his or her actually committed offence.

### **Section 17. Perpetrator of a Criminal Offence**

A person, who himself or herself has directly committed a criminal offence or, in the commission of such, has employed another person who, in accordance with the provisions of this Law, may not be held criminally liable, shall be considered the perpetrator of a criminal offence.

### **Section 18. The Participation of Several Persons in a Criminal Offence**

The participation by two or more persons knowingly in joint commission of an intentional criminal offence is participation or joint participation.

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## **Section 19. Participation**

Criminal acts committed knowingly by which two or more persons (that is, a group) jointly, knowing such, have directly committed an intentional criminal offence shall be considered to be participation (joint commission). Each of such persons is a participant (joint perpetrator) in the criminal offence.

## **Section 20. Joint Participation**

(1) An act or failure to act committed knowingly, by which a person (joint participant) has jointly with another person (perpetrator), participated in the commission of an intentional criminal offence, but he himself or she herself has not been the direct perpetrator of it, shall be considered to be joint participation. Organisers, instigators and accessories are joint participants in a criminal offence.

(2) A person who has organised or directed the commission of a criminal offence shall be considered to be an organiser.

(3) A person who has induced another person to commit a criminal offence shall be considered to be an instigator.

(4) A person who knowingly has promoted the commission of a criminal offence, providing advice, direction, or means, or removing impediments for the commission of such, as well as a person who has previously promised to conceal the perpetrator or joint participant, the instruments or means for committing the criminal offence, evidence of the criminal offence or the objects acquired by criminal means or has previously promised to acquire or to sell these objects shall be considered to be an accessory.

(5) A joint participant shall be held liable in accordance with the same Section of this Law as that in which the liability of the perpetrator is set out.

(6) Individual constituent elements of a criminal offence which refer to a perpetrator or joint participant do not affect the liability of other participants or joint participants.

(7) If a joint participant has not had knowledge of a criminal offence committed by a perpetrator or other joint participants, he or she shall not be held criminally liable for such.

(8) If the perpetrator has not completed the offence for reasons independent of his or her will, the joint participants are liable for joint participation in the relevant attempted offence. If the perpetrator has not commenced commission of the offence, the joint participants are liable for preparation for the relevant offence.

(9) Voluntary withdrawal, by an organiser or instigator from the completing of commission of a criminal offence shall be considered as such only in cases when he or she, in due time, has done everything possible to prevent the commission with his or her joint participation of the contemplated criminal offence and this offence has not been committed. An accessory shall not be held criminally liable if he or she has voluntarily refused to provide promised assistance before the commencement of the criminal offence.

## **Section 21. Organised Groups**

(1) An organised group is an association formed by more than two persons, which has been created for purposes of jointly committing criminal offences or serious or especially serious crimes and whose participants in accordance with previous agreement have divided responsibilities.

(2) Liability of a person for the commission of an offence within an organised group shall apply in the cases set forth in this Law for formation and leadership of a group, and for participation in preparation for a serious or especially serious crime or in commission of a criminal offence, irrespective of the role of the person in the jointly committed offence.

[25 April 2002]

## **Section 22. Previously Unpromised Concealment or Failure to Inform**

(1) Previously unpromised concealment of a perpetrator or joint participants in a crime, or of tools or means for commission of a crime, evidence of a crime or objects acquired by criminal means, or failure to inform about a crime are not joint participation, and criminal liability regarding such shall apply only in the cases provided for in this Law.

(2) The betrothed, spouse, parents, children, brothers and sisters, grandparents and grandchildren of a person who has committed a crime are not liable for previously unpromised concealment or failure to inform.

(3) In the cases set out in this Law other persons are also not liable for failure to inform.

## **Section 23. A Separate (Unitary) Criminal Offence**

(1) A separate (unitary) criminal offence is one offence (act or failure to act) which has the constituent elements of one criminal offence, or also two or more mutually related criminal offences encompassed by the unitary purpose of the offender and which correspond to the constituent elements of only one criminal offence.

(2) A separate (unitary) criminal offence is also constituted by continuous and continuing criminal offences.

(3) A separate continuous criminal offence is constituted by several mutually related similar criminal acts which are directed to a common objective if they are encompassed by the unitary purpose of the offender, and therefore in their totality they form one criminal offence.

(4) A separate continuing criminal offence is the uninterrupted realisation of the elements of one criminal offence (act or failure to act) which is associated with consequent continuing non-fulfilment of obligations which the law, with threat of criminal prosecution, has imposed upon the offender.

(5) In cases specifically provided for in the Special Part of this Law, a separate (unitary) criminal offence is constituted by repetition, during a one-year period, of such violations of law as criminal liability applies for only when they are aggregate, that is, if it is determined that these violations of law have been committed not less

than two times during this period, and if upon the previous occurrence they have, the violator knowing thereof, been recorded pursuant to procedures specified by law.

#### **Section 24. Multiplicity of Criminal Offences**

(1) Multiplicity of criminal offences is the commission by one person of two or more separate criminal offences which correspond to the constituent elements of several criminal offences, or to the constituent elements of only one criminal offence, but which are not encompassed by the unitary purpose of the offender, and also is the commission by a person of one criminal offence which corresponds to the constituent elements of at least two different criminal offences.

(2) Multiplicity of criminal offences is constituted by repetition, aggregation and recidivism of criminal offences.

(3) Multiplicity of criminal offences is constituted also by such criminal offences in respect of which a sentence adjudged in a foreign state is served in Latvia.

[20 June 2002]

#### **Section 25. Repetition of Criminal Offences**

(1) Repetition of criminal offences is the commission by one person of two or more criminal offences which are provided for in one and the same Section of this Law, or two or more criminal offences which are provided for in various Sections of this Law, if liability for such repetition is provided for in this Law.

(2) Repetition of a criminal offence is not constituted by an offence for the commission of which a person is released from criminal liability or for which a limitation period has become applicable, or for which the conviction has been set aside or extinguished pursuant to procedures set out in the Law.

(3) In cases when the repetition of a criminal offence is provided for in this Law as a constituent element of a criminal offence, all repeated offences by the offender as provided for in one and the same section of this Law shall be examined only pursuant to that part of a section of this Law in which liability is provided for repeated criminal offences.

#### **Section 26. Aggregation of Criminal Offences**

(1) Aggregation of criminal offences shall be constituted by one criminal offence or several criminal offences committed by one person, which correspond to the constituent elements of two or more different criminal offences, if such person has not been prosecuted for any of these criminal offences and a limitation period for criminal liability has not become applicable.

(2) One criminal offence committed by a person which corresponds to the constituent elements of several different criminal offences constitutes a conceptual aggregation of criminal offences.

(3) Two or more mutually unrelated offences committed by a person which correspond to the constituent elements of several different criminal offences constitute a factual aggregation of criminal offences.

(4) An aggregation of criminal offences is not constituted by an offence for the commission of which a person has been released from criminal liability.

### **Section 27. Recidivism of Criminal Offences**

Recidivism of criminal offences is constituted by a new criminal offence being committed by a person after the prosecution of such person for a criminal offence committed earlier, if the conviction for such has not been set aside or extinguished.

## **Chapter III Circumstances which Exclude Criminal Liability**

### **Section 28. Circumstances Excluding Criminal Liability**

Circumstances which exclude criminal liability, even if acts committed in such circumstances correspond to the constituent elements of a criminal offence provided for in this Law, are necessary self-defence, arrest causing personal harm, extreme necessity, justifiable professional risk, and the execution of a criminal command or criminal order.

### **Section 29. Necessary Self-defence**

(1) Necessary self-defence is an act which is committed in defence of the interests of the State or the public, or the rights of oneself or another person, as well as in defence of a person against assault, or threats of assault, in such a manner that harm is caused to the assailant. Criminal liability for this act applies if the limits of necessary self-defence have been exceeded.

(2) Protective acts manifestly disproportionate to the nature and the danger of the assault, which were not necessary in order to prevent or repel the assault and as a result of which harm is caused to the assailant, shall be considered as exceeding the limits of necessary self-defence.

(3) Causing harm to the assailant through negligence, while repelling an assault, shall not be criminally punishable.

(4) A person has the right to necessary self-defence, irrespective of the possibilities of avoiding the assault or turning to other persons for help.

### **Section 30. Apparent Self-defence**

(1) Apparent self-defence occurs when an actual assault, as mentioned in Section 29 of this Law, is not taking place but a person mistakenly thinks that such an assault is taking place.

(2) In cases when the circumstances of the offence have provided a basis for assuming that an actual assault is taking place but the person who has taken the defensive measures did not know that such an assumption was mistaken, and, additionally, he or she could not have and, moreover, should not have known it, the acts of such person shall be judged as necessary self-defence.

(3) A person who has exceeded the limits of self-defence, which would be permissible in the circumstances of a corresponding actual assault, is liable similarly as for exceeding the limits of necessary self-defence.

(4) A person who causes harm which corresponds to the elements of a criminal offence to an apparent assailant, not knowing that the assault is apparent, even if in the actual circumstances he or she should have and could have known such, shall be liable for the relevant offence similarly as for one which has been committed through negligence.

### **Section 31. Arrest Causing Personal Harm**

(1) Arrest causing personal harm is an act which is directed against such person as is committing or has committed a criminal offence. Criminal liability for this act shall not apply if the harm allowed to be effected to the person is not evidently disproportionate to the character of the offence, non-compliance or resistance.

(2) A person who, in carrying out an arrest, has violated conditions regarding the arrest, shall be liable for violating such conditions.

(3) If the acts by which harm has been caused to the person to be arrested have not been necessary for his or her arrest, liability on a general basis applies for the harm caused.

(4) The causing of harm to the arrested person through negligence shall not be criminally punishable.

### **Section 32. Acts of Extreme Necessity**

An act of extreme necessity is an act which a person commits to prevent harm, which threatens the interests of the State or the public, the rights of the person or another person, or the person or another person, if in the actual circumstances it has not been possible to prevent the relevant harm by other means and if the harm caused is less than that which was prevented. Extreme necessity excludes criminal liability.

### **Section 33. Justifiable Professional Risk**

(1) Criminal liability shall not apply for harm which has been committed through a professional act which has the constituent elements of a criminal offence, if such act has been committed in order to achieve a socially useful objective which was not possible to achieve by other means. The professional risk associated with this act shall be considered justifiable, if the person who has allowed the risk has taken all measures to prevent harm to legally protected interests.

(2) The risk shall be considered not to be justified, if it is knowingly associated with a threat to the life of several persons or threatens to cause an ecological or public disaster.

### **Section 34. Execution of Criminal Commands or Criminal Orders**

(1) Execution of a criminal command or a criminal order by the person who has executed it is justifiable only in those cases when the person did not know of the

criminal nature of the command or the order and it was not manifest. In such cases, criminal liability shall nonetheless apply if crimes against humanity and peace, war crimes or genocide have been committed.

(2) A person who has not executed a criminal command or order shall not be held criminally liable.

## **Chapter IV Sentence**

### **Section 35. Sentence and Objective Thereof**

(1) Sentence as provided for in The Criminal Law is a compulsory measure which a court, within the limits of this Law, adjudges on behalf of the State against persons guilty of the commission of a criminal offence.

(2) The objective of sentence is to punish the offender for a committed criminal offence, as well as to achieve that the convicted person or other persons comply with the law and refrain from committing criminal offences.

### **Section 36. Forms of Punishment**

(1) One of the following basic sentences may be adjudged against a person who has committed a criminal offence:

- 1) the death penalty;
- 2) deprivation of liberty;
- 3) custodial arrest;
- 4) community service; or
- 5) a fine.

(2) In addition to a basic sentence, the following additional sentences may be adjudged:

- 1) confiscation of property;
- 2) deportation from the Republic of Latvia;
- 3) a fine;
- 4) limitation of rights; and
- 5) police supervision.

(3) Procedures for serving a sentence shall be determined in accordance with law.

### **Section 37. Death Penalty**

(1) The death penalty – death by shooting – may be adjudged only for murder in especially aggravating circumstances.

(2) The death penalty may only be applied where a crime has been committed in time of war.

(3) The death penalty may not be applied to persons who, as of committing of the crime, have not attained eighteen years of age, and to women.

[18 May 2000]

### **Section 38. Deprivation of Liberty**

- (1) Deprivation of liberty is the compulsory imprisonment of a person.
- (2) Deprivation of liberty shall be determined for a term of not less than six months and not exceeding fifteen years, but for especially serious crimes – for a term not exceeding twenty years.
- (3) In cases specifically provided for in this Law, deprivation of liberty may be determined for life (life sentence).
- (4) The term of deprivation of liberty shall be determined in years and months, but in cases provided for in this Law, also in days.

### **Section 39. Custodial Arrest**

- (1) Custodial arrest is the holding of a person in short-term compulsory imprisonment.
  - (2) Custodial arrest shall be determined for a term of not less than three days and not exceeding six months. When substituting custodial arrest for a fine, a term not exceeding one year may be determined for such.
  - (3) During a term of custodial arrest, a person may be involved in performing indispensable public work, as determined by a local government.
  - (4) Soldiers shall serve their sentence in the guardhouse.
  - (5) Custodial arrest may not be applied to pregnant women and mothers caring for an infant not exceeding one year of age.
- [17 October 2002]

### **Section 40. Community Service**

- (1) Community service is compulsory participation in indispensable public service which a convicted person serves as punishment by doing work, in the area where he or she resides, as specified by the local government during free time outside regular employment or studies and without remuneration. Community service shall be determined for a term of not less than forty hours and not exceeding two hundred and eighty hours.
  - (2) Community service is not applicable to persons disabled from working and to soldiers.
  - (3) If a person sentenced with community service evades, in bad faith, serving the sentence, a court shall substitute custodial arrest for the unserved sentence, calculating two hours of work as one day of custodial arrest.
- [25 April 2002; 17 October 2002]

### **Section 41. Fines**

- (1) A fine is a monetary levy which the court shall impose in the amount set out in this Section as a basic sentence or as an additional sentence.
- (2) A fine proportionate to the seriousness of the criminal offence and the financial status of the offender shall be determined for an amount of not less than one, and not exceeding two hundred times the minimum monthly wage prescribed in the Republic

of Latvia at the time of the judgment, and the amount of the fine shall be set out in the currency of the Republic of Latvia in the judgment.

(3) A court may divide the payment of the fine into term payments or defer it for a period not exceeding one year from the day the judgment comes into effect.

(4) If a fine cannot be collected, then, in the cases where the amount specified does not exceed forty times the minimum monthly wage, custodial arrest shall be substituted for it, calculating one minimum monthly wage as ten days of custodial arrest, however, not exceeding one year of custodial arrest; if the fine has been set at an amount in excess of forty times the minimum monthly wage, deprivation of liberty shall be substituted for it, calculating one minimum monthly wage as ten days of deprivation of liberty.

(5) If a fine or a part of it is paid during the time a convicted person is serving a sentence of deprivation of liberty or custodial arrest in place of a fine, the convicted person shall be released, or the term of deprivation of liberty or custodial arrest shall be reduced, according to the portion of the fine paid. In reducing the term of the sentence as indicated, the time of deprivation of liberty or custodial arrest shall be included in accordance with the proportions determined by a court.

#### **Section 42. Confiscation of Property**

(1) Confiscation of property is the compulsory transfer to State ownership without compensation of the property owned by a convicted person or parts of such.

(2) Confiscation of property may be determined only in the cases provided for in the Special Part of this Law. A court, in determining partial confiscation of property, shall specifically determine which property is to be confiscated.

(3) Property owned by a convicted person, which he or she has transferred to another natural or legal person, may also be confiscated.

(4) The indispensable property of the convicted person or of his or her dependants which may not be confiscated is that specified by law.

#### **Section 43. Deportation from the Republic of Latvia**

(1) A citizen of another state, or a person who has a permanent residence permit of another state, may be deported from the Republic of Latvia if a court finds, that considering the circumstances of the matter and the personality of the offender, it is not permissible for him or her to remain in the Republic of Latvia.

(2) This punishment shall be adjudged as an additional sentence, not indicating its term and executing it only after the basic sentence has been served.

#### **Section 44. Limitation of Rights**

(1) Limitation of rights is the deprivation of rights as to specific or all forms of entrepreneurial activity, to specific employment, to the holding of specific positions or the acquisition of permits or rights provided for in a special law.

(2) Limitation of rights is an additional sentence which the court may adjudge to prohibit, for a term of not less than one year and not exceeding five years, engaging in a specific form or all forms of entrepreneurial activity or specific employment, the

holding of specific positions in State, local government, private or public organisations, undertakings (companies) or institutions or the acquiring of permits or rights provided for in a special law, which pursuant to procedures specified by law are either issued or conferred by the State, local governments, or other agencies authorised therefor.

(3) The court may also adjudge limitation of rights in cases when such punishment has not been provided for in the sections of the Special Part of this Law, if the criminal offence has been directly related to the entrepreneurial activity or employment of the offender, or has been committed using, in bad faith, a special permit issued to him or her or rights conferred upon him or her.

(4) If a person has been sentenced with deprivation of liberty or custodial arrest and with limitation of rights, then the prohibition mentioned in this Section shall apply not only when the person is serving the term of deprivation of liberty or custodial arrest, but also to the term to be served for the additional sentence adjudged in the judgment, calculated from the time when he or she completes serving the basic sentence. In the adjudging of such additional sentences jointly with other forms of basic sentences, the term for serving the additional sentence shall be calculated from the time when this person starts serving the basic sentence.

#### **Section 45. Police Supervision**

(1) Police supervision is an additional sentence, which a court may adjudge as a compulsory measure, in order to supervise the behaviour of the person released from a place of deprivation of liberty and so that this person may be subjected to the limitations prescribed by the police institution.

(2) Police supervision shall be imposed only when adjudging a sentence of deprivation of liberty in cases set out in the Special Part of this Law, for a term of not less than one year and not exceeding three years.

(3) A court may reduce the term of police supervision, or revoke it, pursuant to a submission by the administrative commission of the imprisoning institution or by the police institution.

(4) If a convicted person, while serving the term of an additional sentence, has committed a new crime, a court shall substitute deprivation of liberty for the unserved additional sentence term and shall determine the final sentence in accordance with the provisions provided for in Sections 51 and 52 of this Law.

(5) If a person, for whom police supervision has been determined by a judgment of the court, violates its provisions in bad faith, a court, pursuant to a submission from the police institution, may substitute, for the term of an additional sentence that has not been served, deprivation of liberty of the same term.

(6) A violation of a police supervision provision is in bad faith if the person has been administratively sentenced twice within a one-year period for such violation.

## **Chapter V**

### **Determination of Sentence**

#### **Section 46. General Principles for Determination of Sentence**

(1) A court shall adjudge sentence to the extent set out in the section of the Special Part of this Law as provides for liability for the criminal offence committed, and in compliance with the provisions of the General Part of this Law.

(2) In determining sentence, a court shall take into account the character of and harm caused by the criminal offence committed, the personality of the offender and mitigating or aggravating circumstances.

#### **Section 47. Mitigating Circumstances**

(1) The following shall be considered to be mitigating circumstances:

1) the perpetrator of the criminal offence has admitted his or her guilt, has freely confessed and has regretted that which he or she has committed;

2) the offender has voluntarily compensated the offender has actively furthered the disclosure and investigation of the offence;

3) the offender has facilitated the disclosure of the crime of another person;

4) for the loss occasioned or has allayed the harm caused;

5) the criminal offence was committed due to serious personal or family circumstances;

6) the criminal offence was committed under the influence of violence, or on account of financial or other dependence;

7) the criminal offence was committed as a result of the unlawful or immoral behaviour of the victim;

8) the criminal offence was committed exceeding the conditions regarding necessary self-defence, extreme necessity, arrest of the person committing the criminal offence, justifiable professional risk or the legality of the execution of commands and orders;

9) the criminal offence was committed by a pregnant woman; and

10) the criminal offence was committed by a person in a state of diminished mental capacity.

(2) In determining sentence, other circumstances which are not provided for in this Law and which a court finds to be mitigating circumstances, may be taken into account.

(3) A circumstance which is provided for in this Law as a constituent element of a criminal offence may not be considered to be a mitigating circumstance.

#### **Section 48. Aggravating Circumstances**

(1) The following may be considered to be aggravating circumstances:

1) the criminal offence was committed repeatedly or constitutes recidivism of criminal offences;

2) the criminal offence was committed while in a group of persons;

- 3) the criminal offence was committed, taking advantage in bad faith of an official position or the trust of another person;
  - 4) the criminal offence has caused serious consequences;
  - 5) the criminal offence was committed against a woman, knowing her to be pregnant;
  - 6) the criminal offence was committed against a person who has not attained fifteen years of age or against a person taking advantage of his or her helpless condition or of infirmity due to old-age;
  - 7) the criminal offence was committed against a person taking advantage of his or her official, financial or other dependence on the offender;
  - 8) the criminal offence was committed especially cruelly or with humiliation of the victim;
  - 9) the criminal offence was committed taking advantage of the circumstances of a public disaster;
  - 10) the criminal offence was committed employing weapons or explosives, or in some other generally dangerous way;
  - 11) the criminal offence was committed out of a desire to acquire property;
  - 12) the criminal offence was committed under the influence of alcohol, narcotic, psychotropic or other intoxicating substances; and
  - 13) the person committing the criminal offence, for purposes of having his or her sentence reduced, has knowingly provided false information regarding a criminal offence committed by another person.
- (2) A court, taking into account the character of the criminal offence, may decide not to consider any of the circumstances mentioned in Paragraph one of this Section as aggravating.
- (3) In determining sentence, the court may not consider such circumstances as aggravating which are not set out in this Law.
- (4) A circumstance which is provided for in this Law as a constituent element of a criminal offence shall not be considered an aggravating circumstance.

#### **Section 49. Determination of a Lesser Sentence Than the Sentence Provided for By Law**

- (1) If a court, taking into account various mitigating circumstances and the personality of the offender, considers it necessary to impose a sentence which is less than the minimum limit for the relevant criminal offence provided for by the Law, or considers it necessary to impose another, lesser form of sentence, it may reduce the sentence accordingly, setting out the reasons for such adjudication in the judgment.
  - (2) On the same basis, a court may decide not to apply an additional sentence, which has been provided for as mandatory for the relevant criminal offence in this Law.
  - (3) Paragraphs one and two of this Section are not applicable if the court has found that the criminal offence was committed in aggravating circumstances.
  - (4) Paragraphs one and two of this Section are not applicable if the court has found the person guilty of committing a serious or especially serious crime, except for minors, women and persons who have not been previously sentenced for the committing of a criminal offence.
- [25 April 2002]

## **Section 50. Determination of Sentence for Several Criminal Offences**

(1) If a person has committed several independent criminal offences, the court, having adjudged sentence separately for each offence, shall determine final sentence according to the aggregation of the criminal offences, including the lesser punishment within the more serious or also totally or partially adding together the sentences imposed. In such a case, the aggregate term of the sentences shall not exceed the maximum term set out for the relevant form of punishment.

(2) After the addition of all sentences of deprivation of liberty for the criminal offences (with the exception of life imprisonment), the aggregate term shall not exceed twenty years.

(3) For a person who has been found guilty of committing several of the criminal offences provided for in the various sections or paragraphs of sections of the Special Part of this Code, the additional sentence shall, similarly to the basic sentence, initially be determined separately for each offence but thereafter, according to the aggregation of the criminal offences together with the basic sentence.

(4) Additional sentences which are determined separately for each of the criminal offences, may be added to the basic sentence adjudged for the aggregation of criminal offences.

(5) Sentence shall be determined in accordance with the same procedure if, after a judgment has been rendered, it is established that the convicted person is also guilty of another criminal offence, which he or she had committed prior to the rendering of judgment in respect of the first matter. In such case, the term of the sentence shall include the sentence which has already been totally or partially served after the first judgment.

## **Section 51. Determination of Sentence after Several Judgments**

(1) If, after the judgment has been rendered, but, prior to serving the full sentence, the convicted person has committed a new criminal offence, a court shall add, completely or partially, the sentence which has not been served after the previous judgment to the sentence determined in the new judgment.

(2) The final sentence for several judgments shall exceed the sentence which has been determined for the newly committed criminal offence, as well as the part of the sentence which has not been served after the previous judgment.

(3) In adding together sentences for several judgments, the aggregate term of the sentences shall not exceed the maximum term set out for the relevant form of sentence. In adding up deprivation of liberty sentences (with the exception of life imprisonment), the term of the sentence in total shall not exceed twenty-five years.

## **Section 52. Provisions for Addition of and Substitution of Sentences**

(1) In adding together sentences for several criminal offences in one judgment or in several judgments, one day of a sentence of deprivation of liberty corresponds to:

- 1) one day of custodial arrest;
- 2) eight hours of community service; or

- 3) one day of police supervision.
- (2) A sentence of a fine or of limitation of rights shall, if such are imposed in conjunction with a sentence involving deprivation of liberty, custodial arrest or community service, be executed independently.
- (3) In determination of sentences which have not been mentioned in Paragraph one of this Section, a court, taking into account any pre-trial detention, the part of a sentence already served, or a term of application of compulsory measures of a medical nature, may reduce the sentence or totally release the offender from serving sentence.
- (4) The term of a sentence shall be calculated in years, months and days. A court shall count pre-trial detention as part of the term of a sentence, calculating one day of pre-trial detention as one day of deprivation of liberty.
- (5) Pre-trial detention or a part of a served sentence shall be counted as part of the sentence pursuant to the provisions of Paragraph one of this Section.
- (6) House arrest shall be counted as part of the term of the deprivation of liberty sentence. Five house arrest days shall be the equivalent of one day of deprivation of liberty.
- [12 June 2003]

### **Section 53. Determination of Sentence for Preparation for a Crime and for an Attempted Crime**

In determining sentence for preparation for a crime or for an attempted crime, a court shall take into account the nature of the acts committed by the offender and the harm caused by such, the degree of realisation of the criminal intent and the reasons why the crime has not been completed.

### **Section 54. Determination of Sentence for a Criminal Offence Committed by Joint Participants**

- (1) In determining sentence for joint participants in a criminal offence, a court shall take into account the nature of the participation of each person and his or her role in the committed criminal offence.
- (2) Aggravating or mitigating circumstances pertaining to an individual joint participant shall be taken into account by a court only in the determination of sentence for this joint participant.

### **Section 55. Suspended Sentence**

- (1) If, in determining sentence in the form of deprivation of liberty, community work, custodial arrest or a fine, a court, taking into account the nature of the committed offence and the harm caused, the personality of the offender and other circumstances of the matter, becomes convinced that the offender, not serving the sentence, will not commit violations in the future, it may sentence the offender with a sentence that is suspended.
- (2) In such case, the court shall decide that the execution of sentence is suspended if, within the term of probation adjudicated by it, the convicted person does not commit a

new criminal offence, does not violate public order, and fulfils the obligations imposed by the court.

(3) In imposing suspended sentence, the court shall prescribe a term of probation of not less than six months and not exceeding three years.

(4) In imposing suspended sentence, circumstances which the court has found material for not serving the sentence, as well as reasons why relevant obligations have been imposed for the convicted person, shall be set out in the judgment.

(5) Additional sentences may be imposed when a suspended sentence is imposed.

(6) In imposing a suspended sentence, the court may place upon the convicted person the following obligations:

1) to allay the harm caused, within a specified term;

2) not to change his or her place of residence without the consent of the State Probation Service;

3) to register periodically at the State Probation Service and to participate in probation programmes;

4) not to frequent specified places; and

5) to be present at his or her place of residence at the time specified.

(7) In imposing a suspended sentence, the court may impose, for a convicted person who has committed a criminal offence on the basis of alcoholism, narcotic addiction or toxic substance addiction, the obligation to undergo treatment for alcoholism, narcotic addiction or toxic substance addiction, with his or her consent.

(8) A court may fully or partially remove obligations imposed in regard to a term of probation upon a convicted person, upon whom a suspended sentence has been imposed.

(9) If a convicted person upon whom a suspended sentence has been imposed, without justifiable reason does not fulfil the obligations imposed by the court or repeatedly commits administrative violations for which administrative penalties are imposed upon him or her, the court, pursuant to a submission by the institution which has been assigned supervision of the behaviour of the convicted person, may make a decision regarding serving of the sentence determined for the convicted person, or extension of the term of probation for one year.

(10) If a convicted person, upon whom a suspended sentence has been imposed, commits a new criminal offence during the term of probation, the court shall determine sentence for him or her in accordance with the provisions provided for in Sections 51 and 52 of this Law.

[18 December 2003]

## **Chapter VI** **Release from Criminal Liability and Sentence**

### **Section 56. Criminal Liability Limitation Period**

(1) A person may not be held criminally liable if from the day when he or she committed the criminal offence, the following time period has elapsed:

1) six months after the day of commission of such criminal violation as a proceeding may be initiated in regard to only after a complaint by the victim or his or her lawful representative;

- 2) two years after the day of commission of such criminal violation as is not mentioned in Paragraph one, Clause one of this Section;
  - 3) five years after the day of commission of a less serious crime;
  - 4) ten years after the day of commission of a serious crime; or
  - 5) fifteen years after the day of commission of an especially serious crime, except for a crime for which, in accordance with law, a death penalty or life imprisonment may be adjudged.
- (2) The limitation period shall be calculated from the day when the criminal offence has been committed until when charges are brought.
- (3) The running of the limitation period is interrupted if, before the date of termination of the period prescribed in Paragraph one of this Section, the person who has committed the criminal offence commits a new criminal offence. In such case, the limitation period provided for the more serious of the committed criminal offences shall be calculated from the time of the commission of the new criminal offence.
- (4) The issue of the applicability of a limitation period, in respect of a person who has committed a crime for which a death penalty or life imprisonment may be imposed, shall be decided by a court, if thirty years have passed since the day of commission of the crime. If, in the opinion of the court, it is not possible to apply a limitation period, the death penalty may not be imposed and deprivation of liberty shall be substituted for it.

#### **Section 57. Inapplicability of Limitation Period**

A limitation period for criminal liability is not applicable to a person who has committed a crime against humanity, a crime against peace, a war crime or a person who has participated in genocide.

#### **Section 58. Release from Criminal Liability**

- (1) A person who has committed a criminal offence in regards to which the elements set out in this Law are present, but which has not caused such harm as requires that a criminal sentence be adjudged, may be released from criminal liability.
- (2) A person who has committed a criminal violation may be released from criminal liability if there is a settlement effected with the victim or with his or her lawful representative. Persons who have committed a criminal violation shall not be released from criminal liability on the basis of a settlement if the victim is a minor.
- (3) A person who has given substantial assistance in the uncovering of a serious or especially serious crime committed by an organised group, which is more serious or dangerous than the crime committed by the person himself or herself, may be released from criminal liability. This provision shall not apply to persons who are held criminally liable for especially serious crimes.
- (4) A person may also be released from criminal liability in particular cases provided for in the Special Part of this Law.
- (5) A person who has helped in uncovering a serious or especially serious criminal offence committed by other persons, which is more serious or more dangerous than the criminal offence committed by the person, may be released from criminal liability.

This condition shall not be applicable to persons who are held to criminal liability for especially serious crimes.

[25 April 2002]

### **Section 58.<sup>1</sup> Conditional Release from Criminal Liability**

(1) A person who has committed a criminal violation or a less serious crime, may be conditionally released from criminal liability by a prosecutor if, taking into account the nature of the offence and the harm caused, information characterising the accused and other circumstances of the matter, there is acquired a conviction that the accused will not commit further criminal offences.

(2) In conditionally releasing from criminal liability, the prosecutor shall decide not to continue the criminal prosecution of the person for the offence if in the probationary period, the person does not commit a new criminal offence and fulfils the duties imposed.

(3) In conditionally releasing from criminal liability, the prosecutor shall determine for the person a probationary period of not less than three and not exceeding eighteen months.

(4) In conditionally releasing from criminal liability, the prosecutor, with the consent of the person, may impose as a duty:

- 1) to apologise to the victim;
- 2) to rectify the harm caused within a specific time period;
- 3) to register periodically at the State Probation Service and to participate in probation programmes;
- 4) to refrain from specific types of actions or activities; and
- 5) to receive medical treatment for alcoholism, narcotics addiction or other dependencies.

(5) If a person who has been conditionally released from criminal liability, during the period of probation commits a new intentional criminal offence or does not perform the imposed duties, his or her criminal prosecution shall be continued.

[20 June 2002; 18 December 2003]

### **Section 59. Release from Sentence or Serving of Sentence**

(1) The release of a convicted person from sentence or serving of a sentence and the reduction of a sentence as adjudged, with the exception of release from sentence or the reduction of a sentence on the basis of amnesty or clemency, may only be done by a court in cases and in accordance with procedures set out in law.

(2) A court may, in the cases provided for in this Law, release persons who have not attained the age of majority from sentence, imposing compulsory measures of a corrective nature therewith.

(3) A court may also release a person from sentence in the cases provided for in Section 58 of this Law.

(4) A court may release a person, who has committed a criminal violation on account of alcoholism, narcotics addiction or toxic substance addiction, from serving a sentence, if this person has agreed to medical treatment for alcoholism, narcotic addiction or toxic substance addiction. The sentence shall be served if the person has

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not commenced undergoing the medical treatment within the time specified by the court or, after this, has avoided undergoing the medical treatment.

(5) If a person who has been convicted of a criminal offence after the judgment is proclaimed has become ill with a mental illness which has deprived him or her of the ability to understand his or her actions or to control them, the court shall release such person from serving a sentence. Compulsory measures of a medical nature may be imposed on him or her in accordance with the provisions set out in this Law.

(6) If a person who has been convicted of a criminal offence has become ill after the judgment is proclaimed with another serious incurable illness, the court may release such person from serving the sentence.

## **Section 60. Reduction of Sentence in Exceptional Cases**

If a convicted person has helped uncover a serious or especially serious crime, committed by other persons, which is more serious or more dangerous than the criminal offence committed by the person, the court, by whose judgment such person has been convicted, may reduce the sentence specified in the judgment, but where the death penalty or life imprisonment has been adjudged, a term of deprivation of liberty for twenty years shall be substituted therefor.

[25 April 2002]

## **Section 61. Conditional Release Prior to Completion of Sentence**

(1) A person who has been sentenced with deprivation of liberty or custodial arrest may be conditionally released prior to completion of his or her basic sentence.

(2) Conditional release prior to completion of sentence may be ordered, if the convicted person has not committed violations and to the extent possible has voluntarily made compensation for financial losses caused by his or her crime, but, in cases where the convicted person has committed the criminal offence on account of alcoholism or narcotic or toxic substance addiction, provided he or she agrees to treatment for alcoholism or narcotic or toxic substance addiction.

(3) Conditional release prior to completion of sentence may be ordered if the convicted person has actually served:

1) not less than half of the sentence imposed for a criminal violation or a less serious crime committed;

2) not less than two-thirds of the sentence imposed, if it has been imposed for a serious crime, or if the convicted person is a person who previously has been sentenced with deprivation of liberty for an intentional crime and the conviction for this crime has not been set aside or extinguished;

3) not less than three-quarters of the sentence imposed, if it has been adjudged for an especially serious crime or if the convicted person is a person who previously had been conditionally released prior to completion of sentence and has newly committed an intentional crime during the period of the unserved sentence; or

4) twenty-five years of a sentence of deprivation of liberty, if the convicted person is a person for whom deprivation of liberty on the basis of clemency or amnesty has been substituted for the death penalty, or a person for whom life imprisonment has been imposed.

(4) A court, in conditionally releasing a convicted person prior to completion of sentence, may, for the period of the unserved sentence, impose on him or her the obligations set out in Section 55 of this Law. If the person conditionally released prior to completion of sentence does not, without justifiable reason, fulfil the obligations imposed by the court, or repeatedly commits administrative violations, for which administrative sentences are imposed on him or her, the court may make a decision on the basis of a submission from the institution to which the supervision of the behaviour of the convicted person has been assigned, that the portion of the sentence unserved should be served.

(5) If a person who has been conditionally released prior to completion of sentence commits a new criminal offence during the period of the sentence unserved, the court shall determine sentence for him or her in accordance with the provisions provided for in Sections 51 and 52 of this Law.

### **Section 62. Limitation Period on the Execution of a Judgment of Conviction**

(1) A judgment of conviction may not be executed, if from the day that it comes into legal effect, it has not been executed within the following time periods:

- 1) within two years, if custodial arrest, community service or a fine has been adjudged;
- 2) within three years, if deprivation of liberty has been adjudged for a term not exceeding two years;
- 3) within five years, if deprivation of liberty has been adjudged for a term not exceeding five years;
- 4) within ten years, if deprivation of liberty has been adjudged for a term not exceeding ten years; and
- 5) within fifteen years, if a more severe punishment has been adjudged than deprivation of liberty for ten years.

(2) A limitation period is interrupted if a convicted person evades serving the sentence or before the time of expiration of the limitation period commits a new criminal offence for which a court has adjudged deprivation of liberty for a term of not less than one year. If a new criminal offence has been committed, the limitation period shall be calculated from the time of its commission, but if the convicted person has avoided serving the sentence, from the time he or she arrives to serve the sentence or from the time when a convicted person who has been in hiding, is apprehended. However, the judgment of conviction shall not be carried out if from the time it is rendered fifteen years have elapsed and a new criminal offence has not interrupted the limitation period.

(3) Issues in regards to limitation periods respecting persons for whom life imprisonment or the death penalty has been adjudged, shall be decided by a court. If a court does not consider it possible to apply a limitation period, deprivation of liberty shall be substituted for the death penalty.

### **Section 63. Extinguishment and Setting Aside of Conviction**

(1) Conviction is the juridical consequence of the convicting of a person who has committed a criminal offence, which is in effect during the term of the sentence

imposed by a court as well as after such until the conviction is extinguished or set aside in accordance with the procedures set out in law.

(2) A person shall be considered to be convicted from the time the judgment of conviction comes into effect. A person who has been released from punishment by the judgment of a court, shall not be considered to be convicted.

(3) The following shall be deemed to not be convicted:

1) persons upon whom a suspended sentence has been imposed, if they do not commit a criminal offence during the probation period, but in the case of the application of an additional sentence also during the period of serving the additional sentence and if the suspension of sentence has not been revoked, during the mentioned period, in accordance with other provisions set out by law;

2) persons for whom a sentence of custodial arrest, community service or a fine has been imposed, if they have not committed a new criminal offence during the one year period following the date of completing their sentence;

3) after two years – persons who have served a sentence of deprivation of liberty not exceeding three years;

4) after five years – persons who have served a sentence of deprivation of liberty exceeding three years but not exceeding five years;

5) after eight years – persons who have served a sentence of deprivation of liberty exceeding five years but not exceeding ten years; and

6) after eight years – persons who have served a sentence of deprivation of liberty exceeding ten years, if in addition a court determines that it is not necessary to consider them as convicted.

(4) The period for extinguishment of conviction shall be calculated from the day that the person has completed his or her basic sentence and additional sentence.

(5) If, according to procedures set out in law, a person is released from punishment before completion of the term of his or her sentence, the period for extinguishment of a conviction shall be calculated from the day when he or she has been released from serving the sentence, taking into account the time of the sentence actually served.

(6) If a person who has served a sentence, before termination of the period of time for the extinguishment of a conviction, commits a new criminal offence, the period for extinguishment of the conviction is interrupted. The period for extinguishment of the conviction for the first criminal offence is calculated anew from the time after the sentence has actually been completed for the last criminal offence. In such cases a person shall be considered as being convicted of both criminal offences until the period for the extinguishment of conviction has expired for the more severe sentence.

(7) If a person, for whom deprivation of liberty has been imposed, after serving his or her sentence has, by exemplary behaviour and a conscientious attitude towards work, demonstrated his or her rehabilitation, the court may set aside his or her conviction before the expiration of a period prescribed in this Section.

(8) A conviction may be set aside on the basis of clemency or amnesty.

(9) The extinguishment or setting aside of a conviction annuls all criminal legal consequences for the criminal offence committed.

[17 October 2002]

## **Chapter VII**

### **Special Nature of Criminal Liability of Minors**

#### **Section 64. Liability of Minors**

The provisions of this Chapter apply to persons who have not attained eighteen years of age as of the commission of the criminal offence.

#### **Section 65. Application of Punishment for Minors**

(1) The following forms of basic punishment shall apply for minors:

- 1) deprivation of liberty;
- 2) custodial arrest;
- 3) community service;
- 4) fine,

as well as the additional punishments provided for in this Law.

(2) For a person who has committed a criminal offence before attaining eighteen years of age, the period of deprivation of liberty may not exceed ten years, for especially serious crimes – fifteen years, but for less serious and serious crimes, which are not associated with violence or the threat of violence, or have not given rise to serious consequences, the period of deprivation of liberty may not exceed five years.

(3) A person, who has committed a criminal offence before attaining eighteen years of age, may be conditionally released from punishment before serving the term of the sentence, if he or she has served not less than half of the imposed punishment.

(4) A fine is applicable only to those minors who have their own income. A fine applied to a minor shall be not less than one and not exceeding fifty times the amount of the minimum monthly wage prescribed in the Republic of Latvia.

(5) A person, who before attaining eighteen years of age, has committed a criminal violation, shall, after serving the sentence, be deemed to have not been convicted.

[20 June 2001; 12 June 2002]

#### **Section 66. Application of Compulsory Measures of a Correctional Nature to Minors**

(1) A court may, taking into account the particular circumstances of the committing of a criminal offence and information received regarding the personality of the offender, which mitigate his or her liability, release a minor from the punishment adjudged by applying compulsory measures of a correctional nature specified by law.

(2) Serving of a sentence shall be completed if a minor, who has been released from it, has not fulfilled the obligations imposed by a court during the period of the punishment adjudged.

[31 October 2002]

## **Section 67. Imposition of Suspended Sentence on a Minor**

In imposing a suspended sentence upon a minor, a court may also prescribe compulsory measures as specified in Section 66, Paragraph one of this Law respecting them. If the person upon whom the suspended sentence has been imposed does not fulfil the obligations imposed upon him or her by the court, the provisions set out in Section 55, Paragraph nine of this Law are applicable regarding him or her.

## **Chapter VIII Compulsory Measures of a Medical Nature**

### **Section 68. Compulsory Measures of a Medical Nature**

(1) The following compulsory measures of a medical nature may be determined for persons, who have committed the offences set out in this Law, but who suffer from a mental disorder and have been found to be mentally incapable or have diminished mental capacity:

- 1) out-patient medical treatment in a medical institution;
- 2) medical treatment of a general type in a psychiatric hospital (ward); and
- 3) medical treatment under guard in a specialised psychiatric hospital (ward).

(2) If according to the nature of the committed offence and his or her mental state a person mentioned in Paragraph one of this Section is not dangerous to the public, a court may place the person with his or her relatives or other persons who shall care for the ill person, in the charge and under the supervision of a medical institution pursuant to his or her place of residence.

(3) Medical treatment, in places of deprivation of liberty as are appropriate thereto, may also be determined for persons mentioned in Paragraph one of this Section who have been found to have diminished mental capacity.

### **Section 69. Provision of Compulsory Measures of a Medical Nature for Persons in a State of Mental Incapacity**

(1) A court may determine compulsory measures of a medical nature set out in this Law for persons who, being in a state of mental incapacity, have committed offences as provided for in this Law or, after commission of the offence or after judgment has been rendered, have become ill with a mental illness which has removed their ability to understand their actions or to control them, if these persons according to the nature of the committed offence and their mental state are dangerous to the public.

(2) The compulsory medical treatment and type of medical institution shall be determined by the court in accordance with what mental illness the person concerned has and what the nature of his or her offence is. In regard to the determination of treatment to be provided in a psychiatric hospital (ward), the type thereof shall be selected by the medical institution.

(3) A court may adjudge sentence as against a person, who, following commission of a criminal offence or the rendering of a judgment of a court, has become ill with a mental illness which has removed the ability of the person to understand his or her actions or to control them, after he or she recovers his or her health, if the period of

limitation has not expired or there is no other basis for releasing him or her from criminal liability and sentence.

(4) Provision of compulsory measures of a medical nature shall be terminated or altered by a court, on the basis of the opinion of the medical institution, if the person concerned has recovered his or her health or the nature of the illness has changed to such a degree that it is not necessary to provide such measures.

(5) If sentence is adjudged regarding such a person after the person recovers his or her health, the period during which compulsory measures of a medical nature were provided shall be included in the term of the sentence.

## **Section 70. Determination of Compulsory Measures of a Medical Nature for Persons in a State of Diminished Mental Capacity**

Compulsory measures of a medical nature may also be determined in regard to persons who have committed criminal offences while being in a state of diminished mental capacity. If such persons are sentenced with deprivation of liberty, medical treatment shall be provided in places of deprivation of liberty as are appropriate thereto. If such persons are sentenced without deprivation of liberty, a court shall impose upon them the obligation to have medical treatment in a psychiatric medical institution pursuant to their place of residence.

### **Special Part**

#### **Chapter IX**

#### **Crimes against Humanity and Peace, War Crimes and Genocide**

### **Section 71. Genocide**

For a person who commits genocide, that is, commits intentional acts for purposes of the destruction in whole or in part of any group of persons identifiable as such by nationality, ethnic origin, race, social class or a defined collective belief or faith, by killing members of the group, inflicting upon them physical injuries hazardous to life or health or causing them to become mentally ill, intentionally causing conditions of life for such people as result in their physical destruction in whole or in part, utilising measures the purpose of which is to prevent the birth of children in such group, or transferring children on a compulsory basis from one group of persons into another,

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

### **Section 72. Crimes against Peace**

For a person who commits crimes against peace, that is, commits planning, preparation or instigation of, or participation in, military aggression, or commits conducting of a war of aggression in violation of international agreements binding upon the Republic of Latvia, or commits participation in a conspiracy for the purpose of committing crimes mentioned in this Section,

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

### **Section 73. Manufacture, Amassment, Deployment and Distribution of Weapons of Mass Destruction**

For a person who commits manufacture, amassment, deployment or distribution of nuclear, chemical, biological, bacteriological, toxic or other weapons of mass destruction,

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

### **Section 74. War Crimes**

For a person who commits war crimes, that is, commits violation of provisions and practices, in regard to prohibited conduct in war, comprised in international agreements binding upon the Republic of Latvia, as manifested in murder, torture, robbery, deportation or assignment to forced labour of civilians, hostages and prisoners of war of occupied territory, or unjustifiable destruction of cities and other entities,

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

### **Section 75. Force against Residents in the Area of Hostilities**

For a person who commits unlawful violence against residents in an area of hostilities, or commits unlawful forcible confiscation or destruction of their property,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding fifteen years.

### **Section 76. Pillaging**

For a person who commits appropriation of the property of persons killed or wounded on a battlefield (pillaging),

the applicable sentence is deprivation of liberty for a term not exceeding eight years.

### **Section 77. Incitement to War of Aggression**

For a person who commits public incitement of a war of aggression or of instigation of military conflict,

the applicable sentence is deprivation of liberty for a term not exceeding eight years.

## **Section 78. Violation of National or Racial Equality and Restriction of Human Rights**

(1) For a person who commits acts knowingly directed towards instigating national or racial hatred or enmity, or knowingly commits the restricting, directly or indirectly, of economic, political, or social rights of individuals or the creating, directly or indirectly, of privileges for individuals based on their racial or national origin,

the applicable sentence is deprivation of liberty for a term not exceeding three years or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if they are associated with violence, fraud or threats, or where they are committed by a group of persons, a State official, or a responsible employee of an undertaking (company) or organisation,

the applicable sentence is deprivation of liberty for a term not exceeding ten years.

## **Section 79. Destruction of Cultural and National Heritage**

For a person who commits the intentional destruction of something valuable as constitutes part of the cultural or national heritage,

the applicable sentence is deprivation of liberty for a term not exceeding seventeen years or a fine not exceeding two hundred times the minimum monthly wage.

## **Chapter X Crimes Against the State**

### **Section 80. Acts Promoting the Overthrow of the Government**

For a person who commits actions directed towards the violent overthrow of the government of the Republic of Latvia,

the applicable sentence is deprivation of liberty for a term of not less than ten and not exceeding twenty years, with confiscation of property.

### **Section 80.<sup>1</sup> Uniting in Organisations with the Aim to Overthrow the Government of the Republic of Latvia**

For a person who commits the uniting with more than two persons in an organised group for the purpose of overthrowing the Government of the Republic of Latvia or to abrogate the independence of the State, or to destroy its territorial integrity,

the applicable sentence is deprivation of liberty for a term of up to five years or a fine of up to one hundred times the minimum monthly wage.

[25 April 2002]

### **Section 81. Incitement to Forcibly Overthrow the Government of the Republic of Latvia and Forcibly Change the Political System**

For a person who commits public incitement to violently overthrow the government of the Republic of Latvia as established by the Constitution, or to violently change the political system, or commits the distribution of materials containing such incitement for the same purpose,

the applicable sentence is deprivation of liberty for a term not exceeding five years or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 82. Incitement to Abrogate Independence of the Republic of Latvia as a State**

(1) For a person who commits public incitement of abrogation of the independence of the Republic of Latvia as a state, with purpose of incorporating Latvia into a unified state structure with some other state, or abrogation thereof in some other way,

the applicable sentence is deprivation of liberty for a term not exceeding three years or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits organisational activities directed towards abrogation of the independence of the Republic of Latvia as a state, with purpose of incorporating Latvia into a unified state structure with some other state, or abrogation thereof in some other way,

the applicable sentence is deprivation of liberty for a term not exceeding six years or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 83. Inciting Disintegration of the Territorial Integrity of the Republic of Latvia**

(1) For a person who commits publicly inciting disintegration of the territorial integrity of the Republic of Latvia, that is, secession of a part of the territory of the Republic of Latvia in a manner not provided for by the Constitution of the Republic of Latvia,

the applicable sentence is deprivation of liberty for a term not exceeding three years or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits organisational acts directed towards the disintegration of the territorial integrity of the Republic of Latvia,

the applicable sentence is deprivation of liberty for a term not exceeding five years or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 84. Violation of Sanctions Imposed by International Organisations**

(1) For a person who commits intentional violation of regulatory enactments regulating implementation of sanctions determined by the United Nations Security Council, European Union or other international organisations in the Republic of Latvia,

the applicable sentence is deprivation of liberty for a term not exceeding five years or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated, or by a group of persons pursuant to prior agreement, or by a State official,

the applicable sentence is deprivation of liberty for a term not exceeding eight years, with or without confiscation of property.

[1 June 2000]

### **Section 85. Espionage**

(1) For a person who commits transfer of confidential information, or theft or collection thereof pursuant to an assignment from the intelligence agency of a foreign power, in order that this information be utilised in a manner prejudicial to the interests of the Republic of Latvia,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, with confiscation of property.

(2) For a person who commits the same acts, if the information is an official secret,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twenty years, or life imprisonment, with confiscation of property.

### **Section 86. Endangerment of the Life and Health of the President of the Republic of Latvia, Members of the Saeima, Members of the Cabinet and other State Officials**

For a person who commits an attack on the President of the Republic of Latvia, members of the *Saeima*, members of the Cabinet, or another State official elected, nominated or appointed by the *Saeima* of the Republic of Latvia, in relation to their governmental activities in the interests of the Republic of Latvia, if endangerment of the life or health of such person is associated with the attack,

the applicable sentence is deprivation of liberty for a term not exceeding fifteen years.

### **Section 87. Endangerment of the Life and Health of Representatives of Foreign States**

(1) For a person who commits assault on the leader of a foreign state or of its government, or on another representative of a foreign State, who has officially arrived in the Republic of Latvia on official business, if the assault is associated with the endangerment of the life or health of this person,

the applicable sentence is deprivation of liberty for a term not exceeding fifteen years.

(2) For a person who commits the same acts, if such have caused serious consequences for the Republic of Latvia,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twenty years.

## **Section 88. Terrorism**

(1) For a person who commits causing an explosion or fire, or other intentional acts directed towards destruction of human beings or infliction of bodily injury to or other harm to the health of human beings, or commits destruction or damaging of undertakings, structures, oil or gas lines, power lines, transport routes and means of transport, telecommunications networks, ionising radiation facilities or other property of national significance for purposes of harming the Republic of Latvia or its inhabitants, or causes, for the same purposes, a nuclear accident, radiation accident, mass poisoning, or spreading of epidemics and epizootic diseases,

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than eight and not exceeding twenty years, with confiscation of property.

(2) For a person who, employing explosion or fire, or the causing of a nuclear or radiation emergency, or other generally dangerous means, intentionally commits violent acts, dangerous to life or health, against persons, or destruction or damaging of the property of another person, or commits the threatening of such acts, presented as a term of cessation of the violent acts, where there is reason to believe that these threats may be carried out, with the purpose of inducing the State, its institutions or international organisations to take any action or refrain therefrom,

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than fifteen and not exceeding twenty years, with confiscation of property.

[18 May 2000]

## **Section 89. Subversion**

For a person who commits any act or failure to act as is directed towards destruction of the financial system, industrial, transport, agricultural, trade or other economic sectors, or destruction of the operations of any institutions or organisations, with the purpose of harming the Republic of Latvia,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with confiscation of property.

## **Section 89.<sup>1</sup> Criminal Organisation**

(1) For a person who commits the establishment of such a criminal organisation (association), in the composition of which are at least five persons, for the purpose of committing especially serious crimes against humanity or peace, war crimes, to carry out genocide or to commit especially serious crimes against the State, as well as for involvement in such an organisation or in an organised group included within such organisation or other criminal formation,

the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding seventeen years, with confiscation of property.

(2) For a person who commits the leading of a criminal organisation or participates in the committing of the crimes provided for in Paragraph one of this Section by such an organisation,

the applicable sentence is deprivation of liberty for a term of not less than ten and not exceeding twelve years or life imprisonment, with confiscation of property.  
[25 April 2002]

**Section 90. Interference with the Exercise of Voting rights and the Right to Participate in Referendums**

For a person who knowingly commits interference with the unrestricted exercise of the right to elect representatives, the right to be elected, or the right to freely participate in a national referendum organised in accordance with the laws of the Republic of Latvia, by the use of violence, fraud, threats, bribes, or other illegal means,

the applicable sentence is deprivation of liberty for a term not exceeding three years or a fine not exceeding sixty times the minimum monthly wage.

**Section 91. Dissemination of False Information Concerning Candidates to the Saeima**

[12 June 2002]

**Section 92. Falsification of Election and National Referendum Documents, Miscount of Votes and Violation of Right of Secret Ballot**

For a person who commits falsification of election or referendum documents, or knowingly miscounting votes or knowingly commits violation of the right of secret ballot, where committed by a State official or a member of the Election Committee,

the applicable sentence is deprivation of liberty for a term not exceeding four years or a fine not exceeding eighty times the minimum monthly wage.

**Section 93. Desecration of a State Symbol**

For a person who commits pulling down, tearing, breaking or destroying the Latvian Coat of Arms or the national flag of Latvia, or other desecration of these State symbols, or public desecration of the national anthem of Latvia,

the applicable sentence is deprivation of liberty for a term not exceeding three years or a fine not exceeding fifty times the minimum monthly wage.

**Section 94. Dissemination of Official Secrets Knowingly**

For a person who knowingly commits dissemination of information which constitutes an official secret, where the offence is committed by the person to whom this information has been entrusted or has become known in connection with his or her official position or his or her work, provided that characteristics of espionage are not present therein,

the applicable sentence is deprivation of liberty for a term not exceeding eight years or a fine not exceeding twenty times the minimum monthly wage.

## **Section 95. Dissemination of Official Secrets through Negligence**

For a person who commits dissemination of official secrets through negligence, or loss of documents containing official secrets, or loss of objects, information regarding which is an official secret, where committed by a person to whom the information, documents, or objects had been entrusted, if the documents or objects were lost in violation of provisions for the safeguarding of official secrets, and if substantial harm results thereby,

the applicable sentence is deprivation of liberty for a term not exceeding three years or a fine not exceeding fifty times the minimum monthly wage.

## **Chapter XI Criminal Offences against the Environment**

### **Section 96. Violation of Provisions regarding the Management and Utilisation of the Earth, or its Depths, Waters and Forests**

For a person who commits violation of provisions regarding the management and utilisation of the earth or its depths, waters or forests, if substantial harm is caused thereby to the environment, human health or property or economic interests,

the applicable sentence is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding sixty times the minimum monthly wage.

### **Section 97. Violation of Provisions regarding the Utilisation of the Natural Resources of the Sea**

(1) For a person who commits violation of provisions regarding the researching or utilisation of living or non-living natural resources of the continental shelf or economic zone of the Republic of Latvia, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding one year or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits violation of the provisions referred to in Paragraph one of this Section, if substantial harm is caused to the sea or to recreational areas, or other substantial harm is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding four years or a fine not exceeding eighty times the minimum monthly wage.

### **Section 98. Violation of Provisions regarding the Circulation of Radioactive and Chemical Substances**

(1) For a person who commits violation of provisions regarding the production, acquisition, transport, storage or use of radioactive substances or other sources of ionising radiation, hazardous biological, bacteriological, toxic, chemical substances or goods, or other hazardous substances or materials, preparations or viruses, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits a violation of the provisions in Paragraph one of this Section, if substantial harm is caused thereby to the environment, human health or property or economic interests,

the applicable sentence is deprivation of liberty for a term not exceeding four years or a fine not exceeding eighty times the minimum monthly wage.

### **Section 99. Violation of Provisions Regarding Elimination of Hazardous Waste**

(1) For a person who commits a violation of provisions for the collection, sorting, storage, transport, utilisation, burial or destruction of hazardous waste, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits a violation of the provisions referred to in Paragraph one of this Section, if substantial harm is caused thereby to the environment, human health, or property or economic interests,

the applicable sentence is deprivation of liberty for a term not exceeding four years or a fine not exceeding eighty times the minimum monthly wage.

(3) For a person who commits the importation of hazardous waste into the territory of Latvia or the transporting thereof through the territory of Latvia in violation of provisions, if substantial harm is caused thereby to the environment, human health or property or economic interests,

the applicable sentence is deprivation of liberty for a term not exceeding six years or a fine not exceeding one hundred and twenty times the minimum monthly wage.

### **Section 100. Unauthorised Burial of Hazardous Substances in Waters and Depths of the Earth**

(1) For a person who commits the unauthorised burial of radioactive substances, including nuclear materials, hazardous chemical substances or products, materials or waste, in waters or depths of the earth,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the burial of nuclear, chemical, biological, bacteriological, toxic or other weapons of mass destruction in waters or depths of the earth,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding twenty years.

[18 May 2000]

### **Section 101. Pollution of the Sea**

(1) For a person who commits polluting of the sea with hazardous substances, materials or waste, exceeding prescribed standards or in violation of provisions, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits polluting of the sea with hazardous substances, materials or wastes, if substantial harm is caused thereby to the environment, human health, or property or economic interests,

the applicable sentence is deprivation of liberty for a term not exceeding six years or a fine not exceeding one hundred and twenty times the minimum monthly wage.

### **Section 102. Pollution and Littering of the Earth, Forests and Waters**

(1) For a person who commits polluting, littering or otherwise harmfully affecting the earth, forests, or domestic waters (above ground or underground) in any way, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits polluting, littering or otherwise harmfully affecting the earth, forests, or domestic waters (above ground or underground) in any way, if substantial harm is caused thereby to the environment, human health, or property or economic interests,

the applicable sentence is deprivation of liberty for a term not exceeding four years or a fine not exceeding eighty times the minimum monthly wage.

### **Section 103. Pollution of the Air of the Atmosphere**

(1) For a person who commits polluting, littering, physically or otherwise harmfully affecting the air of the atmosphere in any way, exceeding prescribed standards or in violation of provisions, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits polluting, littering, physically or otherwise harmfully affecting the air of the atmosphere in any way, exceeding prescribed standards or in violation of provisions, if substantial harm is caused thereby to the environment, human health, or property or economic interests,

the applicable sentence is deprivation of liberty for a term not exceeding four years or a fine not exceeding eighty times the minimum monthly wage.

#### **Section 104. Operation of Facilities without Purification Devices**

For a person who commits setting into operation industrial, agricultural, municipal or other facilities, if such are not equipped with devices and systems necessary for purification and for collection of hazardous substances and dust, or if they are in a condition not suitable for operation, and if commission thereof is repeated or if substantial harm is caused thereby to the environment, human health, or to property or economic interests,

the applicable sentence is deprivation of liberty for a term not exceeding four years or a fine not exceeding eighty times the minimum monthly wage.

#### **Section 105. Failure to Carry Out Initiatives for the Elimination of Environmental Pollution**

For a person who commits failing to carry out or improperly carrying out necessary initiatives included in the duties of persons regarding rectification of pollution of and prevention of other harmful effects on the environment, or failing to give notice if harmful effects have resulted,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

#### **Section 106. Concealment of Data regarding Environmental Pollution**

(1) For a person who commits intentional concealment or distortion of data regarding the level of environmental pollution, if committed by a person whose duties included the presentation of such data, and if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or a fine not exceeding thirty times the minimum monthly wage.

(2) For a person who commits intentional concealment or distortion of data regarding the level of environmental pollution, if committed by a person whose duties include the providing of such data, and if as a result substantial harm is caused thereby to the environment, human health, or property or economic interests,

the applicable sentence is deprivation of liberty for a term not exceeding four years or a fine not exceeding eighty times the minimum monthly wage.

(3) For a person who commits failing to give notification concerning pollution of marine waters or other harmful effects arising from marine transport vehicles or structures, if committed by a person having a duty to give notification,

the applicable sentence is deprivation of liberty for a term not exceeding two years or a fine not exceeding fifty times the minimum monthly wage.

#### **Section 107. Setting Forest Fires**

(1) For a person who commits intentional setting of forest fires,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if substantial harm or, due to the negligence of the offender, loss of human life or other serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding fifteen years.

### **Section 108. Destruction and Damaging of a Forest Through Negligence**

(1) For a person who commits destruction or damaging of a section of forest through negligence, by careless handling of fire or in some other way, if substantial harm is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding four years or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits the same acts, if loss of human life or other serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding six years or a fine not exceeding one hundred and twenty times the minimum monthly wage.

### **Section 109. Arbitrarily Cutting and Damaging Trees**

(1) For a person who commits arbitrarily cutting trees in a forest or other parcel of land of another person,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits arbitrarily cutting, destroying or damaging trees or other plants, in a natural area or site under special protection of the State, park, dendrological site, land or water protective zone, or city green zone, or in other protective areas or zones,

the applicable sentence is deprivation of liberty for a term not exceeding six years or a fine not exceeding one hundred times the minimum monthly wage.

(3) For a person who commits arbitrarily cutting, destroying or damaging trees, if substantial harm is caused by such actions,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, or custodial arrest, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

### **Section 110. Arbitrarily Fishing and Acquiring Aquatic Animals**

(1) For a person who commits catching of fish or other acquisition of fish or aquatic animals without appropriate authorisation, during conservation periods, in restricted areas, or with prohibited gear or methods (unauthorised acquisition), if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits arbitrarily catching fish or arbitrarily acquiring fish or aquatic animals by other methods, if commission thereof is by a group of persons pursuant to previous agreement or in a natural area or site under special protection of the State, or if substantial harm is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(3) For a person who commits arbitrarily acquiring fish or aquatic animals by utilising electrical currents, explosive substances, poisonous substances or other generally dangerous means or methods,

the applicable sentence is deprivation of liberty for a term of not less than two and not exceeding five years, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

[25 April 2002]

### **Section 111. Unlawful Manufacture, Acquisition, Storage, Sale, Transport and Delivery of Electro-Fishing Equipment**

For a person who commits unlawful manufacture, acquisition, storage, sale, transport, or conveying of electro-fishing equipment,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without confiscation of property.

### **Section 112. Unlawful Hunting**

(1) For a person who commits unlawful hunting, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits unlawful hunting, if commission thereof is by a group of persons pursuant to previous agreement or in a State specially protected nature territory, or if substantial harm is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(3) For a person who commits utilisation of prohibited generally dangerous means, methods, tools or techniques for hunting,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or a fine not exceeding eighty times the minimum monthly wage.

[18 December 2003]

### **Section 113. Blasting and Other Acts Committed in Violation of Provisions for Protection of Animals**

For a person who commits blasting, amelioration of land, preparation of timber or other actions in violation of provisions regarding protection of animals, if substantial harm is caused to fish stocks, birds or other wild animals by such actions, the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

### **Section 114. Destruction and Damaging of Natural Sites under Special Protection of the State**

For a person who commits destruction or damaging of natural areas or sites under special protection of the State, if substantial harm is caused thereby, the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 115. Destruction and Damaging of Animals and Plants under Special Protection of the State**

For a person who commits destruction or damaging of animals, plants, mushrooms or lichens which are rare or under threat of extinction, or of the life habitat (biocenosis) thereof, if substantial harm is caused thereby, the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

## **Chapter XII Homicide**

### **Section 116. Murder**

For a person who commits intentional illegal homicide (murder) of another person, the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with or without police supervision for a term not exceeding three years.

### **Section 117. Murder Committed in Aggravating Circumstances**

For a person who commits murder, if:

- 1) a woman is murdered, the offender knowing that she is pregnant;
- 2) a person is murdered, the offender knowing that the person is in a state of helplessness;
- 3) it is committed in a way dangerous to the life of several persons;
- 4) it is committed involving particular cruelty;

- 5) the corpse is defiled thereafter;
  - 6) it is associated with robbery;
  - 7) it is associated with rape;
  - 8) it is committed with intent to conceal another criminal offence or to facilitate its commission;
  - 9) it is committed for the purpose of acquiring property;
  - 10) it is committed by a group of persons;
  - 11) it is committed by a person who has been confined to a place to be held under arrest, for pre-trial detention or in imprisonment; or
  - 12) a juvenile is murdered,
- the applicable sentence is life imprisonment, or deprivation of liberty for a term of not less than ten years and not exceeding twenty years, police supervision for a term not exceeding three years, with confiscation of property.
- [18 May 2000]

### **Section 118. Murder Committed in Especially Aggravating Circumstances**

For a person who commits murder,

- 1) associated with the victim or his or her relative having performed his or her official or professional duty or having participated in the prevention or interruption of a criminal or other illegal offence, or having given evidence in court or at a pre-trial investigation;
  - 2) if two or more persons have been murdered;
  - 3) if it has been committed by a person who has previously committed murder, except for a murder committed in a state of extreme mental agitation or a murder committed in the course of violating measures necessary for self-defence or provisions regarding custodial arrest of a person; or
  - 4) if it is committed by a person serving a term of life imprisonment,
- the applicable sentence is life imprisonment, or deprivation of liberty for a term of not less than fifteen years and not exceeding twenty years and police supervision for a term not exceeding three years, and confiscation of property, or the death penalty.

### **Section 119. Murder of a New-born Child**

For a person who, being a mother, commits the murder of her own child during child-birth or directly after child-birth while under the influence of the mental or physiological condition resulting therefrom,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 120. Murder Committed in a State of Extreme Mental Agitation**

For a person who commits murder in a sudden state of extreme mental agitation resulting from violence or grievous defamation on the part of the victim,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 121. Murder Committed Exceeding the Limits of Necessary Self-defence**

For a person who commits murder in the course of exceeding the limits of necessary self-defence,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service.

### **Section 122. Murder Committed Violating Provisions Regarding Arrest of a Person**

(1) For a person who commits murder in the course of violating provisions regarding arrest of a person,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service.

(2) For a person who commits the same act, if he or she is a State official,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 123. Homicide Through Negligence**

(1) For a person who commits illegal homicide through negligence,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service.

(2) For a person who commits illegal homicide through negligence, if two or more persons have been killed, or the homicide has been committed in the course of acting with firearms or explosive substances, or in another generally dangerous way,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 124. Causing a Suicide to be Committed**

(1) For a person who commits causing a person to commit suicide or attempt suicide by cruel treatment of the victim or systematic demeaning of his or her personal dignity, if such person has not been in financial or other dependence upon the offender,

the applicable sentence is deprivation of liberty for a term not exceeding three years.

(2) For a person who commits the same acts with regard to a person who has been in financial or other dependence upon the offender,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

## **Chapter XIII**

### **Criminal Offences Against Bodily Integrity of Persons**

#### **Section 125. Intentional Serious Bodily Injury**

(1) For a person who commits intentional infliction of such bodily injury as is dangerous to life or has been the cause of loss of vision, hearing or any other organs or functions of organs, or mental or other trauma to health, if it is associated with a general ongoing loss of ability to work to the extent of not less than one third, or has resulted in the termination of pregnancy, or has been manifested in irreparable facial disfigurement (serious bodily injury),

the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without police supervision for a term not exceeding three years.

(2) For a person who commits the same acts, if:

1) their commission is associated with the victim or his or her relative having performed his or her official or professional duty or having participated in the prevention or interruption of a criminal or other illegal offence, or having given evidence in court or at a pre-trial investigation;

2) they have been committed against two or more persons;

3) they have been committed in a way dangerous to the life or health of several persons;

4) they have been in the nature of torment or torture;

5) they have been committed by a group of persons;

6) they have been committed by a person who has previously committed a murder or inflicted intentional serious bodily injury, except where committed in a state of extreme mental agitation or in the course of violating the limits of necessary self-defence or provisions regarding arrest of a person; or

7) they have been committed by a person who has been confined to a place to be held under custodial arrest, for pre-trial detention or in imprisonment,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding twelve years, with or without police supervision for a term not exceeding three years.

(3) For a person who commits intentional infliction of serious bodily injury which, as a result of the negligence of the offender, has been the cause of the death of the victim,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding fifteen years, with or without police supervision for a term not exceeding three years.

#### **Section 126. Intentional Moderate Bodily Injury**

(1) For a person who commits intentional infliction of such bodily injury as is not dangerous to life and has not resulted in the consequences provided for in Section 125 of this Law but has resulted in protracted damage to health or general ongoing loss of ability to work to the extent of less than one third (moderate bodily injury),

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same acts, if:

1) their commission is associated with the victim or his or her relative having performed his or her official or professional duty or having participated in the prevention or interruption of a criminal or other illegal offence, or having given evidence in court or at a pre-trial investigation;

2) they have been in the nature of torment or torture;

3) they have been committed by a group of persons;

4) they have been committed by a person who has previously committed a murder or inflicted intentional serious or moderate bodily injury, which has been committed in a state of extreme mental agitation (in an aggravated state) or in the course of violating limits of necessary self-defence or provisions regarding arrest of a person; or

5) they have been committed by a person who has been confined to a place to be held under arrest, for pre-trial detention or in imprisonment,

the applicable sentence is deprivation of liberty for a term not exceeding eight years.

### **Section 127. Intentional Bodily Injury Inflicted in a State of Extreme Mental Agitation**

For a person who commits intentional infliction of serious or moderate bodily injury while in a sudden state of extreme mental agitation which has been caused by violence or grievous defamation on the part of the victim,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

### **Section 128. Intentional Bodily Injury Inflicted Exceeding the Limits of Necessary Self-defence**

For a person who commits intentional infliction of serious or moderate bodily injury in the course of exceeding the limits of necessary self-defence, if this harm is not inflicted to protect oneself from a threat to life or from rape,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

### **Section 129. Intentional Bodily Injury Inflicted Violating Provisions Regarding Arrest of a Person**

(1) For a person who commits intentional infliction of serious or moderate bodily injury in the course of violating provisions regarding arrest of a person,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits the same acts, where commission thereof is by a State official,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

### **Section 130. Intentional Slight Bodily Injury**

(1) For a person who commits intentional infliction of such bodily injury as has not caused damage to health or the general ongoing loss of ability to work (slight bodily injury), and also intentional beating, if it has not caused the consequences mentioned,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding ten times the minimum monthly wage.

(2) For a person who commits intentional infliction of slight bodily injury, which has caused temporary damage to health or insignificant general ongoing loss of ability to work,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(3) For a person who commits regular beating having the nature of torture, or any other kind of torture, provided these acts have not had the consequences provided for in Section 125 and 126 of this Law,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

### **Section 131. Negligent Bodily Injury**

For a person who commits infliction of serious or moderate bodily injury through negligence,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

### **Section 132. Threatening to Commit Murder and to Inflict Serious Bodily Injury**

For a person who commits threatening to commit murder or to inflict serious bodily injury, if there have been reasonable grounds to fear that these threats may be carried out,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

### **Section 133. Infection with Human Immunodeficiency Virus**

For a person who knowingly commits infection of a person with human immunodeficiency virus (HIV),  
the applicable sentence is deprivation of liberty for a term not exceeding eight years.

### **Section 134. Infection with Venereal Disease**

(1) For a person who knowingly commits intentional infection of a person with a venereal disease,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who knowingly commits intentional infection of a minor with a venereal disease,

the applicable sentence is deprivation of liberty for a term not exceeding four years.

### **Section 135. Unauthorised Performing of an Abortion**

(1) For a person who, being a person who has the right to perform abortions, commits abortion on a pregnant woman, where the abortion is performed outside of the premises of a hospital or any other medical institution, or at a medical institution but without legal basis therefor,

the applicable sentence is custodial arrest, or a fine not exceeding twenty times the minimum monthly wage with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding five years.

(2) For a person who commits abortion on a pregnant woman in unsanitary conditions, or where commission thereof is by a person who does not have the right to perform abortions,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage, with or without deprivation of right to engage in the practice of medical treatment for a period not exceeding five years.

(3) For a person who repeatedly commits unauthorised abortions on pregnant women,  
the applicable sentence is deprivation of liberty for a term not exceeding five years, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding five years.

(4) For a person who commits unauthorised abortion against the will of a pregnant woman, or where commission of an unauthorised abortion has resulted in the death of a pregnant woman or other serious consequences,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with or without deprivation of right to engage in the practice of medical treatment for a period not exceeding five years.

### **Section 136. Compelling Commission of an Abortion**

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For a person who commits compelling a pregnant woman to have an abortion performed, if it has resulted in the abortion being performed,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

### **Section 137. Unauthorised Medical Treatment**

(1) For a person who commits unauthorised medical treatment, if such has caused damage to the health of the victim,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding three years.

(2) For a person who commits unauthorised medical treatment, if such has caused the death of the victim or serious bodily injury through the negligence of the offender,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding five years.

### **Section 138. Improper Performance of Professional Duties by a Medical Practitioner**

(1) For a person who, being a medical practitioner, commits failing to fulfil professional duties or negligently fulfilling such, if such offence has, due to the negligence of the offender, caused serious or moderate bodily injury to the victim,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding forty times the minimum monthly wage, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding three years.

(2) For a person who commits the same offence, if it has resulted in the infection of the victim with human immunodeficiency virus (HIV), or has been the cause of the death of the victim,

the applicable sentence is deprivation of liberty for a term not exceeding five years, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding three years.

### **Section 139. Unlawful Removal of Tissue and Organs from a Human Being**

For a person who commits unlawful removal of tissue or organs from a living or dead human being in order to utilise such for medical purposes, where commission thereof is by a medical practitioner,

the applicable sentence is deprivation of liberty for a term not exceeding five years, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding five years.

#### **Section 140. Violation of Hygienic and Epidemiological Safety Provisions**

For a person who commits violation of hygienic and epidemiological safety provisions, if an epidemic is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

#### **Section 141. Abandonment Without Assistance**

(1) For a person who commits failing to provide necessary and manifestly undelayable assistance, to a human being in a state in which life is endangered, if the offender knew that he or she could have provided such without serious danger to himself or herself or other persons, and if the failure to provide assistance has resulted in the death of the human being or other serious consequences,

the applicable sentence is community service or a fine not exceeding five times the minimum monthly wage.

(2) For a person who knowingly commits abandonment without assistance of a person who is in a state in which life or health is endangered and who is unable to save himself or herself due to his or her juvenility, advanced age, illness, or feebleness, if the offender was able to provide assistance to the victim and had an obligation to take care of him or her, or the offender himself or herself has put the person in the life endangering state,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

#### **Section 142. Failure to Provide Assistance to Victims at Sea**

(1) For a person who, being a captain of a ship, commits failing to proceed to the location of a disaster at sea, if information is received that assistance is necessary,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who, being a captain of a ship, commits failing to provide assistance to human beings who are perishing at sea or on another waterway, if this assistance could have been provided without serious danger to the ship, its crew and passengers,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

## **Chapter XIV**

### **Criminal Offences Against Fundamental Rights and Freedoms of a Person**

#### **Section 143. Transgression of Inviolability of the Residential Unit of a Person**

(1) For a person who commits illegally entering a residential unit against the will of a person residing there,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same act, using violence, threats or arbitrary appropriation of the designation of a State official,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or a fine not exceeding eighty times the minimum monthly wage.

#### **Section 144. Violating the Confidentiality of Correspondence, Information in the Form of Transmissions Over a Telecommunications Network and Other Information**

(1) For a person who commits intentional violation of the confidentiality of personal correspondence or information in the form of transmissions over a telecommunications network, or commits intentional violation of the confidentiality of information and programs provided for use in connection with electronic data processing,

the applicable sentence is community service, or a fine not exceeding five times the minimum monthly wage.

(2) For a person who commits the same acts, if such are committed for purposes of acquiring property,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without deprivation of the right to engage in specific activities for a period not exceeding five years or without it.

#### **Section 145. Disclosure of Confidential Information of Another Person**

For a person who commits intentional disclosure of personal confidential information of another person, if it has been committed by a person who pursuant to his or her position or employment must maintain the information entrusted or communicated to him or her in confidence,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

#### **Section 146. Violation of Occupational Protection Provisions**

(1) For a person who commits violation of the requirements of regulatory enactments regulating occupational protection or technical safety, where commission thereof is by

the manager of an undertaking (company), institution or organisation, or other person responsible for compliance therewith, and if such offence has caused bodily injury with damage to health or permanent loss of ability to work,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a period not exceeding five years.

(2) For a person who commits the same offence, if such has caused the death of a human being or serious bodily injury to several human beings,

the applicable sentence is deprivation of liberty for a term not exceeding eight years, with or without deprivation of the right to engage in specific employment for a period not exceeding five years.

### **Section 147. Violation of Inventors' and Designers' Rights**

(1) For a person who commits intentional disclosure of an invention or a design without the consent of the owner of the inventor, designer or the successors in rights thereof prior to the relevant person disclosing the invention or design himself or herself or prior to it being disclosed with the consent of such persons, as well as commits appropriation of authorship or compelling of joint authorship of an invention or design,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits compelling, by means of violence, threats of violence or blackmail, the renouncing of the authorship of an invention or design or commits compelling of joint authorship,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

[17 October 2002]

### **Section 148. Infringement of Copyright and Neighbouring Rights**

(1) For a person who commits intentional infringement of copyright, if such is committed by infringing the rights of the author to use of the work, or commits intentional infringement of neighbouring rights,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits the same acts, if commission thereof is repeated, or is committed in a group of persons pursuant to prior agreement,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits appropriation of authorship or copyright or compelling of joint authorship,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

(4) For a person who commits compelling, by means of violence, threats of violence or blackmail, the renouncing of authorship or commits compelling of joint authorship,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

[17 October 2002]

#### **Section 149. Unlawful Acts with Objects of Copyright and Neighbouring Rights**

(1) For a person who commits acquisition for sale, storage or concealment of objects of copyright and neighbouring rights repeatedly during a period of one year, if they are published, reproduced or otherwise used, infringing copyright or neighbouring rights,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits the unlawful sale of the objects referred to in Paragraph one of this Section, as well as commits acquisition of other material benefits, using such objects,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits the same acts, if commission thereof is repeated or if they have been committed by a group of persons pursuant to prior agreement, or if they have been committed on a large scale,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding two hundred times the minimum monthly wage, with confiscation of property.

[18 May 2000; 17 October 2002]

#### **Section 150. Violation of Equality Rights of Persons on the Basis of their Attitudes Towards Religion**

For a person who commits direct or indirect restriction of the rights of persons or creation of whatsoever preferences for persons, on the basis of the attitudes of such persons towards religion, excepting activities in the institutions of a religious denomination, or commits violation of religious sensibilities of persons or incitement of hatred in connection with the attitudes of such persons towards religion or atheism,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding forty times the minimum monthly wage.

## **Section 151. Interference with Religious Rituals**

For a person who commits intentional interference with religious rituals, if such are not in violation of law and are not associated with violation of personal rights,

the applicable sentence is community service, or a fine not exceeding ten times the minimum monthly wage.

## **Chapter XV Criminal Offences Against Personal Liberty, Honour and Dignity**

### **Section 152. Unlawful Deprivation of Liberty**

(1) For a person who commits illegal acts depriving a person of the possibility to freely determine where he or she may be (unlawful deprivation of liberty), if the elements of a criminal offence by a State official are not present,

the applicable sentence is custodial arrest, or a fine not exceeding thirty times the minimum monthly wage.

(2) For a person who commits the same acts, if such are committed in a manner dangerous to the life or health of the victim, or if they are associated with the causing of physical suffering to him or her, or they have continued for more than a week, or they have been committed repeatedly, or they have been committed by a group of persons pursuant to previous agreement,

the applicable sentence is deprivation of liberty for a term not exceeding three years.

(3) For a person who commits unlawful deprivation of liberty, if serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding ten years.

### **Section 153. Kidnapping**

(1) For a person who commits seizure, using violence or threats, or abduction by fraud of a person (kidnapping) for purposes of vengeance, acquisition of property or blackmail,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.

(2) For a person who commits the same acts, if commission thereof is repeated,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding twelve years, with or without confiscation of property.

(3) For a person who commits kidnapping, if serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property.

## **Section 154. Seizure of Hostages**

(1) For a person who commits seizure or detaining of a person as a hostage, if such is associated with threats of murder, infliction of bodily injury or further detainment of such person for the purposes of compelling a state, international organisation, natural or legal person or a group of persons to do some act or refrain from doing such, proposing this as a condition for the release of the hostage,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding twelve years, with or without confiscation of property.

(2) For a person who commits the same acts, if commission thereof is against a juvenile, or is repeated, or by a group of persons pursuant to prior agreement, or serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property.

## **Section 154.<sup>1</sup> Human Trafficking**

(1) For a person who commits human trafficking to a foreign state -

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding eight years, with or without confiscation of property.

(2) For a person who commits the same acts if commission thereof is with respect to a minor, or by a group of persons pursuant to prior agreement, are caused thereby,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding twelve years, with confiscation of property.

(3) For a person who commits the same acts, if serious consequences are caused thereby or commission thereof is with respect to a juvenile, or by an organised group of persons,

the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years, with confiscation of property.

[25 April 2002]

## **Section 154.<sup>2</sup> Meaning of Human Trafficking**

(1) Human trafficking is the recruitment, conveyance, transfer, concealment or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of fraud, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent.

(2) The recruitment, conveyance, transfer, concealment or reception of minor persons for the purpose of exploitation shall be recognised as human trafficking also in such cases, if it is not connected with the utilisation of any of the means referred to in the Paragraph one of this Section.

(3) Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform activities or to provide services, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or the compulsory transfer of a

person into dependence upon another person), and the holding a person in servitude or also the unlawful removal of a person's tissues or organs.

[25 April 2002]

### **Section 155. Unlawful Confinement to a Psychiatric Hospital**

For a person who knowingly commits unlawful confinement of a person to a psychiatric hospital,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage, and deprivation of the right to specific employment for a term not exceeding five years.

### **Section 156. Defamation**

For a person who commits intentional defamation or demeaning of the dignity of a person orally, in writing, or by acts,

the applicable sentence is a fine not exceeding fifty times the minimum monthly wage.

[12 June 2002]

### **Section 157. Bringing into Disrepute**

For a person who knowingly commits intentional distribution of fictions, knowing them to be untrue and defamatory of another person, in printed or otherwise reproduced material, as well as orally, if such has been committed publicly (bringing into disrepute),

the applicable sentence is a fine not exceeding sixty times the minimum monthly wage.

[12 June 2003]

### **Section 158. Defamation and Bringing into Disrepute in Mass Media**

For a person who commits intentional defamation or bringing into disrepute in mass media,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding thirty times the minimum monthly wage.

[18 May 2000]

## **Chapter XVI**

### **Criminal Offences against Morals, and Sexual Inviolability**

#### **Section 159. Rape**

(1) For a person who commits an act of sexual intercourse by means of violence, threats or taking advantage of the state of helplessness of a female victim (rape),

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the applicable sentence is deprivation of liberty for a term not exceeding seven years, with or without police supervision for a term not exceeding three years.

(2) For a person who commits rape where commission is by a person who has previously committed rape or commission is by a group of persons, or who commits rape of a female minor,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with or without police supervision for a term not exceeding three years.

(3) For a person who commits rape, if serious consequences are caused thereby, or commits rape of a female juvenile,

the applicable sentence is life imprisonment, or deprivation of liberty for a term of not less than ten years and not exceeding twenty years, with or without police supervision for a term not exceeding three years.

### **Section 160. Forcible Sexual Assault**

(1) For a person who commits pederastic or lesbian or other unnatural sexual acts of gratification, if such acts have been committed using violence or threats or by taking advantage of the state of helplessness of a person,

the applicable sentence is deprivation of liberty for a term not exceeding six years, or custodial arrest.

(2) For a person who commits the same acts, if commission thereof is on a minor, or is repeated, or by a person who has previously committed rape, or by a group of persons,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding twelve years.

(3) For a person who commits acts provided for in Paragraphs one or two of this Section, if serious consequences are caused thereby, or if commission thereof is on a juvenile,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding fifteen years.

[18 May 2000]

### **Section 161. Sexual Intercourse, Pederasty and Lesbianism with a Person who has not Attained the Age of Sixteen Years**

For a person who commits an act of sexual intercourse, or pederastic, lesbian or other unnatural sexual acts of gratification, with a person who has not attained the age of sixteen years and who is in financial or other dependence on the offender, or if such offence has been committed by a person who has attained the age of majority,

the applicable sentence is deprivation of liberty for a term not exceeding four years.

[18 May 2000]

### **Section 162. Immoral Acts With a Minor**

(1) For a person who commits immoral acts with a minor against the will of the minor or if such have been committed by a person who has attained the age of majority,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest.

(2) For a person who commits immoral acts with a juvenile,

the applicable sentence is deprivation of liberty for a term not exceeding six years.

[18 May 2000]

### **Section 163. Violation of Provisions Restrictive of Prostitution**

For a person who commits a violation of provisions restrictive of prostitution, if commission thereof is repeated within a one-year period,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

### **Section 164. Compelling Engaging in Prostitution**

(1) For a person who commits compelling the engaging in of prostitution,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits procurement of persons for prostitution, using their trust in bad faith, or by means of fraud, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits inducing or compelling a minor to engage in prostitution, or commits providing premises to minors for purposes of prostitution,

the applicable sentence is deprivation of liberty for a term not exceeding six years, with or without confiscation of property.

(4) For a person who commits inducing or compelling a juvenile to engage in prostitution,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property.

[18 May 2000]

### **Section 165. Living on the Avails of Prostitution**

(1) For a person who commits taking advantage, for purposes of enrichment, of a person who is engaged in prostitution,

the applicable sentence is deprivation of liberty for a term not exceeding four years, with confiscation of property or without confiscation of property.

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(2) For a person who commits the same acts if commission thereof is by a group of persons pursuant to prior agreement, or with respect to minors, the applicable sentence is deprivation of liberty for a term not exceeding eight years, with confiscation of property.

(3) For a person who commits the same acts if commission thereof is with respect to juveniles,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with confiscation of property.

[18 May 2000]

### **Section 165.<sup>1</sup> Sending a Person for Sexual Exploitation**

(1) For a person who commits sending a person with his or her consent to a foreign state for sexual exploitation,

the applicable sentence is deprivation of liberty for a term not exceeding four years.

(2) For a person who commits the same acts, if commission thereof is for purposes of enrichment or with respect to a minor,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.

(3) For a person who commits the acts provided for in Paragraphs one or two of this Section, if commission thereof is by an organised group or if commission thereof is with respect to a juvenile,

the applicable sentence is deprivation of liberty for a term of not less than eight years and not exceeding fifteen years, with confiscation of property.

[18 May 2000]

### **Section 165.<sup>2</sup> Sending to a Foreign State**

Within the meaning of Section 165.<sup>1</sup> of this Law, sending shall be construed as any action that encourages legal or illegal departure from the State or entry into the State, transit or residence in a foreign state.

[18 May 2000; 25 April 2002]

### **Section 166. Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials**

(1) For a person who commits violation of provisions regarding importation, production, distribution, public demonstration, playing or advertising of pornographic writings, printed publications, pictures, films, video and audio recordings or other pornographic materials, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding thirty times the minimum monthly wage.

(2) For a person who commits the importation, production, public demonstration, advertising or other distribution of such pornographic or erotic materials as relate or

portray the sexual abuse of children, bestiality, necrophilia or violence of a pornographic nature, or the keeping of such materials for similar purposes,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding fifty times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits procurement or utilisation of minors in the production (manufacturing) of pornographic or erotic materials,

the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding eighty times the minimum monthly wage, with or without confiscation of property.

(4) For a person who commits procurement or utilisation of juveniles in the production (manufacturing) of pornographic or erotic materials,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property.

[18 May 2000]

## **Chapter XVII**

### **Criminal Offences against the Family and Minors**

#### **Section 167. Substitution of a Child**

(1) For a person who commits violation of provisions regarding importation, production, distribution, public demonstration, playing or advertising of pornographic writings, printed publications, pictures, films, video of such pornographic materials as relate or portray the sexual abuse of children, bestiality, necrophilia or violence of a pornographic nature, or the keeping of such materials for similar purposes,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits procurement or utilisation of minors in the production (manufacturing) of pornographic materials,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding eighty times the minimum monthly wage.

## **Chapter XVII**

### **Criminal Offences against the Family and Minors**

#### **Section 167. Substitution of a Child**

(1) For a person who commits intentional substitution of a new-born child for another,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits substitution of a new-born child for another for purposes of acquisition of property,

the applicable sentence is deprivation of liberty for a term not exceeding six years.

### **Section 168. Failure to Return a Minor and Separation of a Child from His or Her Mother, Father or Guardian**

For a person who commits failing to return a minor within the time specified by a court in a matter regarding determination of the place of residence of a minor or in a matter regarding the return of a minor to his or her mother, father or guardian, or commits separating a minor from his or her mother, father or guardian after execution of a court judgment,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding ten times the minimum monthly wage.

### **Section 169. Disclosure of Confidentiality of Adoption**

For a person who commits the disclosure of confidentiality of adoption contrary to the will of the adopter,

the applicable sentence is custodial arrest, or a fine not exceeding ten times the minimum monthly wage.

### **Section 170. Avoiding of Maintenance**

For a person who commits avoiding, in bad faith, the caring for and providing maintenance to parents, grandparents, children, grandchildren of himself or herself, or other persons, if such an obligation has been imposed by a court judgment or the decision of a judge,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

### **Section 171. Abuse of the Rights of a Guardian**

For a person who commits utilisation of a guardianship or trusteeship to the detriment of persons subject to the guardianship or trusteeship,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

### **Section 172. Involvement of a Minor in a Criminal Offence**

For a person who commits the involving of a minor in a criminal offence,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 173. Causing Inebriation of Minors and Involving of Minors in Non-Medical Use of Therapeutic and Other Intoxicating Medicaments**

(1) For a person who knowingly commits causing inebriation of a minor or the involving of a minor in non-medical use of therapeutic or other medicaments as are not narcotic or psychotropic substances but cause intoxication, if commission thereof is repeated within a one year period, or if such is committed by a person who employs the minor or upon whom the minor is financially or otherwise dependent,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who knowingly commits causing inebriation of a minor, or commits the involving of a minor in non-medical use of therapeutic or other medicaments which as are not narcotic or psychotropic substances but cause intoxication, if such has been committed using violence or threats,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 174. Cruelty Towards and Violence Against a Minor**

For a person who commits cruel or violent treatment of a minor, if physical or mental suffering has been inflicted upon the minor and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service.

## **Chapter XVIII Criminal Offences against Property**

### **Section 175. Theft**

(1) For a person who commits concealed or overt stealing (theft) of the movable property of another,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits theft, if commission thereof is repeated, or is by a group of persons pursuant to prior agreement,

the applicable sentence is deprivation of liberty for a term not exceeding six years, with or without confiscation of property.

(3) For a person who commits theft, if it has been committed by entering a residential unit or other premises, or if it has been committed from a storage facility, from a system connecting storage facilities, or from a means of transport,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.

(4) For a person who commits theft, if it has been committed by an organised group, as well as commits theft of narcotic, psychotropic, powerfully acting, toxic or radioactive substances, or explosives, firearms or ammunition,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding fifteen years, confiscation of property and police supervision for a term not exceeding three years.

[25 April 2002]

### **Section 176. Robbery**

(1) For a person who commits theft of movable property of another associated with violence or threatened violence (robbery),

the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(2) For a person who commits robbery, if it has been committed by a group of persons pursuant to prior agreement, or if it has been committed by entering a residential unit or other premises, or if it has been committed from a property storage facility, a system connecting storage facilities, or a means of transport,

the applicable sentence is deprivation of liberty for a term of not less than six years and not exceeding twelve years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(3) For a person who commits robbery, if it is committed on a large scale, or committed by a person who has previously committed robbery or extortion or been engaged in gangsterism or committed seizure of air or water transport vehicles, or such has been committed in an organised group, or who commits the robbery of narcotic, psychotropic, powerfully acting, poisonous or radioactive substances, or explosive substances, firearms or ammunition,

the applicable sentence is deprivation of liberty for a term of not less than eight years and not exceeding fifteen years, with confiscation of property, and police supervision for a term not exceeding three years.

(4) For a person who commits robbery, if it has been committed using firearms or explosives, or if such is associated with the infliction of serious bodily injury on the victim, or if other serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding seventeen years, with confiscation of property, and police supervision for a term not exceeding three years.

[25 April 2002]

### **Section 177. Fraud**

(1) For a person who commits acquiring property of another, or of rights to such property, by the use, in bad faith, of trust, or by deceit (fraud),

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits fraud, if commission thereof is repeated, or by a group of persons pursuant to prior agreement,

the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding one hundred times the minimum monthly wage.

(3) For a person who commits fraud, if it has been committed on a large scale, or it has been committed, acquiring narcotic, psychotropic, powerfully acting, poisonous or radioactive substances or explosive substances, firearms or ammunition,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding thirteen years, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without confiscation of property.

### **Section 178. Insurance Fraud**

(1) For a person who commits intentional destruction, damage or concealment of the property of himself or herself for the purpose of receiving insurance moneys,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits compelling or persuading another person to destroy, damage or conceal insured property, or other influencing for the same objectives, if such has been committed by the owner of the property for purposes of receiving insurance moneys,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(3) For a person who commits the acts provided for in Paragraphs one and two of this Section, if such have been committed for purposes of obtaining a large amount of insurance moneys,

the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 179. Misappropriation**

(1) For a person who commits illegally acquiring or wasting property of another, if such has been committed by a person to whom such property been entrusted or in whose charge it has been placed (misappropriation),

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits misappropriation, if commission thereof is repeated, or by a group of persons pursuant to prior agreement,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding eight years, with or without confiscation of property.

(3) For a person who commits misappropriation, if commission thereof is on a large scale, or who commits misappropriation of narcotic, psychotropic, powerfully acting, poisonous or radioactive substances or explosive substances, firearms or ammunition,

the applicable sentence is deprivation of liberty for a term of not less than six years and not exceeding fifteen years, with confiscation of property.

### **Section 180. Theft, Fraud, and Misappropriation on a Small Scale**

(1) For a person who commits theft, fraud, or misappropriation on a small scale, except for the crimes provided for in the Section 175, Paragraphs three and four; Section 177, Paragraph three and Section 179, Paragraph three of this Law,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if the commission thereof is repeated,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

[25 April 2002; 18 December 2003; 15 January 2004]

### **Section 181. Repeated Theft, Fraud, and Misappropriation**

In Sections 175, 177, 179 and 180 of this Law, a criminal offence shall be considered as repeated, if it has been committed by a person who has previously committed any of the criminal offences provided for in these Sections, or Sections 176, 178, and 224, or in Paragraph three of Section 228 of this Law.

[25 April 2002; 18 December 2003; 15 January 2004]

### **Section 182. Arbitrary Utilising of Electric Power, Thermal Energy, Natural Gas and Telecommunications Services**

For a person who commits arbitrary utilising of electric power, thermal energy, natural gas, or telecommunications services if substantial harm has been caused thereby,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

[25 April 2002]

### **Section 183. Extortion**

(1) For a person who commits demanding without legal basis therefor the surrender of property or rights to property, or the performing of any acts of a financial nature, therewith threatening violence against, or disclosure of defamatory information concerning, the victim or relatives of the victim, or to destroy their property or cause them other substantial harm (extortion),

the applicable sentence is deprivation of liberty for a term not exceeding eight years, with or without confiscation of property.

(2) For a person who commits extortion, if commission thereof is repeated, or by a group of persons pursuant to prior agreement, or using violence, firearms or explosives,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding twelve years, with confiscation of property, and police supervision for a term not exceeding three years.

#### **Section 184. Extortion by an Organised Group**

(1) For a person who commits establishing an organised group or participating in such for purposes of extortion,

the applicable sentence is deprivation of liberty for a term of not less than six years and not exceeding ten years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(2) For a person who commits extortion as a member of an organised group, if the extortion is committed using violence, threats, firearms or explosives,

the applicable sentence is deprivation of liberty for a term of not less than eight years and not exceeding twelve years, confiscation of property and police supervision for a term not exceeding three years.

(3) For a person who commits any acts provided for by Paragraph two of this Section if they have resulted in serious consequences,

the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years, confiscation of property and police supervision for a term not exceeding three years.

#### **Section 185. Intentional Destruction of and Damage to Property**

(1) For a person who commits intentional destruction of or damage to property of another,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the intentional destruction of or damage to property of another, if such has been committed by arson or in another generally dangerous way, or has caused extensive material loss, or, as a result of the negligence of the offender, the death of a human being has occurred or other serious consequences have been caused,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding ten years.

#### **Section 186. Negligent Destruction of and Damage to Property**

(1) For a person who commits destruction of or damage to the property of another through negligence, by careless handling of fire or in any other generally dangerous way,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits destruction of or damage to the property of another through negligence, if as a result thereof the death of a human being has occurred or other serious consequences have been caused,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

### **Section 187. Intentional Destruction and Damage of Electrical Transmission Networks, Heating Networks and Natural Gas, Oil and Oil Product Mains**

(1) For a person who commits the intentional destruction of or damage to an electrical transmission network, heating network or high-pressure natural gas, oil and oil product mains or installations thereof,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts if as a result thereof the death of a human being has occurred or an emergency, disaster or other serious consequences have been caused,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with or without confiscation of property.

### **Section 188. Negligent Destruction of or Damage to Natural Gas and Oil Mains**

(1) For a person who commits the destruction of or damage to high-pressure natural gas, oil or oil product mains or their installations through negligence,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if as a result thereof the death of a human being has occurred or an emergency, disaster or other serious consequences have been caused,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

### **Section 189. Irresponsible and Careless Guarding of Property**

For a person who, being a person who has been entrusted with the guarding of property, commits performing his or her duties irresponsibly and carelessly, if such conduct has been the cause of theft, destruction or damage of such property on a large scale and if such is not the criminal offence of a State official or of a responsible employee of an undertaking (company) or organisation,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

## Chapter XIX Criminal Offences of an Economic Nature

### Section 190. Smuggling

(1) For a person who commits the moving of goods or other valuable property across the customs border of the Republic of Latvia, by avoiding customs control or concealing goods or other valuable property from such control, by using false customs or other documents, or in any other unlawful way (smuggling), if such is committed on a large scale,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits the same acts, where committed in a group of persons pursuant to prior agreement,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding ten years, with or without confiscation of property.

(3) For a person who commits smuggling, where committed in an organised group, or who commits smuggling of powerfully acting, poisonous or radioactive substances, goods or other valuable property of strategic significance, explosive substances, firearms, ammunition, gas pistols (revolvers) or cartridges for such, or gas cylinders filled with noxious substances, or special devices containing toxic or powerfully acting substances,

the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding fifteen years, with confiscation of property.

[17 October 2002]

### Section 190.<sup>1</sup> Smuggling of Narcotic and Psychotropic Substances and the Source Materials (Precursors) for the Preparation of such Substances

(1) For a person who commits the moving of narcotic and psychotropic substances and the source materials (precursors) for the preparation of such substances across the customs border of the Republic of Latvia, by avoiding customs control or concealing goods or other valuable property from such control, by using false customs or other documents, or in any other unlawful way (smuggling),

the applicable sentence is deprivation of liberty for a term not exceeding seven years, with or without confiscation of property.

(2) For a person who commits the same acts, if the commission thereof is repeated, or where committed in a group of persons pursuant to prior agreement, or if such is committed on a large scale,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding ten years, with or without confiscation of property.

(3) For a person who commits the same acts, where committed in an organised group,

the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding fifteen years, with confiscation of property.

[17 October 2002]

### **Section 191. Storage and Sale of Illegally Imported Goods and Other Valuable Property**

(1) For a person who commits storage, transport, shipping or sale of such goods or other valuable property as have been brought into the Republic of Latvia without the required documents confirming the legal movement of such valuable property across the customs border, if commission of these acts is repeated within a year,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits storage, transport, shipping or sale of such goods or other valuable property as have been brought into the Republic of Latvia without the required documents confirming the legal movement of such valuable property across the customs border, where committed by a group of persons pursuant to prior agreement or on a large scale,

the applicable sentence is deprivation of liberty for a term not exceeding five years or a fine not exceeding one hundred and fifty times the minimum monthly wage, with confiscation of property.

### **Section 192. Manufacture and Circulation of Counterfeit Money and Government Financial Instruments**

(1) For a person who commits the manufacture of counterfeit bank-notes and coins in circulation in the Republic of Latvia, government financial instruments or foreign currency for purpose of putting them into circulation, or commits circulation of such counterfeits,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding ten years, with confiscation of property or without the confiscation of property.

(2) For a person who commits the same acts where commission thereof is repeated or on a large scale, or where committed by an organised group,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property.

[10 April 2003; 18 December 2003]

### **Section 193. Unlawful Activities with Financial Instruments and Means of Payment**

(1) For a person who commits acquisition or alienation of financial instruments in his or her own name or in the name of another person, on the basis of inside information of the financial instrument market, as well as commits manipulation of the market with financial instruments,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits theft, destruction, damage or unlawful utilisation of financial instruments or means of payment of another person,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.

(3) For a person who commits counterfeiting of financial instruments or means of payment, as well as commits circulating or utilising such counterfeits, if the elements of the crime provided for by Section 192 are not present,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding ten years, with confiscation of property.

(4) For a person who commits the acts provided for by Paragraphs one, two or three of this Section, if commission thereof is repeated or on a large scale, or if commission thereof is in an organised group,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property.

[1 June 2000; 18 December 2003]

### **Section 193.<sup>1</sup> Obtaining, Manufacture, Distribution, Utilisation and Storage of Data, Software and Equipment for Unlawful Acts with Financial Instruments and Means of Payment**

(1) For a person who commits obtaining, distribution or utilisation of such data as enable the unlawful utilisation of financial instruments or means of payment,

the applicable sentence is deprivation of liberty for a term not exceeding six years, with or without confiscation of property.

(2) For a person who commits manufacture or adaptation of software or equipment for the commission of the crimes provided for by Section 193, or commits obtaining, storage or distribution of such software or equipment for the same purpose,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding eight years, with or without confiscation of property.

[1 June 2000; 18 December 2003]]

### **Section 194. Unauthorised Issue of Financial Instruments**

(1) For a person who commits putting into circulation financial instruments of a legal person before the legal person has commenced operations or without registration of financial instruments as prescribed by law, or knowingly providing false information concerning the public issue of financial instruments,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits preparing and putting into circulation of financial instruments if such do not comply with the provisions of the articles of association, issuing prospectus or other document issued for this purpose, or issuing of a certificate of deposit (investment) without receipt of the relevant deposit,

the applicable sentence is deprivation of liberty for a term not exceeding eight years, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without confiscation of property.

[18 December 2003]

### **Section 195. Laundering of the Proceeds from Crime**

(1) For a person who commits laundering of criminally acquired financial resources or other property, in violation of the requirements prescribed by law and knowing that these resources or property were obtained criminally,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits the same acts, if commission thereof is on a large scale or if commission thereof is in an organised group,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding ten years, with confiscation of property.

[25 April 2002]

### **Section 196. Use of and Exceeding Authority in Bad Faith**

(1) For a person who being a responsible employee of an undertaking (company) or organisation, that is, a person who, in an undertaking (company) or organisation, has the right to make decisions binding on other persons or the right to deal with the property or financial resources of the undertaking (company) or organisation, or a person similarly authorised by an undertaking (company) or organisation, commits carrying out intentional acts, in bad faith using his or her authority or exceeding such, if these acts have caused substantial harm to rights and interests of the undertaking (company) or organisation, or to rights and interests protected by law of another person,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

### **Section 197. Neglect**

For a person who commits neglectfully fulfilling duties of employment, where committed by a responsible employee of an undertaking (company) or organisation or a person similarly authorised by an undertaking (company) or organisation, if substantial harm is caused thereby to the undertaking (company) or organisation, or to rights and interests protected by law of another person,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

### **Section 198. Unauthorised Receipt of Benefits**

(1) For a person who knowingly commits illegally receiving the offer of material value, property or benefits of another nature, where committed by a responsible employee of an undertaking (company) or organisation, or a person similarly authorised by an undertaking (company) or organisation himself or herself or an intermediary, for performing or failing to perform some act, in the interests of the giver of the benefit or the proposer, using his or her authority in bad faith, irrespective of whether the material value, property or benefits of another nature is intended for this or any other person,

the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated, or on a large scale, or they have been committed by a group of persons pursuant to prior agreement, or they are associated with a demand for financial benefits,

the applicable sentence is deprivation of liberty for a term not exceeding eight years, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without confiscation of property.

[25 April 2002]

### **Section 199. Commercial Bribery**

(1) For a person who commits the offering or giving of material value, property or benefits of another nature, if the offer is accepted, personally or through intermediaries to a responsible employee of an undertaking (company) or organisation, or a person authorised by an undertaking (company) or organisation in order that he or she, using his or her authority in bad faith, performs or fails to perform some act in the interests of the giver of the benefit or the proposer, irrespective of whether the material value, property or benefits of another nature is intended for this or any other person,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or on a large scale,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

[25 April 2002]

## **Section 200. Unauthorised Acquisition and Disclosure of Information Containing Commercial Secrets, as well as Unauthorised Disclosure of Inside Information of the Financial Instrument Market**

(1) For a person who commits unauthorised acquisition of economic, scientific technical, or other information in which there are commercial secrets, for use or disclosure by himself or herself or another person, or commits unauthorised disclosure of such information to another person for the same purpose, as well as commits unauthorised disclosure of inside information of the financial instrument market,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits theft of the information indicated in Paragraph one of this Section,

the applicable sentence is deprivation of liberty for a term not exceeding eight years, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

[18 December 2003]

## **Section 201. Usury**

For a person who commits the making of loans in whatever form, knowingly taking advantage of the grave economic situation of the borrower of the loan, and the terms and conditions of which are excessively burdensome for the borrower (usury),

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

## **Section 202. Failing to Ensure Quality of Goods and Services**

For a person who knowingly commits producing and selling such goods, or providing to consumers such paid services, as fail to comply with quality requirements set out in regulatory enactments or technical standards documents or agreements, as a result of which substantial harm is caused to the health of the consumer, his or her property or the environment,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage, with or without deprivation of the right to engage in specific forms of entrepreneurial activity for a term of not less than two years and not exceeding five years.

## **Section 203. Failing to Observe Requirements Regarding Safety of Goods and Services**

For a person who commits failing to comply with requirements regarding the safety of goods and paid services set out in regulatory enactments, in technical

standards documents or agreements, or in standards approved by relevant authorised State institutions, as a result of which substantial harm is caused to the health of consumers, their property or the environment,

the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific forms of entrepreneurial activity for a term of not less than two years and not exceeding five years.

#### **Section 204. Defrauding Purchasers and Ordering Parties**

(1) For a person who commits defrauding purchasers or ordering parties by short measure and weight, having received payment, or commits deceiving purchasers or ordering parties respecting characteristics of goods or services, or other defrauding in a shop or other trading or public food service location or in the providing of a paid service,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or if they have been committed by a group of persons pursuant to prior agreement, or if they have been committed by using specially adjusted scales or other measuring instruments,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a term of not less than two years and not exceeding five years.

#### **Section 205. Violation of Trading Provisions**

(1) For a person who commits intentional violation of trading provisions issued by a State institution, if such acts are committed repeatedly within a period of one year,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits intentional violation of trading provisions issued by a State institution, if such has resulted in a substantial harm to the State or consumer rights and interests protected by law or such was committed in a group of persons pursuant to previous agreement,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

[25 April 2002]

## **Section 206. Unauthorised Use of Trademarks, other Distinguishing Marks and Designs**

(1) For a person who commits using or counterfeiting a trademark or other distinguishing mark for goods or services of another person, or knowingly using or circulating a counterfeit mark,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits the same acts, if commission thereof is repeated, or if substantial harm is caused thereby to rights and interests protected by law of a person,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

[17 October 2002]

## **Section 207. Entrepreneurial Activities Without Registration or a Permit (Licence)**

(1) For a person who commits engaging in entrepreneurial activities, without registration or without a special permit (licence) where the requirement for such is prescribed by law, or commits continuing operation of an undertaking (company) after issue of an order for suspension of its operation, if commission of such acts is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term not exceeding three years or without it.

(2) For a person who commits engaging in entrepreneurial activity, without registration or without a special permit (licence) where the requirement for such is provided for by law, or commits continuing operation of an undertaking (company) after issue of an order for suspension of its operation, if substantial harm has been caused, by such entrepreneurial activity or continuation of operation, to the State, or to the rights and interests protected by law of a person,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred fifty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

## **Section 208. Prohibited Entrepreneurial Activity**

For a person who commits engaging in entrepreneurial activity regarding which a special prohibition applies,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding eighty times the minimum monthly wage, with deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

### **Section 209. Fictional Entrepreneurial Activity**

For a person who commits establishing an undertaking (company) using false information so as to conceal activity other than that provided for in its founding documents,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding eighty times the minimum monthly wage.

### **Section 210. Fraudulent Obtaining and Use of Credit and Other Loans**

(1) For a person who knowingly commits providing false information, to obtain subsidies, credit or other loans, or during the period of use of the subsidies, credit or other loans,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding fifty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

(2) For a person who commits using subsidies, credit or other loans for purposes other than as provided for in an agreement,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or a fine not exceeding sixty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

(3) For a person who commits the acts provided for in Paragraphs one and two of this Section, if substantial harm has been caused thereby to the State, to a creditor, or to the rights and interests protected by law of another person,

the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding eighty times the minimum monthly wage, with deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

### **Section 211. Unfair Competition and Misleading Advertising**

For a person who commits unfair competition or misleading advertising, if commission of such offences is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

### **Section 212. Failing to Comply With the Requirements Set Out by an Institution for Protection of Competition**

For a person who commits failing to comply with the legal requirements set out by a State institution for the protection and encouragement of competition, if

commission of such offences is repeated within a one year period, or if such are associated with the causing of substantial harm to the interests of the State or of consumers,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

### **Section 213. Driving an Undertaking (Company) into Insolvency and Bankruptcy**

(1) For a person who commits driving an undertaking (company) into insolvency or bankruptcy due to neglect, if substantial harm is caused thereby to the rights and interests protected by law of another person,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage, with deprivation of the right to engage in entrepreneurial activity for a term not exceeding three years.

(2) For a person who commits intentionally driving an undertaking (company) into insolvency or bankruptcy (bankruptcy in bad faith), if substantial harm is caused thereby to the State, a local government, another undertaking (company) or to the rights and interests protected by law of another person,

the applicable sentence is deprivation of liberty for a term not exceeding eight years, or a fine not exceeding one hundred twenty times the minimum monthly wage, and deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

### **Section 214. Failing to Submit an Application for Insolvency and Submission of a False Application**

(1) For a person who commits failing to submit an application for insolvency in cases provided for by law,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or a fine not exceeding fifty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term not exceeding three years.

(2) For a person who commits submitting such application for insolvency as has been submitted by a debtor or creditor and wherein false information has been provided or there has been concealment of information, and where on account of the application the debtor may be found or has been found insolvent (knowingly providing a false application for insolvency),

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

## **Section 215. Violation of Provisions Regarding Insolvency Proceedings**

(1) For a person who knowingly commits violating of provisions regarding insolvency proceedings, if commission thereof is by the creditor or other person who has an interest in the proceedings,

the applicable sentence is a fine not exceeding fifty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term not exceeding three years.

(2) For a person who commits concealing of information from the court, meetings of creditors or other persons as provided for by law, or deceiving them, or commits engaging in transactions in favour of one or more creditors to the detriment of the remaining creditors, if such has been intentionally committed by the administrator of the insolvency proceedings,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding eighty times the minimum monthly wage, with deprivation of the right to hold the office of an administrator for a term of not less than two years and not exceeding five years.

(3) For a person who commits impeding the course of insolvency proceedings, which conduct is manifested by the conduct of the debtor in failing to provide or concealing the information requested by the court, the administrator, meetings of creditors or other persons provided for by law, evading taking part in adjudication of the matter, illegally disposing of property, concealing property or transactions, concealing, destroying or forging documents or in other intentional acts which delay the course of the insolvency proceedings,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage, and deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

## **Section 216. Unlawful Disposition of Pledged Property**

For a person who commits the disposition of property pledged by way of commercial pledge without the authorisation of the pledgee, if substantial harm is caused thereby to the property interests of the pledgee or other persons,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term not exceeding five years.

## **Section 217. Violation of Provisions Regarding Accounting and Statistical Information**

(1) For a person who commits violation of provisions regarding the conducting of accounting documentation or of procedures regarding compilation of annual accounts or statistical reports, prescribed by law for an undertaking (company), institution or organisation, or late or incomplete submitting of annual reports, statistical reports or

statistical information to the appropriate State institutions, if commission thereof is repeated within a one year period,

the applicable sentence is community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits concealing or forging accounting documents, annual accounts, statistical reports or statistical information required by law regarding an undertaking (company), institution or organisation,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding eighty times the minimum monthly wage.

### **Section 218. Evasion of Taxes and Payments Imposed Together Therewith**

(1) For a person who commits evading taxes and payments imposed together therewith or commits concealing or reducing income, profits and other items subject to tax, if commission of such acts is repeated within a year,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

(2) For a person who commits evading taxes and payments imposed together therewith or of concealing or reducing income, profits and other items subject to tax, if losses on a large scale are caused thereby to the State or local government,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without confiscation of property, and with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

### **Section 219. Avoiding Submission of Declaration**

(1) For a person who commits non-submission of a declaration of income, property or transactions, or other declaration of a financial nature on the basis of a warning by those State institutions, which are entitled to request the submission of such declarations,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits intentionally setting out false information in a declaration of income, property or transactions, or other declaration of a financial nature prescribed by law, if commission thereof is repeated, or if false information is indicated regarding property or other income on a large scale,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or a fine not exceeding one hundred times the minimum monthly wage.

(3) For a person who commits not indicating the source of origin of the property or other income to be declared as specified by law, or providing false information regarding the source of origin of the property or other income, if such information has been requested by the relevant authorised State institution according to procedures

specified by law, and if commission thereof is repeated, or if false information is indicated regarding property or other income on a large scale,

the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding one hundred times the minimum monthly wage, with confiscation of the property the source of origin of which was not indicated in the declaration.

[17 October 2002]

### **Section 220. Concealment of Property**

For a person who commits disposing, squandering, hiding or other concealing of property or financial resources for purposes of evading payment of a debt or fulfilment of some other obligation,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

### **Section 221. Violation of Provisions Regarding Storage and Transport of Ethyl Alcohol and Alcoholic Beverages**

(1) For a person who commits violation of provisions regarding storage or transport of ethyl alcohol or alcoholic beverages, if commission of such acts is repeated within a one year period,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits violation of provisions regarding storage or transport of ethyl alcohol or alcoholic beverages, if commission thereof is by a group of persons pursuant to prior agreement, or the storage or transport in violation of provisions has been committed on a large scale,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding one hundred times the minimum monthly wage, with confiscation of property.

### **Section 222. Violation of Veterinary Provisions**

For a person who commits intentional violation of veterinary provisions, if the spread of epizootic disease or other serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with confiscation of property.

### **Section 223. Violation of Provisions Regarding Prevention of Crop Disease and Infestation**

For a person who commits violation of provisions regarding prevention of crop disease or infestation, if serious consequences are caused thereby,

the applicable sentence is community service, or a fine not exceeding fifty times the minimum monthly wage.

## **Chapter XX**

### **Criminal Offences against General Safety and Public Order**

#### **Section 224. Gangsterism**

(1) For a person who commits joining with more than two persons, in an organised armed group (gang) for the committing of crime,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(2) For a person who commits participation in or leadership of crimes committed by a gang,

the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding twenty years, confiscation of property, and police supervision for a term not exceeding three years.

#### **Section 225. Civil Disorder**

(1) For a person who commits organising of civil disorder, where such entails rioting, vandalising, burning, destruction of property, or violence against individuals, or resistance to agents of public authority,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding twelve years.

(2) For a person who commits active participation in civil disorder where such is associated with the actions and consequences set out in Paragraph one of this section,

the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding fifteen years.

#### **Section 226. Violation of Organisational and Procedural Requirements for Public Events**

For a person who commits violation of procedural requirements regarding organisation or conducting of public events, where commission is by the organiser of the event or another person, if serious consequences have arisen as a result thereof,

the applicable sentence is deprivation of liberty for a term not exceeding six years or a fine not exceeding one hundred and fifty times the minimum monthly wage.

#### **Section 227. Causing Danger to Public Safety, Order and the Health of Individuals While Performing Religious Activities**

For a person who commits organisation or leadership of such group as the activities of which, manifested as the preaching of religious doctrine and performing of religious rituals, are associated with causing of harm to public safety and order, to

the health of persons, or to the rights and interests protected by law of a person, or who commits participation in such acts,

the applicable sentence is deprivation of liberty for a term not exceeding five years or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 228. Desecration of Graves and Corpses**

(1) For a person who commits desecration of graves, funerary urns or interred or uninterred corpses,

the applicable sentence is deprivation of liberty for a term not exceeding six years or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits similar acts if commission thereof is repeated or by a group of persons pursuant to prior agreement,

the applicable sentence is deprivation of liberty for a term not exceeding eight years, or by a fine not exceeding one hundred and fifty times the minimum monthly wage.

(3) For a person who commits acts provided for in Paragraph one and two of this Section, if such acts are associated with theft of a monument or funerary urn, or other objects placed on or in a grave or at a funerary urn,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding fifteen years, with or without confiscation of property.

### **Section 229. Destruction of and Damage to Cultural Monuments**

(1) For a person who commits destruction of or damage to a cultural monument protected by the State,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or custodial arrest, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is by burning, use of explosives, or in another generally dangerous manner,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, or a fine not exceeding one hundred and eighty times the minimum monthly wage.

### **Section 230. Cruel Treatment of Animals**

For a person who commits cruel treatment of animals as results in their death or mutilation, or commits torture of animals,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or custodial arrest, or a fine not exceeding eighty times the minimum monthly wage, with or without confiscation of property.

### **Section 230.<sup>1</sup> Violation of Keeping of Animals Regulations**

(1) For a person who commits violations of the keeping of animals regulations as results in the committing of light bodily injury or moderate bodily injury to the victim,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits violations of the keeping of animals regulations as results in the committing of serious bodily injury to the victim, or such has caused the death of a person,

the applicable sentence is deprivation of liberty for a term not exceeding four year, or a fine not exceeding sixty times the minimum monthly wage.

[25 April 2002]

### **Section 231. Hooliganism**

(1) For a person who commits a gross disturbance of the public peace, which is manifested in obvious disrespect for the public or in insolence, ignoring generally accepted standards of behaviour and disturbing the peace of persons or the work of institutions, undertakings (companies) or organisations (hooliganism),

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits hooliganism, if commission thereof is by a group of persons, or if such is associated with bodily injuries to the victim, damage to or destruction of property, or resistance to representatives of public authority or to a person who is acting to prevent the violation of public order, or if commission thereof is by using weapons or other objects which can be used to inflict bodily injuries,

the applicable sentence is deprivation of liberty for a term not exceeding seven years and police supervision for a term not exceeding three years.

### **Section 231.<sup>1</sup> Knowingly making a False Report regarding the Placing or Locating of Explosive, Poisonous, Radioactive or Bacteriological Substances or Materials or Explosive Devices**

For a person who knowingly commits making a false report regarding the placing of explosive, poisonous, radioactive or bacteriological substances or materials or explosive devices in an institution, undertaking or other object, or locating outside of an institution, undertaking or other object,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

[25 April 2002]

### **Section 232. Involvement of Mentally Ill Persons in Criminal Offences**

For a person who commits involvement of a person, knowing him or her to be suffering from mental disorder, in a criminal offence,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 233. Unauthorised Manufacture, Acquisition, Storage and Sale of Weapons, Ammunition and Explosives**

(1) For a person who commits unauthorised manufacture, carrying, conveying or sale of a non-firearm weapon,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits a violation of provisions regarding selling firearms or ammunition,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in specific forms of entrepreneurial activity for a term not exceeding five years.

(3) For a person who commits manufacturing, acquiring, storing, carrying, conveying or selling firearms, ammunition, explosive substances or explosive devices, without the relevant licence,

the applicable sentence is deprivation of liberty for a term not exceeding ten years or custodial arrest, with or without deprivation of the right to engage in specific forms of entrepreneurial activity for a term of not less than two and not exceeding five years.

### **Section 234. Unauthorised Manufacture, Acquisition, Carrying and Sale of Special Devices**

(1) For a person who commits manufacturing, acquiring, carrying, or selling of a gas pistol (revolver) or cartridges loaded with noxious substances intended for such a pistol (revolver) without the relevant licence,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits violation of provisions regarding sale of gas pistols (revolvers), or cartridges loaded with noxious substances intended for such pistols (revolvers),

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in specific forms of entrepreneurial activity for a term not exceeding three years.

**Section 235. Release of Persons from Criminal Liability for Manufacture, Acquisition, Carrying and Storage of Weapons, Ammunition, Explosive Substances and Special Devices**

A person who has voluntarily turned in a weapon, ammunition, explosive substance or special device manufactured, obtained, carried or stored without the relevant licence,

shall be released from criminal liability, if the acts of such a person do not constitute another criminal offence.

**Section 236. Negligent Storage, Carrying, Transportation and Conveyance of Firearms and Ammunition**

(1) For a person who commits negligently storing, carrying, transporting or conveying firearms or ammunition, in violation of provisions, if opportunity for another person to acquire the weapons or ammunition is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage, with deprivation of the right to engage in specific forms of entrepreneurial activity for a term not exceeding three years.

(2) For a person who commits the same acts, if serious consequences result therefrom,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage, with deprivation of the right to engage in specific forms of entrepreneurial activity for a term not exceeding five years.

**Section 237. Violation of Provisions and Procedures Regarding Use of Firearms**

For a person who commits a violation of provisions or procedures regarding the use of firearms, if commission thereof is by a person authorised to acquire, store or carry firearms and serious consequences are caused by such violation,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

**Section 238. Violation of Provisions Regarding Production Safety and Technical Requirements**

(1) For a person who commits a violation of provisions regarding production safety and technical requirements in construction work or in work associated with the use of explosives or with undertakings (companies) exposed to risk of explosion, if serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is by a person responsible for compliance with provisions regarding production safety or technical requirements,

the applicable sentence is deprivation of liberty for a term not exceeding eight years.

### **Section 239. Violation of Construction Provisions**

(1) For a person who commits a violation of construction provisions and requirements regarding buildings, bridges, overpasses and other construction, if as a result thereof a structure or part thereof collapses,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding eight years.

### **Section 240. Violation of Fire Safety Provisions**

(1) For a person who commits intentional violation of fire safety provisions, if commission is repeated within a one year period,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits an intentional violation of fire safety provisions, where commission is by a person responsible for compliance with such provisions,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

### **Section 241. Arbitrarily Accessing Computer Systems**

(1) For a person who commits arbitrarily accessing an automated computer system, if opportunity for an outsider to acquire the information entered into the system is caused thereby,

the applicable sentence is custodial arrest, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits the same acts, if breaching of computer software protective systems or accessing of communications lines is associated therewith,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

## **Section 242. Unauthorised Acquisition of Computer Software**

(1) For a person who commits unauthorised copying of computer software, files or databases stored in the memory of a computer system, if substantial harm is caused thereby,

the applicable sentence is custodial arrest, or a fine not exceeding eighty times the minimum monthly wage.

For a person who commits the same acts, if commission thereof is repeated or breaching of computer software protection systems or accessing of communications lines is associated therewith, the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

## **Section 243. Damaging of Computer Software**

For a person who commits modifying, altering, damaging or destroying, without authorisation, information stored in an automated computer-based system, or knowingly entering false information into an automated system, or knowingly damaging or destroying information bearing devices, computer software or protection systems, if substantial harm is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

## **Section 244. Disseminating a Computer Virus**

(1) For a person who commits disseminating a computer virus, that is, the disseminating knowingly of such means of programming as causes unsanctioned destruction or alteration of computer software or information, or damages information equipment, or destroys protection systems, or who commits introduction of a new kind of virus into the computer software environment,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or a fine not exceeding two hundred times the minimum monthly wage.

(2) For a person who commits the same acts, if substantial harm is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding ten years.

## **Section 245. Violation of Safety Provisions Regarding Information Systems**

For a person who commits violation of provisions regarding information storage and processing, which have been formulated in accordance with an information system or the protection thereof, or violation of other safety provisions regarding computerised information systems, where committed by a person responsible for compliance with these provisions, if such has been a cause of theft, destruction or damage of the information, or other substantial harm has been caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding forty times the minimum monthly wage.

#### **Section 246. Unauthorised Conveyance of Highly Inflammable Substances and Objects and of Caustic Substances**

For a person who commits unauthorised conveying of highly inflammable substances or objects, or caustic substances, if serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

#### **Section 247. Unauthorised Transportation of Highly Inflammable Substances and Objects by Aircraft**

(1) For a person who commits unauthorised transportation of highly inflammable substances and objects by aircraft,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding ten years.

#### **Section 248. Unauthorised Manufacture, Acquisition, Storage, Sale and Conveyance of Poisonous and Powerfully Acting Substances**

(1) For a person who commits unauthorised manufacture, acquisition, storage, or sale of poisonous or powerfully acting substances, which are not narcotic or psychotropic substances, or commits violation of provisions regarding production, storage, dispensation, registration, transportation or conveyance of such substances,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if such have been committed repeatedly or by a group of persons pursuant to prior agreement,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding fifty times the minimum monthly wage.

(3) For a person who commits unauthorised production, acquisition or sale of substances specified in Paragraph one of this Section, if serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 249. Violation of Provisions Regarding the Production, Acquisition, Storage, Registration, Dispensation, Transportation and Conveyance of Narcotic and Psychotropic Substances**

(1) For a person who commits violation of provisions regarding the production, acquisition, storage, registration, dispensation, transportation or conveyance of narcotic or psychotropic substances,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with deprivation of the right to engage in specific employment for a term not exceeding three years.

(2) For a person who commits the same acts, if such have been committed repeatedly or by a group of persons pursuant to prior agreement,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding eighty times the minimum monthly wage.

### **Section 250. Unauthorised Dispensation of Narcotic and Psychotropic Substances**

For a person who commits issuing of prescriptions where not medically necessary, or illegal issue of other documents for the obtaining of narcotic or psychotropic substances, or who commits dispensation of narcotic or psychotropic substances without a prescription or other document or with knowledge that a prescription or other document is fictitious or issued illegally, if commission of such acts is for purposes of acquiring property or for other personal interests, or if commission of such acts is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term of not less than one and not exceeding five years, with deprivation of the right to engage in specific employment for a term not exceeding five years.

[25 April 2002]

### **Section 251. Inducement to Use Narcotic and Psychotropic Substances**

(1) For a person who commits inducing use of narcotic or psychotropic substances, or providing premises for using such substances,

the applicable sentence is deprivation of liberty for a term of not less than one and not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is repeated or with regard to a minor, a mentally ill person or a person undergoing treatment for addiction to narcotics, or with regard to a person financially or otherwise dependent on the guilty party, or if other substances have been added to narcotic or psychotropic substances as enhance their effect,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding eight years.

(3) For a person who commits inducing use of narcotic or psychotropic substances, if their use has caused serious consequences,

the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding fifteen years.

[25 April 2002]

**Section 252. Administering of Narcotic and Psychotropic Substances Against a Person's Will**

(1) For a person who commits administering of narcotic or psychotropic substances to another person or of adding such substances to the food or drink of another person against the will of such person or without his or her knowledge,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding eight years.

(2) For a person who commits the same acts, if other substances have been added to the narcotic or psychotropic substances as enhance their effect,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding ten years.

(3) For a person who commits acts provided for in Paragraphs one or two of this Section, if such have been committed against a minor or by using force, or threats of force, or have caused serious consequences,

the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding fifteen years.

[25 April 2002]

**Section 253. Unauthorised Manufacture, Acquisition, Storage, Transportation and Conveyance of Narcotic and Psychotropic Substances**

(1) For a person who commits unauthorised manufacture, acquisition, storage, transportation or conveyance of narcotic or psychotropic substances without the purpose of selling such substances,

the applicable sentence is deprivation of liberty for a term not exceeding five years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(2) For a person who commits the same acts, if commission thereof is repeated or in a group of persons pursuant to prior agreement, or by a person who has previously committed theft of narcotic or psychotropic substances, or such have been committed regarding large amounts of narcotic or psychotropic substances,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding ten years, with or without confiscation of property and police supervision for a term not exceeding three years.

[18 May 2000; 25 April 2002; 17 October 2002]

**Section 253.<sup>1</sup> Unauthorised Manufacture, Acquisition, Storage, Transportation and Conveyance of Narcotic and Psychotropic Substances for the Purpose of Sale and Unauthorised Sale**

(1) For a person who commits unauthorised manufacture, acquisition, storage, transportation or conveyance of narcotic or psychotropic substances for the purpose of sale, or who commits unlawful sale of narcotic or psychotropic substances,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding ten years, with or without confiscation of property and police supervision for a term not exceeding three years.

(2) For a person who commits acts the same acts, if commission thereof is repeated or in a group of persons pursuant to prior agreement, or by a person who has previously committed theft of narcotic or psychotropic substances,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property and police supervision for a term not exceeding three years.

(3) For a person who commits the same acts, if commission thereof is in an organised group, or such have been committed regarding large amounts of narcotic or psychotropic substances, as well as commits sale of narcotic or psychotropic substances to minors, in educational institutions or the territory thereof, in restaurants, cafeterias, bars, places of public recreation or holiday events,

the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding fifteen years, with confiscation of property and police supervision for a term not exceeding three years.

[17 October 2002]

**Section 253.<sup>2</sup> Unauthorised Manufacture, Acquisition, Storage, and Sale of Narcotic and Psychotropic Substances in Small Amounts and Use of Narcotic and Psychotropic Substances without a Physician's Designation**

(1) For a person who commits unauthorised acquisition, or storage in small amounts of narcotic or psychotropic substances without the purpose of sale thereof, or who commits use of narcotic or psychotropic substances without a physician's designation, if commission thereof is repeated within a period of one year,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits unauthorised sale of narcotic or psychotropic substances in small amounts.

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

[17 October 2002]

**Section 254. Release of a Person from Criminal Liability for Acquisition, Storage, Transportation and Conveyance of Narcotic and Psychotropic Substances**

A person who has voluntarily turned in narcotic or psychotropic substances or has voluntarily notified regarding the acquisition, storage, transportation or conveyance thereof shall be released from criminal liability for the acquisition, storage, transportation or conveyance of such substances.

[17 October 2002]

**Section 255. Manufacture, Acquisition, Storage, Transportation, Conveyance and Sale of Equipment and Substances (Precursors) Intended for Unauthorised Manufacture of Narcotic and Psychotropic Substances**

(1) For a person who commits manufacture, acquisition, storage, transportation or conveyance of equipment, devices, objects, materials or substances (precursors) intended for the unauthorised manufacture of narcotic or psychotropic substances,

the applicable sentence is deprivation of liberty for a term of not less than one and not exceeding three years.

(2) For a person who commits the same acts, if such have been committed for the purposes of sale of such equipment, devices, objects, materials or substances (precursors), or who commits sale of equipment, devices, objects, materials or substances (precursors) intended for unauthorised manufacture of narcotic or psychotropic substances,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding ten years, with or without confiscation of property or with or without deprivation of the right to engage in specific employment for a term of not less than two and not exceeding five years.

[25 April 2002]

**Section 256. Unauthorised Sowing and Growing of Plants Containing Narcotic Substances**

(1) For a person who commits unauthorised sowing or growing of plants containing narcotic substances, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits unauthorised sowing or growing of plants containing narcotic substances, over a large area,

the applicable sentence is deprivation of liberty for a term of not less than one and not exceeding five years, with or without confiscation of property.

[25 April 2002]

## **Chapter XXI**

### **Criminal Offences Against Traffic Safety**

#### **Section 257. Violation of Provisions Regarding Traffic Safety or Operations of Railway, Water and Air Transport**

(1) For a person who commits violation of provisions regarding traffic safety or operations of railway, water and air transport, or who knowingly commits permitting operation of a technically defective water or air transport vehicle, where commission thereof is by a transport employee, and transport operations are substantially disrupted thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same offence, if a disaster, an accident or other serious consequences have been caused thereby,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding fifteen years.

#### **Section 258. Damaging of Roads, Railways, Water and Air Transport Vehicles**

(1) For a person who commits intentional destruction or damage of roads, road construction or equipment, railways, water or air transport vehicles, transport telecommunication networks or signalling system devices, or electronic or communications equipment, or other intentional acts resulting in their becoming unusable for operations as well as where disruption of transport operations is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding ten years.

(2) For a person who commits the same acts, if such have caused a catastrophe, an accident, or other serious consequences,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding fifteen years, with or without confiscation of property.

#### **Section 259. Arbitrary Stopping of a Train**

(1) For a person who commits arbitrarily and without cause therefor the stopping of a train, by the emergency brake, or by disconnecting air brake lines, or otherwise, if disruption of normal movement of the train is caused thereby,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if a disaster, damage to the rolling stock, or other serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding seven years, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

## **Section 260. Violation of Traffic Provisions and Provisions Regarding Vehicle Operation**

(1) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if commission thereof is by a person operating the vehicle, and as a result thereof slight bodily injury with trauma to health, or moderate bodily injury, has been caused to the victim,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding sixty times the minimum monthly wage, with or without deprivation of the right to operate a vehicle for a term not exceeding five years.

(2) For a person who commits violation of the provisions set out in Paragraph one of this Section, if commission thereof is by a person operating a vehicle and as a result thereof serious bodily injury has been occasioned to the victim or the death of a human being has been caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without deprivation of the right to operate a vehicle for a term not exceeding five years.

(3) For a person who commits an offence provided for in Paragraphs one or two of this Section, if such has been committed while under the influence of alcoholic beverages, or narcotic, psychotropic or other intoxicating substances,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding fifteen years, with deprivation of the right to operate a vehicle for a term not exceeding five years.

## **Section 261. Concept of a Vehicle**

By “vehicles”, as set out in Sections 260 and 262-265 of this Law, shall be understood all types of automobiles, tractors and other self-propelled machines, trams, trolley buses, motorcycles and other mechanical vehicles which move by their own source of energy, except vehicles with internal combustion engines with displacement of less than 50 cubic centimetres.

## **Section 262. Operating a Vehicle While Under the Influence of Alcoholic Beverages or Narcotic, Psychotropic and Other Intoxicating Substances**

For a person who commits operating a vehicle, or commits giving instruction regarding practical operation of a vehicle, while under the influence of alcoholic beverages, or narcotic, psychotropic or other intoxicating substances, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with deprivation of the right to operate a vehicle for a term not exceeding five years.

### **Section 263. Permitting the Use of a Vehicle in a State of Technical Disrepair**

For a person who knowingly commits permitting the use of a vehicle in a state of technical disrepair, or a violation of other provisions for ensuring of traffic safety regarding use thereof, where commission is by a person responsible for the technical state or use of the vehicle, and the consequences set out in Section 260 of this Law are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage, with deprivation of the right to engage in specific employment for a term not exceeding five years.

### **Section 264. Allowing the Operation of a Vehicle by a Person Under the Influence of Alcoholic Beverages, Narcotic, Psychotropic and Other Intoxicating Substances**

For a person who, being responsible for the technical state or the operation of a vehicle, commits allowing a person under the influence of alcoholic beverages, or narcotic, psychotropic or other intoxicating substances, to operate the vehicle, if the consequences set out in Section 260 of this Law are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a term not exceeding five years.

### **Section 265. Unlawful Manufacture, Sale, Issuing, Forgery, Destruction and Theft of Registration Documents or Vehicle Identification Number Marks and Registration Number Plates of a Vehicle**

(1) For a person who commits unlawfully manufacturing, selling, issuing, forging or destroying registration documents, or vehicle identification number marks or registration number plates of a vehicle,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits theft of registration documents or registration number plates of a vehicle,

the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding eighty times the minimum monthly wage.

(3) For a person who commits the acts provided for in Paragraphs one or two of this Section, if commission thereof is repeated or by a group of persons pursuant to prior agreement,

the applicable sentence is deprivation of liberty for a term not exceeding eight years, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

### **Section 266. Violation of Traffic Provisions**

For a person who commits violation of provisions for protecting traffic order or safety, if serious consequences are caused thereby,  
the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 267. Failure to Give Notice Regarding the Name of a Ship in the Event of Collision of Ships**

For a person, being a captain, who commits failing to inform another ship as his or her ship has collided with, of the name of his or her ship and the port of registration thereof, as well as its place of departure or destination, despite it being possible to provide such information,  
the applicable sentence is custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

### **Section 268. Seizure of an Air or Water Transport Vehicle**

- (1) For a person who commits seizing an air or water transport vehicle, except vehicles of small dimensions, on the ground, in water or during a flight,  
the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding fifteen years.
- (2) For a person who commits the same acts, if commission thereof is by a group of persons pursuant to prior agreement or involves violence or threats of violence, or an accident or other serious consequences are caused thereby,  
the applicable sentence is deprivation of liberty for a term of not less than ten and not exceeding seventeen years.
- (3) For a person who commits acts provided for in Paragraphs one and two of this Section, if the death of a human being is caused thereby,  
the applicable sentence is deprivation of liberty for a term of not less than twelve and not exceeding twenty years.

## **Chapter XXII**

### **Criminal Offences Against Administrative Order**

### **Section 269. Assault Upon a Representative of Public Authority or Other State Official**

- (1) For a person who commits an assault upon a representative of public authority or other State official, in connection with lawful official activities of such a person, or commits an assault upon a person who is participating in preventing or interrupting a criminal or otherwise illegal offence,  
the applicable sentence is deprivation of liberty for a term not exceeding seven years, or custodial arrest.

(2) For a person who commits the same acts, if as a result of the assault serious bodily injuries are occasioned or other serious consequences caused, or if the assault was committed in an organised group,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding thirteen years.

[25 April 2002]

### **Section 270. Resistance to a Representative of Public Authority or Other State Official**

(1) For a person who commits resisting a representative of public authority, or other State official, where he or she is performing official duties imposed on him or her, or commits resisting a person, where he or she is participating in preventing or interrupting a criminal or other illegal offence, or commits compelling such person to perform manifestly unlawful acts, if the resistance or compulsion was committed by using violence or threatening violence,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is by a group of persons,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 271. Defamation and Injuring Dignity of a Representative of Public Authority or Other State Official**

[22 January 2004]

### **Section 272. Failing to Provide Requested Information and Providing False Information**

(1) For a person who commits failing to make timely provision of requested information to a State institution authorised by law to request information, if commission thereof is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding thirty times the minimum monthly wage.

(2) For a person who knowingly commits providing false information to a State institution authorised by law to request information, including a parliamentary investigation commission,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding fifty times the minimum monthly wage.

(3) For a person who commits refusal to give an explanation, opinion or translations in a parliamentary investigation commission,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or community service, or a fine not exceeding fifty times the minimum monthly wage.

[18 December 2003]

### **Section 272.<sup>1</sup> Compelling of False Explanations, Opinions or Translations at a Parliamentary Investigation Commission**

(1) For a person who commits bribery or other illegal influencing for the purpose of achieving that a person shall give a false explanation, opinion or translation or refuses to give an explanation, opinion or translation to a parliamentary investigation commission,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if such have been associated with violence or the threat of violence,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

[18 December 2003]

### **Section 273. Arbitrary Appropriation of the Name and Authority of a State Official**

For a person who commits arbitrary appropriation of the name and authority of a State official for purposes of committing a criminal offence,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

### **Section 274. Theft and Destruction of a Document, Seal or Stamp**

(1) For a person who commits theft, concealment, intentional destruction of or damage to a document conferring rights or a release from obligations, a seal or a stamp, or commits using or selling the stolen document, seal or stamp,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if such have been committed for purposes of acquiring property, or have caused substantial harm to the State power or administrative order, or to rights and interests protected by law of a person,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 275. Forgery of a Document, Seal or Stamp and Use or Sale of a Forged Document, Seal or Stamp**

(1) For a person who commits forgery of a document conferring rights or a release from obligations, or of a seal or a stamp, or commits using or selling a forged document, seal or stamp,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or by community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated, or for the purpose of acquiring property, or by a group of persons pursuant to prior arrangement, or substantial harm is caused thereby to the State power or administrative order or to rights and interests protected by law of a person,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or a fine not exceeding sixty times the minimum monthly wage.

### **Section 276. Illegal Opening and Destruction of Mail**

(1) For a person who commits illegally opening or destroying mail,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if committed by an employee of a post office or of a railway, water, or air transport office,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or custodial arrest, or a fine not exceeding eighty times the minimum monthly wage.

### **Section 277. Unauthorised Operations with Documents from Archival Collections**

(1) For a person who commits unauthorised exporting of documents from State Archival collections or from the archival collections of public, co-operative or confessional organisations or other legal persons, or of substitute copies of such documents, outside of the territory of the Republic of Latvia, if the elements of theft are not present,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits theft of, unauthorised destruction of, damage to or concealment of documents from State Archival collections or from Archival collections of public, co-operative or confessional organisations or other legal persons, if as a result thereof substantial harm is caused to the State power or administrative order, or to rights and interests protected by law of a person,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

## **Section 278. Forgery of Postage Payment Marks**

For a person who commits forgery of postage stamps or other postage payment marks or of international pre-paid return postage vouchers, or commits using forged or obliterated postage stamps, other postage payment marks or international pre-paid return postage vouchers for sending mail, or of selling such for the same purposes,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

## **Section 279. Arbitrary Conduct**

(1) For a person who commits arbitrary acts, circumventing procedures prescribed by regulatory enactments, if the lawfulness of such acts is disputed by a State or local government institution or another person and as a result of such acts substantial harm is caused,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or by a group of persons pursuant to prior arrangement, or if such are associated with violence or threat of violence, or loss on a large scale is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

(3) For a person who commits the same acts, if such are associated with the use of a weapon or explosive substances,

the applicable sentence is deprivation of liberty for a term not exceeding eight years.

## **Section 280. Violation of Provisions Regarding Employment of Persons**

For a person who commits a violation of restrictions or provisions, as provided for by law, regarding employment of persons, where commission thereof is by the employer and repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

## **Section 281. Concealing Personal Identity**

(1) For a person who commits concealing personal identity, in the course of residing in the Republic of Latvia without an appropriate personal identification document or using the document of another person or a forged personal identification document,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if such have been committed for purposes of avoiding criminal liability or of committing a criminal offence,  
the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 282. Evading Conscription into Mandatory Military Service**

(1) For a person, being a person subject to mandatory military service, who commits evading conscription into mandatory military service, if such evasion continues for more than ten days,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits evading conscription into mandatory military service by inflicting bodily injuries to himself or herself, or through simulation of illness, forging of documents or other deception,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 282.<sup>1</sup> Evading Mobilisation**

(1) For a person, being a person subject to mobilisation for the performance of civil defence measures, who commits intentional evading of mobilisation,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or community service.

(2) For a person who commits the same acts, if commission thereof is by a reserve soldier or reservist,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest.

[17 October 2002]

### **Section 282.<sup>2</sup> Hindering Mobilisation Activities and Non-fulfilment of Mobilisation Requests**

(1) For a person who commits intentional hindering of the fulfilment of an order by a competent institution during mobilisation, or commits intentional hindering of the fulfilment of an order by a local government in the performance of civil defence measures, or commits intentional non-fulfilment of other mobilisation activities or mobilisation requests,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if substantial harm is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

[17 October 2002]

### **Section 282.<sup>3</sup> Evading the Fulfilment of Alternative Service**

(1) For a person, whose mandatory active military service has been substituted by alternative service, who commits evading of attending at the place of performance of the alternative service or from the performance of such service, if such evasion continues for more than ten days,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits evading of attending at the place of performance of the alternative service or from the performance of such service by inflicting bodily injuries to himself or herself, or through simulation of illness, forging of documents or other deception,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

[17 October 2002]

### **Section 283. Violation of State Border Regulatory Regime**

[11 December 2003]

### **Section 284. Illegal Crossing of the State Border**

(1) For a person who intentionally commits illegal crossing of the State border, if commission thereof is repeated within a period of one year,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(2) [11 December 2003]

[11 December 2003]

### **Section 285. Unlawful Conveyance of a Person Across the State Border**

(1) For a person who commits unlawfully conveying of a person across the State border,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is repeated or by a State official utilising his or her official position,

the applicable sentence is deprivation of liberty for a term not exceeding seven years, with or without confiscation of property.

(3) For a person who commits the same acts, if commission thereof was in an organised group or such has resulted in serious consequences, or also who commits unlawfully conveying a large number of persons, that is, more than five persons at one time, across the State border,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding ten years, with confiscation of property.

[25 April 2002; 11 December 2003]

## **Section 285.<sup>1</sup> Ensuring the Possibility of Residing Illegally in the Republic of Latvia**

(1) For a person who knowingly commits ensuring persons the possibility of residing illegally in the Republic of Latvia, if commission thereof is repeated within a period of one year,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who knowingly commits ensuring persons the possibility of residing illegally in the Republic of Latvia, if commission thereof is by a State official utilising his or her official position,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without the taking away of the right to hold specific positions for a period of not less than one and not exceeding five years.

(3) For a person who knowingly commits ensuring persons the possibility of residing illegally in the Republic of Latvia, if such is committed for the purpose of acquiring property or if such a possibility is ensured for two or more persons,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

[11 December 2003]

## **Section 286. Unauthorised Hoisting of the National Flag of Latvia on a Ship**

For a person who commits hoisting the national flag of Latvia on a ship, without right thereto,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with or without confiscation of property.

## **Section 287. Unauthorised Use of Red Cross, Red Crescent and Blue White Shield Marks**

For a person who commits unauthorised use of Red Cross, Red Crescent, or Blue White Shield marks, as well as commits unauthorised use of Red Cross or Red Crescent designations,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

[18 December 2003]

## **Section 288. Damaging Telecommunications Equipment and Radio or Television Transmitters, and Postal Technology Equipment**

(1) For a person who commits damaging, through negligence, telecommunications equipment, radio or television transmitters, or postal technology equipment, if such has been a cause of interruption of the relevant communications activities,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits intentionally destroying or damaging telecommunications equipment, radio or television transmitters, or postal technology equipment,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding ten years.

## **Section 288.<sup>1</sup> Violation of the Procedures provided for in the Radio and Television Transmission and Distribution Regulatory Enactments for the Installation and Use of Equipment**

(1) For a person who commits violation of the procedures provided for in radio and television transmission and distribution regulatory enactments for the installation and use of radio wave radiating equipment, as well as television or sound broadcasting signal distribution in cable network systems, if commission thereof is repeated within a period of one year or it has been the reason for the interruption of radio communications or disturbances in the normal operation of other electromagnetic field radiating equipment or the reception of public radio or television programmes,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding four hundred times the minimum monthly wage.

(2) For a person who commits violation of the procedures provided for in radio and television transmission and distribution regulatory enactments for the installation and use of radio wave radiating equipment, as well as television or sound broadcasting signal distribution in cable network systems, if such has caused substantial harm to State authority or administrative order, or to rights and interests protected by law of a person,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[31 October 2002]

## **Chapter XXIII Criminal Offences Against Administration of Justice**

### **Section 289. Falsification of Evidence**

(1) For a person who knowingly commits creating false evidence or knowingly concealing existing evidence, if commission thereof is by a judge or pre-trial investigator,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property, or in proceedings concerning serious or especially serious crimes, the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 290. Subjecting a Person to Criminal Prosecution Knowing that the Person is Not Guilty**

(1) For a person who commits subjecting a person to criminal prosecution while knowing that he or she is not guilty, if such has been committed by the pre-trial investigator,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property, or they are associated with accusation of commission of a serious or especially serious crime or with falsification of evidence,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding ten years.

### **Section 291. Rendering of Unlawful Judgments and Decisions**

(1) For a person who knowingly commits rendering an unlawful judgment or making an unlawful decision, if commission thereof is by a judge or pre-trial investigator,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property, or they are associated with accusation of commission of a serious or especially serious crime or with falsification of evidence,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding ten years.

### **Section 292. Committing Unlawful Detention Knowingly**

For a person who commits unlawful detention knowingly, if commission thereof is by a judge,

the applicable sentence is deprivation of liberty for a term not exceeding three years.

### **Section 293. Committing Unlawful Arrest and Forced Conveyance Knowingly**

For a person who commits unlawful arrest or forced conveyance knowingly, if commission thereof is for purposes of acquiring property, or is for vengeance or reason of other personal interest, and is by a judge or pre-trial investigator,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or a fine not exceeding twenty times the minimum monthly wage.

#### **Section 294. Compelling of Testimony**

For a person who commits compelling testimony at an interrogation, if such is associated with violence, threats of violence or humiliation of the interrogatee or committed in another way, and commission thereof is by a pre-trial investigator,

the applicable sentence is deprivation of liberty for a term not exceeding ten years.

#### **Section 294.<sup>1</sup> Interference in the Investigation of a Matter**

(1) For a person who commits influencing, in any way, a person providing information or a prosecutor for purposes of impeding an impartial, full, and objective ascertaining of the applications and notifications of natural or legal persons regarding the indicated circumstances of a criminal offence, or criminal investigation, or of attaining the taking of an unlawful decision,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if committed by a State official, the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding eighty times the minimum monthly wage.

(3) For a person who commits the same acts, if committed in an organised group, the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years.

[25 April 2002]

#### **Section 295. Interference in a Trial of a Matter**

(1) For a person who commits influencing, in any way, a judge or a lay judge, for purposes of impeding an impartial, full, and objective trial of a matter, or of attaining adoption or proclamation of an unlawful judgment or decision,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if committed by a State official, the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding eighty times the minimum monthly wage.

(3) For a person who commits the same acts, if committed in an organised group, the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years.

[25 April 2002]

### **Section 296. Failure to Execute Court Judgment and Decision**

For a person who commits intentionally failing to execute a court judgment or decision, or delaying the execution thereof,  
the applicable sentence is a fine not exceeding sixty times the minimum monthly wage.

### **Section 297. False Impersonation of an Accused, Defendant, Victim, or Witness**

For a person who commits falsely impersonating an accused, a defendant, a victim, or a witness, at a pre-trial investigation or in court proceedings,  
the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service.

### **Section 298. Knowingly Providing False Information**

(1) For a person who knowingly commits providing false information for purposes of causing initiation of criminal proceedings against a person,  
the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if such are associated with charges regarding commission of a serious or especially serious crime or creating false evidence regarding such charges, or if commission thereof is for purposes of acquiring property,  
the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 299. Knowingly Submitting a False Report**

For a person who knowingly commits submitting a false report, declaration or submission to a notary or a bailiff, where submission of a report, declaration or submission is prescribed by law,  
the applicable sentence is deprivation of liberty for a term not exceeding one year, or a fine not exceeding fifty times the minimum monthly wage.  
[17 October 2002]

### **Section 300. Knowingly Giving False Testimony, Opinions and Translations**

(1) For a person who, being a witness or a victim, knowingly commits giving false testimony or, being an expert, knowingly commits giving a false opinion or, being a translator, knowingly commits giving a false translation, during pre-trial investigation, in court, to a notary or bailiff,  
the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is during investigation of or trial in court of matters concerning serious or especially serious crimes, or serious consequences result therefrom, or commission thereof is for purposes of acquiring property,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

[17 October 2002]

### **Section 301. Compelling the Giving of False Testimony, Opinions and Translations**

(1) For a person who commits bribing, or otherwise illegally influencing, a witness, victim, suspect, accused, defendant, expert or translator, for the purpose of compelling him or her to give false testimony or a false opinion, or to provide a false translation, or to refrain from giving testimony or an opinion, or providing a translation,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if such are associated with violence, or threats of violence,

the applicable sentence is deprivation of liberty for a term not exceeding ten years.

### **Section 302. Refusing to Give Testimony or Opinions, or Provide Translations**

(1) For a person who, being a witness or victim, commits unfounded refusal to give testimony to a pre-trial investigation institution or at a trial,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who, being an expert or translator, commits unfounded refusal to perform the tasks assigned to him or her by a pre-trial investigation institution or at a trial,

the applicable sentence is a fine not exceeding twenty times the minimum monthly wage.

### **Section 303. Release of a Person from Criminal Liability for Refusal to Testify**

The betrothed, spouse, parents, children, brothers and sisters, grandparents and grandchildren of an accused or defendant are released from criminal liability for refusal to testify.

### **Section 304. Disclosure of Information from Pre-trial Investigation**

For a person who commits disclosure of data of a pre-trial investigation without authorisation from a prosecutor or the person providing the information, where he or she has been warned as to non-disclosure of such information,

the applicable sentence is a fine not exceeding ten times the minimum monthly wage.

### **Section 305. Violation of Provisions Regarding Special Procedural Protection of Persons**

(1) For a person who commits failing to comply with provisions regarding special procedural protection of persons set out by law, or who commits disclosure of identification data or the location of a person under protection, where commission is by a person who has knowledge, in connection with fulfilment of his or her official duties or other circumstances, in regard to the information about the person under special procedural protection and who has been warned as to non-disclosure of such information,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(3) For a person who commits acts provided for in Paragraphs two or three of this Section, if as a result thereof the death of a person or other serious consequences have been caused,

the applicable sentence is deprivation of liberty for a term not exceeding ten years.

### **Section 306. Withholding of Evidence**

For a person who, not being a suspect, an accused or a defendant, commits intentionally withholding objects, documents or other materials which may be significant as evidence concerning a criminal matter, where such have been required, by a pre-trial investigation institution or court, to be provided by the person,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

For a person who commits theft, intentional destruction of, damage to or falsifications of materials relating to a criminal matter,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or custodial arrest.

### **Section 308. Disposition and Concealment of Attached Property**

(1) For a person who commits squandering, disposition or concealing, of property upon which attachment has been imposed, or who commits substitution thereof,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission is by a person entrusted with such property,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

**Section 309. Unlawful Providing of Substances and Objects to Persons who are Confined in Places of Detention and Imprisonment, and Unlawful Receiving of Substances and Objects from Such Persons**

(1) For a person who commits unauthorised providing of correspondence, money, food products or other objects or substances, in any way, to persons who are confined in places where they are held under arrest, in pre-trial detention or imprisonment, if commission thereof is repeated within a one-year period,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits receiving substances, manufactures or objects, the storing or using of which is prohibited, from persons who are confined in places where they are held under arrest, in pre-trial detention or imprisonment, if commission of such receiving is repeated within a one year period,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or a fine not exceeding twenty times the minimum monthly wage.

(3) For a person who commits providing of narcotic or psychotropic substances, explosive substances, weapons or ammunition to, or receiving of such from, persons who are confined in places where they are held under arrest, in pre-trial detention or imprisonment,

the applicable sentence is deprivation of liberty for a term not exceeding six years.

(4) For a person who commits unauthorised providing of correspondence, money, food products or other objects or substances to, or receiving of such from, persons who are confined in places where they are held under arrest, in pre-trial detention, or imprisonment, if commission thereof is by an employee of such institution,

the applicable sentence is deprivation of liberty for a term not exceeding ten years.

**Section 310. Escape from a Place of Detention and Imprisonment**

(1) For a person who commits escape from a place where he or she is held under arrest, in pre-trial detention or imprisonment,

the applicable sentence is deprivation of liberty for a term not exceeding three years.

(2) For a person who commits the same acts, if such are associated with violence, or threats of violence against the prison guards, or if commission thereof is repeated or by a group of persons,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 311. Assault at a Place of Imprisonment Upon Administration and Convicted Persons**

For a person who commits forming an organised group of such persons as are serving a sentence of deprivation of liberty, or participating in such group, for the purpose of committing an assault or other violence upon the administration or another convicted person at a place of imprisonment, or who commits such assault or violence,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding eight years.

### **Section 312. Evasion of Serving a Sentence Adjudged by a Court**

For a person who commits evading serving a sentence adjudged by a court, of deprivation of liberty, custodial arrest, or restriction of rights,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or a fine not exceeding twenty times the minimum monthly wage.

### **Section 313. Concealing without Prior Promise**

(1) For a person who commits concealing, without prior promise, a criminal, or tools or means for committing a crime, or evidence of a crime or objects obtained by way of crime, if the concealment is in regard to a serious crime,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if the concealment is in regard to an especially serious crime,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or a fine not exceeding eighty times the minimum monthly wage.

### **Section 314. Acquisition and Sale of Property Obtained by Way of Crime**

(1) For a person who commits acquiring or selling property, knowing that it is obtained by way of crime,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or on a large scale,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

(3) For a person who commits the same acts, if committed in an organised group,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding ten years.

[25 April 2002]

### **Section 315. Failing to Inform of Crimes**

For a person who commits failing to inform, where it is known with certainty that preparation for or commission of a serious or especially serious crime is taking place,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

## **Chapter XXIV Criminal Offences Committed in State Authority Service**

### **Section 316. Concept of a State Official**

(1) Representatives of State authority, as well as every person who permanently or temporarily performs his or her duties in the State or local government service and who has the right to make decisions binding on other persons, or who has the right to perform any functions regarding supervision, control, inquiry, or punishment or to deal with the property or financial resources of the State or local government, shall be considered to be State officials.

(2) The President, members of the *Saeima*, the Prime Minister and members of the Cabinet as well as officials of State institutions who are elected, appointed or confirmed by the *Saeima* or the Cabinet, heads of local government, their deputies and executive directors shall be considered to be State officials holding a responsible position.

(3) As State officials shall also be considered foreign public officials, members of foreign public assemblies (institutions with legislative or executive functions), officials of international organisations, members of international parliamentary assemblies, as well as international court judges and officials.

[25 April 2002]

### **Section 317. Exceeding Official Authority**

(1) For a person who, being a State official, commits intentional acts which manifestly exceed the limits of rights and authority granted to the State official by law or pursuant to his or her assigned duties, if substantial harm is caused thereby to State authority, administrative order or rights and interests protected by law of a person,

the applicable sentence is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same acts, if serious consequences are caused thereby, or they are associated with violence or threatened violence, or they are committed for purposes of acquiring property,

the applicable sentence is deprivation of liberty for a term not exceeding ten years, or a fine not exceeding two hundred times the minimum monthly wage.

### **Section 318. Using Official Position in Bad Faith**

(1) For a person who, being a State official, commits intentional acts using his or her official position in bad faith, if such acts cause substantial harm to State authority, administrative order or rights and interests protected by law of a person,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if serious consequences are caused thereby, or they are committed for purposes of acquiring property,

the applicable sentence is deprivation of liberty for a term not exceeding eight years, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

### **Section 319. Failure to Act by a State Official**

(1) For a person who, being a State official, commits failing to perform his or her duties, that is, if a State official intentionally or through negligence fails to perform acts which, according to law or his or her assigned duties, he or she must perform to prevent harm to State authority, administrative order or rights and interests protected by law of a person, and if substantial harm is caused thereby to State authority, administrative order or rights and interests protected by law of a person,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same offence, if serious consequences are caused thereby, or the acts of the State official are for purposes of acquiring property,

the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding one hundred times the minimum monthly wage.

### **Section 320. Accepting Bribes**

(1) For a person who commits accepting a bribe, that is, intentionally illegally accepting the offer of material value, property or benefits of another nature, where commission thereof is by a State official personally or through an intermediary, for the performing or failure to perform some act in the interests of the giver or offerer of the bribe or the interests of other persons by using his or her official position,

the applicable sentence is deprivation of liberty for a term not exceeding eight years, with or without confiscation of property.

(2) For a person who commits the same acts, if commission thereof is repeated or on a large scale, or if a bribe is demanded,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding ten years, with confiscation of property.

(3) For a person who commits the acts provided for in Paragraphs one and two of this Section, if they are associated with extortion of a bribe, or if commission thereof is by a group of persons pursuant to prior agreement, or by a State official holding a responsible position,

the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding fifteen years, with confiscation of property.  
[25 April 2002]

### **Section 321. Misappropriation of a Bribe**

(1) For a person who commits misappropriation of a bribe which a person has received in order to provide to a State official, or which he or she has accepted, pretending to be a State official,

the applicable sentence is deprivation of liberty for a term not exceeding four years, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits misappropriation of a bribe which a State official has received in order to provide it to another State official, or which he or she has accepted claiming to be another State official,

the applicable sentence is deprivation of liberty for a term not exceeding six years.

### **Section 322. Intermediation in Bribery**

(1) For a person who commits intermediation in bribery, that is, of acts manifested in the providing of a bribe received from the giver of the bribe to a person accepting the bribe, or the bringing together of these persons,

the applicable sentence is deprivation of liberty for a term not exceeding six years.

(2) For a person who commits the same acts, if commission thereof is repeated or is by a State official,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding ten years, with or without confiscation of property.

### **Section 323. Giving of Bribes**

(1) For a person who commits giving of bribes, that is, the providing or offering of material value, property or benefits of another nature, if the offer is accepted, personally or through intermediaries to a State official in order that he or she, using his or her official position, performs or fails to perform some act in the interests of the giver or offerer of the bribe, or in the interests of other persons,

the applicable sentence is deprivation of liberty for a term not exceeding six years.

(2) For a person who commits the same acts, if commission thereof is repeated or is committed by a State official, or also if it has been committed in a group of persons pursuant to previous agreement,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property.

[25 April 2002]

### **Section 324. Release of a Giver of a Bribe and Intermediary from Criminal Liability**

(1) A person who has given a bribe shall be released from criminal liability if this bribe is extorted from this person or if, after the bribe has been given, he or she voluntarily informs of the occurrence. A person who has given a bribe shall be released from criminal liability if he or she voluntarily informs of the occurrence.

(2) Extortion of a bribe shall be understood to be the demanding of a bribe in order that legal acts be performed, as well as the demanding of a bribe associated with threats to harm lawful interests of a person.

(3) An intermediary or abettor respecting a bribe shall be released from criminal liability if, after commission of the criminal act, he or she voluntarily informs of the occurrence.

[25 April 2002]

### **Section 325. Violation of Restrictions Imposed on a State Official**

(1) For a person who commits intentional violation of the restrictions imposed on State officials specified by law, if commission thereof is repeated, or if substantial harm is caused thereby to the interests of the State or of the public, or to rights and interests protected by law of a person,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the acts provided for by Paragraph one of this Section, if commission thereof is by a State official who holds a responsible position,

the applicable sentence is deprivation of liberty for a term not exceeding five years, with or without confiscation of property.

[17 October 2002]

### **Section 326. Unlawful Participation in Property Transactions**

(1) For a person who commits facilitating property transactions or participating in such transactions, if commission thereof is for purposes of acquiring property or due to other personal interest by a State official who, in connection with his or her official position, is prohibited from such transactions by law,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is by a State official who holds a responsible position,

the applicable sentence is deprivation of liberty for a term not exceeding five years with or without confiscation of property.

### **Section 326.<sup>1</sup> Trading with Influence**

(1) For a person who commits offering or giving of material value, property or benefits of another nature to any person in order that he or she, using his or her official position, professional or social position, to personally influence the activities

or taking of decisions of a State official, if there are not present the elements of the crime provided for by Section 323,

the applicable sentence is deprivation of liberty for a term not exceeding one years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits accepting an offer, which has been made by any person of material value, property or benefits of another nature, in order that he or she, using his or her official position, professional or social position, to personally influence the activities or taking of decisions of a State official, or to encourage any other person to influence the activities or taking of decisions of a State official, if there are not present the elements of the crime provided for by Sections 198 and 320,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

[25 April 2002]

### **Section 327. Forging Official Documents**

(1) For a person who commits forging documents, or issuing or using documents knowing they are forged, if commission thereof is by a State official,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or for purposes of acquiring property,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or a fine not exceeding forty times the minimum monthly wage.

### **Section 328. False Official Information**

For a person who knowingly commits providing false information to an institution or a State official who has the right to request such information, or commits concealing or knowingly failing to inform of a document or information, if commission thereof is by a State official whose responsibilities include the providing of such information, and substantial harm has been caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding sixty times the minimum monthly wage.

### **Section 329. Disclosure of Confidential Information**

For a person who commits disclosure of confidential information which is not an Official secret, if commission thereof is by a State official who has been warned concerning the confidentiality of the information,

the applicable sentence is custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

### **Section 330. Disclosure of Confidential Information After Leaving Office**

For a person who commits disclosure of confidential information which is not an Official secret, if commission thereof is by a State official after his or her resignation, within a time limit specified in a warning to him or her concerning the non-disclosure of the information,

the applicable sentence is community service, or a fine not exceeding ten times the minimum monthly wage.

## **Chapter XXV Criminal Offences Committed in Military Service**

### **Section 331. Concept of a Criminal Offence and Persons to Whom it Applies in the Military Service**

The criminal offences in violation of the prescribed procedures regarding performance of military service, as provided for by this Law, which are committed by soldiers, and persons regarding whom special provisions set out in laws apply, shall be regarded as criminal offences committed during military service.

[17 October 2002]

### **Section 332. Being Absent Without Leave**

(1) For a person who commits being absent without leave, that is, leaving an army unit or place of service, or failing without valid reason to appear in a place of service within a specified time after a leave of absence from the army unit or in the event of an appointment or transfer, or failing to appear following an assignment, leave, or having been in a medical institution, if the being absent without leave continues for more than twenty-four hours but not longer than seventy-two hours, or for less than twenty-four hours but commission thereof is repeated within a three month period,

the applicable sentence is custodial arrest.

(2) For a person who commits being absent without leave, if it continues for more than seventy-two hours, but the elements of desertion are not present,

the applicable sentence is deprivation of liberty for a term not exceeding three years.

(3) For a person who commits being absent without leave, if such is committed during war or in battle conditions,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding eight years.

### **Section 333. Desertion**

(1) For a person who commits desertion, that is, leaving of a place of service for purposes of evading mandatory military service, or commits failing to appear, for the same purposes, in the event of appointment or transfer or failing to appear following an assignment or leave,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits desertion, if such is committed during war or in battle conditions,

the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

### **Section 334. Evading Military Service**

(1) For a person who commits evading performing the duties of mandatory military service by inflicting bodily injury upon oneself (self-mutilation) or simulating illness, falsifying documents or other deception, or commits refusing to perform official duties,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is during war or in battle conditions,

the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

### **Section 335. Insubordination**

(1) For a person who commits insubordination, that is, overt refusal to carry out an order of a superior, or commits other intentional failure to carry out an order,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same offence, if commission thereof is by a group of persons, or serious consequences have been caused thereby,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding ten years.

(3) For a person who commits the offences provided for by Paragraphs one and two of this Section, if commission thereof is during war or in battle conditions,

the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

### **Section 336. Failure to Carry Out an Order**

For a person who commits failing to carry out an order of a superior through negligence, if serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

### **Section 337. Resisting a Superior and Forcing him or her to Act Outside of his or her Official Duties of Service**

(1) For a person who commits resisting a superior or other persons in connection with performing the duties of military service imposed on him or her, or commits forcing him or her to act outside of their official duties,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is by a group of persons, or is accompanied by violence, or serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding ten years.

### **Section 338. Violence Against a Subordinate**

(1) For a person who commits violence against a subordinate, if as a result thereof physical suffering is inflicted on the subordinate,

the applicable sentence is custodial arrest.

(2) For a person who commits infliction of intentional slight bodily injury on a subordinate,

the applicable sentence is deprivation of liberty for a term not exceeding three years.

(3) For a person who commits infliction of intentional moderate bodily injury on a subordinate, or commits other acts, which are in the nature of torture,

the applicable sentence is deprivation of liberty for a term not exceeding eight years.

(4) For a person who commits intentional infliction of serious bodily injury on a subordinate,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding fifteen years.

### **Section 339. Defamation of a Soldier**

(1) For a person who commits defamation verbally or by acts which are not associated with violence, if commission thereof is by a superior as against a subordinate, or a senior against his or her junior, or by a subordinate against his or her superior, or a junior against his or her senior, and if in addition at least one of them at that time is performing duties of military service,

the applicable sentence is custodial arrest.

(2) For a person who commits the same acts, if they are associated with violence,

the applicable sentence is deprivation of liberty for a term not exceeding one year, or custodial arrest.

(3) For a person who commits defamation with violence, where commission is by a soldier as against another soldier, if they are not in a relationship of subordination or seniority with each other and if in addition at least one of them at that time is performing duties of military service,

the applicable sentence is custodial arrest.  
[17 October 2002]

### **Section 340. Battering and Torture of a Soldier**

(1) For a person who commits intentional hitting or battering, or commits other intentional acts of violence, where commission is by a soldier as against another soldier and at least one of them is performing duties of military service,

the applicable sentence is custodial arrest.

(2) For a person who commits the same acts, if they are associated with the infliction of intentional slight bodily injury,

the applicable sentence is deprivation of liberty for a term not exceeding two years.

(3) For a person who commits the acts provided for in Paragraph one of this Section, if they are associated with the infliction of intentional moderate bodily injury or if they are in the nature of torture,

the applicable sentence is deprivation of liberty for a term not exceeding eight years.

(4) For a person who commits the acts provided for by Paragraph one of this Section, if they are associated with the infliction of intentional serious bodily injury,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding twelve years.

[17 October 2002]

### **Section 341. Abuse of Power and Exceeding Official Authority**

For a person who commits using power or an official position in bad faith or of exceeding official authority, where committed by a superior, if commission thereof is for purposes of acquiring property or as a result thereof substantial harm is caused,

the applicable sentence is deprivation of liberty for a term not exceeding ten years.

### **Section 342. Neglect of Official Duties**

For a person who commits failing to perform official duties, or commits neglectfully performing such, if commission thereof is by a superior and as a result thereof substantial harm is caused,

the applicable sentence is deprivation of liberty for a term not exceeding three years.

### **Section 343. Squandering and Loss of Official Property**

(1) For a person who commits selling, pledging or transferring to the use of another (squandering) uniforms or accoutrements issued to a soldier for personal use, or commits losing such articles while violating provisions regarding their storage,

the applicable sentence is custodial arrest.

(2) For a person who commits selling weapons, ammunition, vehicles or military equipment provided for official use, or commits losing such articles while violating provisions regarding their storage,

the applicable sentence is deprivation of liberty for a term not exceeding eight years or custodial arrest.

[17 October 2002]

#### **Section 344. Intentional Destruction and Damage of Military Service Property**

(1) For a person who commits intentional destruction or damage of weapons, ammunition, transport vehicles or military equipment,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if substantial harm is caused thereby,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding ten years.

#### **Section 345. Destruction of and Damage to Military Service Property Through Negligence**

For a person who commits destruction or damage of weapons, ammunition, transport vehicles and military equipment through negligence, if substantial harm is caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest.

#### **Section 346. Violation of Provisions Regarding Storage, Use, Accounting for and Transportation of Weapons, Ammunition, Explosive Substances, Radioactive and Other Dangerous Substances**

(1) For a person who commits violation of provisions regarding storage, use, accounting for and transportation of weapons, ammunition, explosive substances, radioactive substances or other dangerous substances, goods or materials,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest.

(2) For a person who commits the same offence, if serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

#### **Section 347. Violation of Provisions Regarding the Operation and Use of Combat Vehicles**

For a person who commits violation of provisions regarding operation or use of combat vehicles, if the death of a person or other serious consequences are caused thereby,

the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding ten years.

#### **Section 348. Violation of Provisions Regarding Operation of Ships**

For a person who commits violation of provisions regarding operation of ships, if a shipwreck or other serious consequence are caused thereby,  
the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding twelve years.

#### **Section 349. Violation of Provisions Regarding Flights and their Preparation**

For a person who commits violation of provisions regarding flights or their preparation, if a catastrophe or other serious consequence are caused thereby,  
the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding twelve years.

#### **Section 350. Violation of Provisions of Guard Duty Regulations**

(1) For a person who commits violation of provisions of guard duty regulations or commands or orders issued for the application of these provisions, as committed while on guard or sentry duty, guarding ammunition, weapons, fuel, equipment warehouses or other objects of importance,  
the applicable sentence is custodial arrest.

(2) For a person who commits the same offence, if serious consequences are caused thereby,  
the applicable sentence is deprivation of liberty for a term not exceeding five years.

#### **Section 351. Violation of Provisions of Internal Service Regulations**

(1) For a person who commits violation of provisions of internal service regulations, if commission thereof is repeated and by a soldier assigned to twenty-four hour duty (with the exception of guard and patrol),  
the applicable sentence is custodial arrest.

(2) For a person who commits violation of provisions of internal service, if commission thereof is by a soldier assigned to twenty-four hour duty (with the exception of guard and patrol) and serious consequences are caused thereby,  
the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding eight years.

[17 October 2002]

#### **Section 352. Disclosure of Military Information**

For a person who commits disclosure of confidential military information which is not an Official secret,  
the applicable sentence is custodial arrest.

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### **Section 353. Surrendering and Abandoning Means to Wage War to the Enemy**

For a person who, being a commander, commits surrendering entrusted military forces to the enemy or commits abandoning fortifications, combat equipment or other means of waging war to the enemy, where not justified by the battle conditions, if the said acts are not associated with purposes of supporting the enemy,  
the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

### **Section 354. Unauthorised Leaving of a Battlefield and Refusal to Use a Weapon**

For a person who commits unauthorised leaving of a battlefield during battle, or refusal to use a weapon in battle,  
the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

### **Section 355. Criminal Activity by a Soldier as a Prisoner of War**

(1) For a person who commits violence as against other prisoners of war or cruel treatment of them, if commission thereof is by a prisoner of war holding the position of a senior,

the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding ten years.

(2) For a person who, being a soldier who is a prisoner of war, commits intentional acts against the Republic of Latvia for purposes of supporting or assisting the enemy,

the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

[17 October 2002]

### **Section 356. Illegal Wearing and Use in Bad Faith of Insignia of the Red Cross, Red Crescent and Blue White Shield**

For a person who commits illegally wearing insignia of the Red Cross, Red Crescent or Blue White Shield in war zones, if committed by a person who does not have right thereto, or who commits the use in bad faith of the insignia of the Blue White Shield, or the flags or insignia of the Red Cross or Red Crescent, or of the colouring prescribed for medical assistance evacuation equipment, during war,

the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest.

[18 December 2003]

### **Transitional Provisions**

1. The time of and procedures for the coming into force of this Law shall be prescribed by a special law.

2. The Cabinet shall formulate and submit to the *Saeima* a draft Law On the Time of and Procedures for the Coming into Force of The Criminal Law by 1 August 1998.
3. The Cabinet shall formulate and adopt regulations by 1 August 1998:
  - 1) regarding access to computer programmes and safety of information systems; and
  - 2) regarding restriction of prostitution.
4. Sections 282.<sup>1</sup> and 282.<sup>2</sup> of this Law shall come into force on 1 December 2003.  
[17 October 2002]

This Law has been adopted by the *Saeima* on 17 June 1998.

President  
Rīga, 8 July 1998

G. Ulmanis

### **Transitional Provisions Regarding Amendments to the Criminal Law**

#### **Transitional Provision**

(regarding amending law of 25 April 2002)

Persons who commit knowingly making a false report regarding the placing of explosive, poisonous, radioactive or bacteriological substances or materials or explosive devices in an institution, undertaking or other object, or locating outside of an institution, undertaking or other object, until the moment of the coming into force of Section 231.<sup>1</sup> of the Criminal Law, shall be held to liability on the basis of Section 231 of the Criminal Code.

#### **Transitional Provision**

(regarding amending law of 17 October 2002)

Existing criminal matters in the record-keeping of the court and pre-trial investigation institutions regarding criminal offences, which were committed up to the day of the coming into force of this law and are qualified on the basis of Section 149 of the Criminal Law, the qualification of the offence shall remain unchanged.

#### **Transitional Provision**

(regarding amending law of 18 December 2003)

Sections 1 and 2 of this law shall come into force on 1 January 2006.

## **Transitional Provisions**

(regarding amending law of 15 January 2004)

1. Terminate existing criminal matters in the record-keeping of pre-trial investigation institutions and the court regarding criminal offences, which are qualified on the basis of Section 180 (17 June 1998 version) and Section 180, Paragraph one (25 April 2002 version) of the Criminal Law.
2. Pre-trial investigation institutions shall terminate criminal matters regarding the criminal offences referred to in Paragraph one of these Transitional Provisions by a decision of a prosecutor.
3. Existing criminal matters in court proceedings regarding the criminal offences referred to in Paragraph one of these Transitional Provisions shall be terminated by a court decision, which is taken in a court operative sitting or court sitting.
4. Release from the serving of sentences, persons who up to 1 January 2004 were sentenced for criminal offences, which are referred to in Paragraph one of these Transitional Provisions.
5. An institution that executes judgments regarding the release of persons from convictions shall submit a submission to the district (city) court on the basis of the place of serving of sentence according to the procedures of Section 374 of the Latvian Criminal Procedure Code.
6. A court may set aside convictions for persons who have already served their sentences or were released before completion of their sentence, if they were sentenced for the criminal offences referred to in Paragraph one of these Transitional Provisions and if the convictions have not been extinguished for them, on the basis of a submission from such persons.
7. Amend judgments for persons who were sentenced for the criminal offences referred to in Paragraph one of these Transitional Provisions and also other criminal offences, taking into account that such persons are to be released from all types of punishment, which is imposed on them for the criminal offences referred to in Paragraph one of these Transitional Provisions.
8. Matters regarding the amendment of judgments for persons who were sentenced for the criminal offences referred to in Paragraph one of these Transitional Provisions and also other criminal offences, shall be examined by the relevant same composition [district (city), regional] courts according to the procedures specified in Paragraph five of these Transitional Provisions.

## **Transitional Provisions**

(regarding amending law of 22 January 2004)

1. Terminate existing criminal matters in the record-keeping of pre-trial investigation institutions regarding criminal offences, which are qualified on the basis of Section 271 of the Criminal Law by a decision of the performer of procedures, on the basis of Section 5, Paragraph one, Clause 2 of the Latvian Criminal Procedure Code.
2. Criminal matters regarding the criminal offences referred to in Paragraph one of these Transitional Provisions, which are terminated by conditionally releasing the accused from criminal liability (Section 5.<sup>4</sup> of the Latvian Criminal Procedure Code), shall be terminated by a decision of a prosecutor, on the basis of Section 5, Paragraph one, Clause 2 of the Latvian Criminal Procedure Code.
3. Existing criminal matters in court proceedings regarding the criminal offences referred to in Paragraph one of these Transitional Provisions shall be terminated by a court decision, which is taken in a court operative sitting in accordance with Section 236, Paragraph one of the Latvian Criminal Procedure Code, or shall be render an acquittal judgment in accordance with Section 304, Paragraph four of the Latvian Criminal Procedure Code.
4. Release from the serving of sentences, persons who up to 1 February 2004 were sentenced for criminal offences, which are referred to in Paragraph one of these Transitional Provisions.
5. An institution that executes judgments regarding the release of persons from convictions shall submit a submission to the district (city) court on the basis of the place of serving of sentence, which the court shall examine according to the procedures of Section 374 of the Latvian Criminal Procedure Code.
6. Amend judgments for persons who were sentenced for the criminal offences referred to in Paragraph one of these Transitional Provisions and also other criminal offences, taking into account that such persons are to be released from all types of serving of sentence, which is imposed on them for the criminal offences referred to in Paragraph one of these Transitional Provisions.
7. Matters regarding the amendment of judgments for persons who were sentenced for the criminal offences referred to in Paragraph one of these Transitional Provisions and also other criminal offences, shall be examined by the court which rendered the judgment or by the relevant same composition [district (city), regional] courts, according to the procedures specified in Paragraph five of these Transitional Provisions.
8. A court may set aside convictions for persons who are released from serving their sentences in accordance with Paragraph four of these Transitional Provisions, as well as persons who have already served their sentences or were released before completion of their sentence, if they were sentenced for the criminal offences referred

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to in Paragraph one of these Transitional Provisions and if the convictions have not been extinguished for them, on the basis of a submission from such persons.