

STATE COMMITTEE FOR FINANCIAL MONITORING OF UKRAINE

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CRIMINAL CODE OF UKRAINE

(This Code enters into force on September 1, 2001)

GENERAL PART

Chapter I. GENERAL PROVISIONS

Article 1. Objectives of the Criminal Code of Ukraine

1. The objective of the Criminal Code of Ukraine is to provide legal protection of the rights and liberties of the human being and citizen, property, public order and public safety, the environment, and the constitutional order of Ukraine against criminal encroachments, to secure peace and safety of mankind, and also to prevent crime.
2. To this aim, the Criminal Code defines which socially dangerous acts or omissions count as offences, and which punishments are to be imposed upon persons who commit them.

Article 2. Grounds for criminal liability

1. Commission by a person of a socially dangerous act that has such elements of crime as created by this Code gives grounds for criminal liability.
2. A person is deemed innocent of a crime and may not be criminally punished until his/her guilt is legally proven and found by a lawful sentence.
3. No person may be prosecuted more than once for one and the same offence.

Chapter II. LAW ON CRIMINAL LIABILITY

Article 3. Ukrainian legislation on criminal liability

1. The Criminal Code of Ukraine, based on the Constitution of Ukraine and generally recognized principles and rules of international law, shall be the Ukrainian legislation on criminal liability.
2. The Ukrainian laws on criminal liability, adopted after the entry of this Code into force, shall be incorporated in this Code following its entry into force.
3. The criminality of any act and also its punishability and other criminal consequences shall be determined exclusively by this Code.
4. Application of the law on criminal liability by analogy shall be prohibited.
5. The laws of Ukraine on criminal liability must be consistent with provisions of existing international treaties, consent for the binding effect of which has been granted by the Verkhovna Rada of Ukraine.

Article 4. Operation of the law on criminal liability in time

1. The law on criminal liability shall enter into force ten days after its official promulgation, unless otherwise is provided in the law itself, but not prior to the day of its publication.
2. The criminality and punishability of an act shall be determined by such law on criminal liability as was in effect at the time of commission of the act.
3. The time of commission of a criminal offences shall be the time in which a person committed an act or omission provided for by the law on criminal liability.

Article 5. Retroactive effect of the law on criminal liability in time

1. The law on criminal liability, which repeals the criminality of an act or lenifies criminal liability, shall be

retroactive in time, that is it shall apply to persons who had committed relevant acts before that law entered into force, including the persons serving their sentence or those who have completed their sentence but have a conviction.

2. The law on criminal liability that criminalizes an act or increases criminal liability shall not be retroactive in time.

3. The law on criminal liability, which partially lenifies and partially increases criminal liability, shall be retroactive in time only in the part which lenifies the liability.

Article 6. The operation of the law on criminal liability in regard to offences committed on the territory of Ukraine

1. Any person who has committed an offense on the territory of Ukraine shall be criminally liable under this Code.

2. An offense shall be deemed to have been committed on the territory of Ukraine if it has been initiated, continued, completed or discontinued on the territory of Ukraine.

3. An offense shall be deemed to have been committed on the territory of Ukraine if the principal to such offense, or at least one of the accomplices, has acted on the territory of Ukraine.

4. Where a diplomatic agent of a foreign state or another citizen who, under the laws of Ukraine or international treaties the consent to the binding effect of which has been granted by the Verkhovna Rada of Ukraine, is not criminally cognizable by a Ukrainian court commits an offense on the territory of Ukraine, the issue of his criminal liability shall be settled diplomatically.

Article 7. The operation of the law on criminal liability in regard to offenses committed by citizens of Ukraine or stateless persons outside Ukraine

1. Citizens of Ukraine and stateless persons permanently residing in Ukraine, who have committed offenses outside Ukraine, shall be criminally liable under this Code, unless otherwise provided by the international treaties of Ukraine, the consent to the binding effect of which has been granted by the Verkhovna Rada of Ukraine.

2. Where the persons referred to in the first paragraph of this Article underwent criminal punishment for the committed criminal offenses outside Ukraine, they shall not be criminally liable for these criminal offenses in Ukraine.

Article 8. The operation of the law on criminal liability in regard to offenses committed by foreign nationals or stateless persons outside Ukraine

Foreign nationals or stateless persons not residing permanently in Ukraine, who have committed criminal offenses outside Ukraine, shall be criminally liable in Ukraine under this Code in such cases as provided for by the international treaties, or if they have committed any of the special grave offenses against rights and freedoms of Ukrainian citizens or Ukraine as prescribed by this Code.

Article 9. Legal consequences of conviction outside Ukraine

1. A judgment passed by a foreign court may be taken into account where a citizen of Ukraine, a foreign national, or a stateless person have been convicted of a criminal offense committed outside Ukraine and have committed another criminal offense on the territory of Ukraine.

2. Pursuant to the first paragraph of this Article, the repetition of criminal offenses, or a sentence not served, or any other legal consequences of a judgment passed by a foreign court shall be taken into account in the classification of any new criminal offense, determination of punishment, in the discharge from criminal liability or punishment.

Article 10. Extradition of a person accused of a criminal offense and a person convicted of a criminal offense

1. Citizens of Ukraine and stateless persons permanently residing in Ukraine, who have committed

criminal offenses outside Ukraine, shall not be extradited to a foreign state for criminal prosecution and committal for trial.

2. Foreign nationals, who have committed criminal offenses on the territory of Ukraine and were convicted of these offenses under this Code, may be transferred to serve their sentences for the committed offenses in the state, whose nationals they are, where such transfer is provided for by the international treaties of Ukraine.

3. Foreign nationals or stateless persons not residing permanently in Ukraine, who have committed crimes outside Ukraine and stay on the territory of Ukraine, may be extradited to a foreign state for criminal prosecution and committal for trial, or transferred to serve their sentence, where such extradition or transfer is provided for by the international treaties of Ukraine.

Chapter III. CRIMINAL OFFENSE, ITS TYPES AND STAGES

Article 11. Notion of a criminal offense

1. A criminal offense shall mean a socially dangerous culpable act (action or omission) prescribed by this Code and committed by an offender.

2. Although an act or omission may have, technically, any elements of an act under this Code, it is not an offense if, due to its insignificance, it is not a social danger, i.e. it neither did nor could cause considerable harm to any natural or legal person, community, society or the state.

Article 12. Classification of criminal offenses

1. Depending on the gravity, criminal offenses shall be classified as minor offenses, medium grave offenses, grave offenses, or special grave offenses.

2. A minor criminal offense shall mean an offense punishable by imprisonment for a term up to two years or a more lenient penalty.

3. A medium grave offense shall mean an offense punishable by imprisonment for a term up to five years.

4. A grave criminal offense shall mean an offense punishable by imprisonment for a term up to ten years.

5. A special grave offense shall mean an offense punishable by more than ten years of imprisonment or a life sentence.

Article 13. Consummated and unconsummated criminal offenses

1. A consummated criminal offense shall mean an offense which comprises all elements of a criminal offense as prescribed by the relevant article of the Special Part of this Code.

2. An unconsummated criminal offense shall mean the preparation for crime and criminal attempt.

Article 14. Preparation for crime

1. The preparation for crime shall mean the looking out or adapting means and tools, or looking for accomplices to, or conspiring for, an offense, removing of obstacles to an offense, or otherwise intended conditioning of an offense.

2. Preparation to commit a minor criminal offense does not give rise to criminal liability.

Article 15. Criminal attempt

1. A criminal attempt shall mean a directly intended act (action or omission) made by a person and aimed directly at the commission of a criminal offense prescribed by the relevant article of the Special Part of this Code, where this criminal offense has not been consummated for reasons beyond that person's control.

2. A criminal attempt shall be consummated where a person has completed all such actions as he/she deemed necessary for the consummation of an offense, however, the offense was not completed for the reasons beyond that person's control.

3. A criminal attempt shall be unconsummated where a person has not completed all such actions as he/she deemed necessary for the consummation of an offense for the reasons beyond that person's control.

Article 16. Criminal liability for an unconsummated criminal offense

The criminal liability for the preparation for crime and a criminal attempt shall rise under Article 14 or 15 and that article of the Special Part of this Code which prescribes liability for the consummated crime.

Article 17. Voluntary renunciation in an unconsummated criminal offense

1. The voluntary renunciation shall mean the final discontinuation of the preparation for crime or a criminal attempt by a person of his/her own will, where that person have realized that the criminal offense may be consummated.

2. A person who voluntarily renounced to consummate a criminal offense shall be criminally liable only if the actual act committed by that person comprised elements of any other offense.

Chapter IV. CRIMINALLY LIABLE PERSON (CRIMINAL OFFENDER)

Article 18. Criminal offender

1. A criminal offender shall mean a sane person who has committed a criminal offense at the age of criminal liability may rise under this Code.

2. A special criminal offender shall mean a sane person who has committed a criminal offense at the age of criminal liability may rise, if that offense may only be committed by a certain person.

Article 19. Criminal sanity

1. A person who was aware of and could control his/her actions (omissions) at the time of an offense shall be recognized sane.

2. A person who, at the time of a socially dangerous act, as prescribed by this Code, was in the state of insanity, i.e. was not aware of or could not control his/her actions (omissions) in consequence of a chronic mental disease, or a temporary mental disorder, or feeble-mindedness, or any other morbid mental condition, shall not be criminally liable. Such person may be subjected to compulsory medical measures upon the decision of a court.

3. A person who committed a criminal offense in the state of sanity, but lapsed, prior to the making of a judgment, into a mental disease which renders that person unaware of or unable to control his/her actions (omissions), shall not be criminally liable. Such person may be subjected to compulsory medical measures, and may be criminally liable upon recovery.

Article 20. Partial insanity

1. A person found partially insane by a court, i.e. a person who, at the time of the criminal offense, was not completely aware of and could not fully control his/her acts (omissions) because of his/her mental disorder, shall be criminally liable.

2. The partial insanity shall be consulted by the court in the infliction of punishment and may warrant compulsory medical measures.

Article 21. Criminal liability for offenses committed in a state of intoxication resulting from the use of alcohol, narcotics, or any other intoxicating substances

A person who committed a criminal offense in a state of intoxication resulting from the use of alcohol,

narcotic, or any other intoxicating substances shall be criminally liable.

Article 22. Age of criminal liability

1. Persons who have reached the age of 16 years before the commission of a criminal offense shall be criminally liable.

2. Persons who have committed criminal offenses at the age of 14 to 16 years shall be criminally liable only for a murder (Articles 115-117), attempted killing of a statesperson or public figure, a law enforcement officer, a member of a civilian peace-keeping or border-guard unit, or a serviceman, judge, assessor or juror, in connection with their activity related to the administration of justice, a defense attorney or agent of any person in connection with their activity related to legal assistance, or a foreign representative (Articles 112, 348, 379, 400 and 443), intended grievous bodily injury (Article 121, paragraph 3 of Articles 345, 346, 350, 377 and 398), intended bodily injury of medium gravity (Article 122, paragraph 2 of Articles 345, 346, 350, 377 and 398), sabotage (Article 113), gansterism (Article 257), act of terrorism (Article 258), hostage taking (Articles 147 and 348), rape (Article 152), violent unnatural satisfaction of sexual desire (Article 153), theft (sections 185, paragraph 1 of Articles 262 and 308), robbery (Articles 186, 262 and 308), brigandage (Article 187, paragraph 3 of Articles 262 and 308), extortion (Article 189, 262 and 308), willful destruction or endamage ment of property (paragraph 2 of Articles 194, 347, 352 and 378, paragraphs 2 and 3 of Article 399), endamage ment of communication routes and means of transportation (Article 277), theft or seizure of railroad rolling stock, air-, sea- or river-craft (Article 278), misappropriation of transportation (paragraph 2 and 3 of Article 289), and hooliganism (Article 296).

Chapter V. GUILT AND ITS FORMS

Article 23. Guilt

Guilt shall mean a mental stance of a person in regard to the performed act or omission under this Code and to the consequences thereof, as expressed in the form of intent or recklessness.

Article 24. Intent and its forms

1. An intent may be direct or indirect.

2. The intent is direct where a person was conscious of the socially injurious nature of his/her act (action or omission), anticipated its socially injurious consequences, and wished them.

3. The intent is indirect where a person was conscious of the socially injurious nature of his/her act (action or omission), foresaw its socially injurious consequences, and anticipated, though did not wish them.

Article 25. Recklessness and its types

1. Recklessness subdivides into criminal presumption and criminal negligence.

2. Recklessness is held to be criminal presumption where a person anticipated that his/her act (action or omission) may have socially injurious consequences but carelessly expected to avoid them.

3. Recklessness is held to be criminal negligence where a person did not anticipate that his/her act (action or omission) may have socially injurious consequences, although ought to and could anticipate them.

Chapter VI. COMPLICITY

Article 26. The notion of complicity

Criminal complicity is the willful co-participation of several criminal offenders in an intended criminal offense.

Article 27. Types of accomplices

1. Organizer, abettor and accessory, together with the principal offender, are deemed to be

accomplices in a criminal offense.

2. The principal (or co-principal) is the person who, in association with other criminal offenders, has committed a criminal offense under this Code, directly or through other persons, who cannot be criminally liable, in accordance with the law, for what they have committed.

3. The organizer is a person who has organized a criminal offense (or criminal offenses) or supervised its (their) preparation or commission. The organizer is also a person who has created an organized group or criminal organization, or supervised it, or financed it, or organized the covering up of the criminal activity of an organized group or criminal organization.

4. The abettor is a person who has induced any other accomplice to a criminal offense, by way of persuasion, subornation, threat, coercion or otherwise.

5. The accessory is a person who has facilitated the commission of a criminal offense by other accomplices, by way of advice, or instructions, or by supplying the means or tools, or removing obstacles, and also a person who promised in advance to conceal a criminal offender, tools or means, traces of crime or criminally obtained things, to buy or sell such things, or otherwise facilitate the covering up of a criminal offense.

6. The concealment of a criminal offender, tools or means of a criminal offense, traces of crime or criminally obtained things, or buying or selling such things shall not constitute complicity where they have not been promised in advance. Persons who have committed such acts shall be criminally liable only in cases prescribed by Articles 198 and 396 of this Code.

7. A promised failure to report a crime which is definitely known to be in preparation or in progress, prior to the consummation of such, shall not constitute complicity. Any such person shall be criminally liable only if the act so committed comprises the elements of any other criminal offense.

Article 28. Criminal offense committed by a group of persons, or a group of persons upon prior conspiracy, or an organized group, or a criminal organization

1. A criminal offense shall be held to have been committed by a group of persons where several (two or more) principal offenders participated in that criminal offense, acting without prior conspiracy.

2. A criminal offense shall be held to have been committed by a group of persons upon prior conspiracy where it was jointly committed by several (two or more) persons who have conspired in advance, that is prior to the commencement of the offense, to commit it together.

3. A criminal offense shall be held to have been committed by an organized group where several persons (three or more) participated in its preparation or commission, who have previously established a stable association for the purpose of committing of this and other offense (or offenses), and have been consolidated by a common plan with assigned roles designed to achieve this plan known to all members of the group.

4. A criminal offense shall be held to have been committed by a criminal organization where it was committed by a stable hierarchical association of several persons (three and more), members or structural units of which have organized themselves, upon prior conspiracy, to jointly act for the purpose of directly committing of grave or special grave criminal offenses by the members of this organization, or supervising or coordinating criminal activity of other persons, or supporting the activity of this criminal organization and other criminal groups.

Article 29. Criminal liability of accomplices

1. The principal (or co-principals) shall be criminally liable under that article of the Special Part of this Code which creates the offense he has committed.

2. The organized, abettor and accessory shall be criminally liable under the respective paragraph of Article 27 and that article (or paragraph of the article) of the Special Part of this Code which creates an offense committed by the principal.

3. The features of character of a specific accomplice shall be criminated only upon such accomplice.

Other circumstances that aggravate responsibility and are provided for by articles of the Special Part of this Code as the elements of a crime that affect the treatment of the principal's actions, shall be criminated only upon the accomplice who was conscious of such circumstances.

4. Where the principal commits an unconsummated criminal offense, other accomplices shall be criminally liable for complicity in an unconsummated crime.

5. Accessories shall not be criminally liable for the act committed by the principal, where that act was no part of their intent.

Article 30. Criminal liability of organizers and members of an organized group or criminal organization

1. An organizer of an organized group or criminal organization shall be criminally liable for all the criminal offenses committed by the organized group or criminal organization, if those offenses were part of his intent.

2. Other members of an organized group or criminal organization shall be criminally liable for the criminal offenses prepared or committed with their participation, regardless of the role each of them had in such offenses.

Article 31. Voluntary renunciation of accomplices

1. In event of a principal's (or co-principals') voluntary renunciation to commit a criminal offense, he (or they) shall not be criminally liable where the conditions prescribed by Article 17 of this Code are satisfied. In this event other accomplices shall be criminally liable for the preparation of the criminal offense or the attempted offense which was voluntarily renounced by the principal.

2. An organizer, abettor or accessory shall not be criminally liable in event of their voluntary renunciation, where they averted the offense or timely reported the preparation or commission of the offense to appropriate public authorities. The accessory's failure to supply the means and tools or remove obstacles for the offense shall also be regarded as his voluntary renunciation.

3. In event of a voluntary renunciation of any accomplice, the principal shall be criminally liable for the preparation of the criminal offense or for the attempted offense depending on the stage at which his act was precluded.

Chapter VII. REPETITION, CUMULATION OF CRIMINAL OFFENSES AND RECIDIVISM

Article 32. Repetition of criminal offenses

1. Repetition of criminal offenses is the commission of two or more offenses, prescribed by the same article or the same paragraph of an article of the Special Part of this Code.

2. Repetition prescribed by paragraph 1 of this Article shall not be present in commission of a continuing offense comprised of two or more similar acts connected by one criminal intent.

3. Committing two or more criminal offenses created by different articles of this Code shall be recognized as repetition only in cases prescribed in the Special Part of this Code.

4. There shall be no repetition if a person was discharged from criminal liability for the previously committed criminal offense on grounds provided for in the law or where the criminal record for that criminal offense was canceled or revoked.

Article 33. Cumulation of criminal offenses

1. The cumulation of criminal offenses shall mean the commission, by one person, of two or more offenses created by different articles or different paragraphs of the one article of the Special Part of this Code, where that person has not been convicted of any of these offenses. The offenses with regard to which the person was discharged from criminal liability on grounds prescribed by the law shall not be taken into account.

2. In case of cumulation of criminal offenses, each of them shall be classified under appropriate article

or paragraph of an article of the Special Part of this Code.

Article 34. Recidivism

Recidivism shall mean the commission of a new intended criminal offense by a person who has a criminal record for another offense.

Article 35. Legal consequences of repetition, cumulation and recidivism

Repetition, cumulation or recidivism shall be taken into account in the classification of criminal offenses and infliction of punishment, and also in contemplating discharging from criminal liability and punishment in cases provided in this Code.

Chapter VIII. CIRCUMSTANCES EXCLUDING CRIMINALITY OF AN ACT

Article 36. Necessary defense

1. The necessary defense shall mean actions taken to defend the legally protected rights and interests of the defending person or another person, and also public interests and interests of the state, against a socially dangerous trespass, by inflicting such harm upon the trespasser as is necessary and sufficient in a given situation to immediately avert or stop the trespass, provided the limits of the necessary defense are not exceeded.

2. Every person shall have the right to necessary defense notwithstanding any possibility to avoid a socially dangerous trespass or request assistance of other persons or authorities.

3. The excess of necessary defense shall mean an intended causing of a grievous harm to the trespasser, which is not adequate to the danger of the trespass or circumstances of the defense. The excess of necessary defense shall entail criminal liability only in cases specifically prescribed in Articles 118 and 124 of this Code.

4. A person shall not be subject to criminal liability where that person was not able, due to high excitement, to evaluate if the harm caused by that person was proportionate to the danger of the trespass or circumstances of defense.

5. The use of weapons or other means or things for protection against an attack of an armed person or an attack of a group of persons, and also to avert an unlawful violent intrusion upon a dwelling place or other premises, shall not be treated as the excess of necessary defense and shall not entail criminal liability irrespective of the gravity of harm caused to the trespasser.

Article 37. Misread Defense

1. The misread defense shall mean actions resulting in a harm caused in the absence of any real socially dangerous trespass where the person, who misinterpreted actions of the victim's, only mistakenly presumed the reality of such trespass.

2. The misread defense shall exclude any criminal liability for the harm caused only if the circumstances involved furnished reasonable grounds for the person to believe that there was a real trespass and that person was not and could not be aware that his/her presumption was mistaken.

3. Where a person was not and could not be aware that his/her presumption was mistaken, but acted in excess of defense justifiable under the circumstances of a real trespass, that person shall be criminally liable for the excess of necessary defense.

4. Where a person, under the circumstances, was not aware of, but ought to realize the absence of a real socially dangerous trespass, that person shall be criminally liable for the harm caused by recklessness.

Article 38. Apprehension of an offender

1. Any actions of the victim or other persons immediately following a trespass and aimed at the apprehending of the offender and bringing him or her to appropriate public authorities and were not in excess of what was necessary for such apprehension, is not held to be criminal.

2. Any willful infliction, upon an offender, of grievous harm clearly disproportionate to the danger of the trespass or circumstances involved in the apprehension of the offender, is held to be in excess of measures necessary for the apprehension. The excess of measures necessary for the apprehension of an offender shall entail criminal liability only in cases specifically provided for in Articles 118 and 124 of this Code.

Article 39. Extreme necessity

1. Infliction of harm to legally protected interests in circumstances of extreme necessity, that is to prevent an imminent danger to a person or legally protected rights of that person or other persons, and also public interests or interests of the state, shall not be a criminal offense, where the danger could not be prevented by other means and where the limits of extreme necessity were not exceeded.

2. Any willful infliction of harm upon any legally protected interests, where such harm is larger than the harm thus prevented, is held to be in excess of extreme necessity.

3. A person shall not be criminally liable for exceeding the limits of extreme necessity where that person could not, as a result of high excitement raised by the danger, evaluate if the harm caused was proportionate to such danger.

Article 40. Physical or mental coercion

1. A person's action or omission that caused harm to legally protected interests, is not to be held a criminal offense, where that person acted under direct physical coercion which rendered him or her unable to be in control of his/her actions.

2. The decision on a person's criminal liability for causing harm to legally protected interests, shall be made pursuant to provisions of Article 39 of this Code, where that person was subject to physical coercion, under which he/she was able to control his/her actions, and also subject to mental coercion.

Article 41. Obeying an order or command

1. A person's action or omission that caused harm to legally protected interests, shall be lawful, where that person acted to obey a legal order or instructions.

2. An order or command is held to be lawful where it is duly issued by an appropriate person acting within his/her commission and, in its substance, is not contrary to applicable laws and does not breach the constitutional rights and freedoms of the human being and citizen.

3. A person shall not be criminally liable for disobeying a patently criminal order or command.

4. A person, who obeyed a patently criminal order or command, shall be criminally liable on general grounds for the acts committed in pursuance of such order or command.

5. Where a person was not and could not be aware of the criminal nature of an order or command, the criminal liability for the act committed in pursuance of such order or command shall arise only with respect to the person who gave the criminal order or command.

Article 42. An act involving risk

1. No act (action or omission) in prejudice of legally protected interests shall be held to be a criminal offense where it was committed in circumstances of justified risk to achieve a significant purpose valuable to the community.

2. A risk shall be justified if the goal pursued could not, under the circumstances, be achieved otherwise than by an action (omission) involving risk and the person that allowed the risk reasonably believed that he/she exercised enough caution to avert harm to the legally protected interests.

3. A risk shall not be justified if it knowingly endangered lives of other people, or created a threat of environmental disaster or any other emergency.

Article 43. Undertaking a special mission to prevent or uncover criminal activities of an

organized group or criminal organization

1. A compelled causing of harm to legally protected interests by a person shall not be a criminal offense, where such person was undertaking a special mission, pursuant to law, by way of participation in an organized group or criminal organization for the purpose of preventing or uncovering its criminal activities.

2. Any such person as described in the first paragraph of this article shall be criminally liable only for committing, as part of an organized group or criminal organization, a special grave criminal offense which was willful and involved violence with respect to the victim, or a grievous crime, which was willful and involved grievous bodily injury to the victim or other serious or particularly serious consequences.

3. A person who has committed such criminal offense may not be sentenced to life and may not be imprisoned for a longer term than half of the maximum term of imprisonment prescribed by the law in respect of this crime.

Chapter IX. DISCHARGE FROM CRIMINAL LIABILITY

Article 44. Legal grounds and procedure for discharge from criminal liability

1. A person, who committed a criminal offense, shall be discharged from criminal liability in cases prescribed by this Code, and also on the grounds of the Law of Ukraine of amnesty or an act of pardon.

2. The discharge from criminal liability in cases prescribed by this Code shall be exercised exclusively by court. The procedure of discharge from criminal liability in shall be established by law.

Article 45. Discharge from criminal liability in view of effective repentance

A person who has committed a minor criminal offense for the first time shall be discharged from criminal liability if, upon committing that offense, he/she sincerely repented, actively facilitates the detection of the offense, and fully compensates the losses or repairs the damage inflicted.

Article 46. Discharge from criminal liability in view of reconciliation of the offender and the victim

A person who has committed a minor criminal offense for the first time shall be exempt from criminal liability if he/she reconciled with the victim and compensated the losses or repaired the damage inflicted.

Article 47. Discharge from criminal liability in view of admission by bail

1. A person, who has committed a minor criminal offense or an offense of medium gravity for the first time and sincerely repented, may be discharged from criminal liability for admission by bail on request of the collective body of an enterprise, institution or organization on condition that such person, within one year of his/her admission by bail, will not fail the trust of the collective body, avoid measures of correctional nature or break public peace.

2. If conditions of the admission by bail are not satisfied, the person shall be subject to criminal liability for the offense committed.

Article 48. Discharge from criminal liability due to a change of situation

A person who has committed a minor criminal offense or an offense of medium gravity for the first time may be discharged from criminal liability if it is found that at the time of investigation or trial, due to a change of situation, the act committed by that person has lost its socially dangerous nature or that person has ceased to be dangerous to the public.

Article 49. Discharge from criminal liability due to limitation period

1. A person shall be discharged from criminal liability if the following periods have elapsed from the date of the criminal offense to the effective date of the judgment:

- (1) two years where a minor offense has been committed and the prescribed punishment is less severe than the restraint of liberty;
- (2) three years where a minor offense has been committed and the prescribed punishment is the restraint of liberty or imprisonment;
- (3) seven years where an offense of medium gravity has been committed;
- (4) fifteen years where a grave offense has been committed;
- (5) twenty years where a special grave offense has been committed.

2. The statute of limitations shall be saved where a person who committed a criminal offense evaded investigation or trial. In such cases the running of the statute of limitations is resumed as of the date of the person's surrender or apprehension. In this case the person shall be discharged from liability if twenty years elapsed after the commission of the offense.

3. The statute of limitation shall be forfeited where a person, before the terms specified in paragraphs (1) and (2) of this Article have expired, commits another medium grave, grave or special grave offense. In this case a limitation period starts on the date on which such new crime is committed. Each offense gives rise to its own period of limitation.

4. Where a person has committed a special grave offense punishable by life imprisonment, the issue of limitation shall be decided by a court. Where a court rules out the possibility to apply a period of limitation, a sentence of life may not be imposed and is commuted to an imprisonment for a determinate term.

5. The statute of limitation shall not apply where any crime against the peace and humanity, as provided for in Articles 437 through 439, and paragraph 1 of Article 442 of this Code.

Chapter X. PUNISHMENT AND ITS TYPES

Article 50. The definition of punishment and its purpose

1. The punishment is a coercive measure imposed in a judgment of court on behalf of the State upon a person found guilty of a criminal offense and consists in restraint of the sentenced person's rights and freedoms secured by law.
2. The punishment is aimed not only at penalizing but also reformation of sentenced persons and prevention of further offenses by both the sentenced and other persons.
3. The punishment is not meant to cause physical sufferings or humiliate human dignity.

Article 51. Types of punishment

1. The following types of punishment may be imposed by a court on persons convicted of criminal offenses:

- (1) fine;
- (2) revocation of a military or special title, rank, grade or qualification class;
- (3) deprivation of the right to occupy certain positions or engage in certain activities;
- (4) community service
- (5) correctional labor;
- (6) service restrictions for military servants;
- (7) forfeiture of property;
- (8) arrest;

- (9) restraint of liberty;
- (10) custody of military servants in a penal battalion;
- (11) imprisonment for a determinate term;
- (12) life imprisonment.

Article 52. Primary and additional punishments

1. Primary punishments are community service, correctional labor, service restrictions for military servants, arrest, restraint of liberty, custody of military servants in a penal battalion, imprisonment for a determinate term, and life imprisonment.
2. Additional punishments are revocation of a military or special title, rank, grade or qualification class, and forfeiture of property.
3. Fine, revocation of the right to occupy certain positions or engage in certain activities may be imposed as either primary or additional punishments.
4. Only one primary punishment, as defined in a sanction of an article in the Special Part of this Code, may be imposed for one criminal offense. The primary punishment may be accompanied by one or several additional punishments in cases and manner prescribed by this Code.
5. Evading the punishment imposed in a judgment of court entails liability pursuant to Articles 389 and 390 of this Code.

Article 53. Fine

1. The fine is a pecuniary penalty imposed by a court in cases and within limits provided for in the Special Part of this Code.
2. The amount of a fine shall be determined by a court depending on the gravity of the offense committed and the property status of the guilty person but within the limits of four to one thousand tax-free minimum individual income, unless a larger amount of a fine is prescribed by articles of the Special Part of this Code.
3. A fine shall be imposed as an additional punishment only if it is specifically sanctioned by an article in the Special Part of this Code.
4. Where a fine cannot be paid, a court may replace the outstanding amount of a fine by community service calculated as ten hours of community service for each tax-free minimum individual income established by law, or by correctional labor calculated as one month of correctional labor for four tax-free minimum incomes established by law, but for a period not exceeding two years.

Article 54. Revocation of a military or special title, rank, grade or qualification class

A person, who has a military or special title, rank, grade or qualification class and was convicted of a grave or special grave offense, may be subject to revocation of his/her military or special title, rank, grade or qualification class by a judgment of court.

Article 55. Deprivation of the right to occupy certain positions or engage in certain activities

1. Deprivation of the right to occupy certain positions or engage in certain activities may be imposed as primary punishment for a term of two to five years or as additional punishment for a term of one to three years.
2. Deprivation of the right to occupy certain positions or engage in certain activities as additional punishment may also be imposed without reference to a sanction of an article in the Special Part of this Code, if a court, having regard to the nature of the offense committed by a person in office or in connection with a certain activity, the character of the person convicted, and other circumstances of the case, decides that such person should be deprived of the right to occupy certain positions or

engage in certain activities.

3. Where deprivation of the right to occupy certain positions or engage in certain activities is imposed as additional punishment together with the arrest, restraint of liberty, custody of military servants in a penal battalion, or imprisonment for a determinate term, it shall extend through all the term of the primary punishment, and also for a term specified in a judgment of court that came into effect. For this purpose, the term of additional punishment is calculated from the moment of completion of the primary punishment; and - for the purpose of punishment imposed in the form of deprivation of the right to occupy certain positions or engage in certain activities as additional to other primary punishments, and also for the purpose of Article 77 of this Code - is calculated from the moment that the judgment comes into effect.

Article 56. Community service

1. Community service consists in performance, by a convicted person during hours free from work or studies, of unpaid work valuable to the community, as determined by the local government authorities.

2. The term of community service imposed may be from 60 to 240 hours and its duration in any single day may not be longer than 4 hours.

4. Community service may not be imposed upon persons who have been certified to have a first or a second degree disability, pregnant women, persons of retirement age, and military servants in active service.

Article 57. Correctional labor

1. The punishment of correctional labor shall be imposed for a term of six months to two years and is to be served by the convicted person at the place of his/her employment. A certain amount of money shall be deducted from the convicted person's salary in favor of the State, ranging from 10 to 20 percent as determined in the judgment of court.

2. Correctional labor shall not be imposed upon pregnant women, women on maternity leave, disabled persons, persons under 16 years of age, persons of retirement age, military servants, law enforcement officers, notaries, judges, prosecutors, defense attorneys, civil servants, and local government officials.

3. A court may substitute correctional labor by a fine calculated as three tax-free minimum incomes, established by the law, for one month of correctional labor, for those persons who became disabled after their sentence was awarded by a court.

Article 58. Service restrictions for military servants

1. The punishment of service restriction shall be imposed on convicted military servants, other than those in active service, for a term of six months to two years in cases provided for in this Code, and also if a court, having regard to the circumstances of the case and the character of the person convicted, finds it possible to substitute the restriction of liberty or imprisonment for a term not exceeding two years by a service restriction for the same term.

2. A certain amount of money shall be deducted from the military pay of the person sentenced to a service restriction in favor of the State, ranging from 10 to 20 percent as determined in the judgment of court. While serving this sentence, the person sentenced may not be promoted in office or military rank, and the term of sentence is not to be included in the time-in-service for the purposes of regular promotion in military rank.

Article 59. Forfeiture of property

1. The punishment of forfeiture consists in forceful seizure of all, or a part of, property of a convicted person without compensation in favor of the State. Where a part of property is to be forfeited, a court shall specify which part is to be forfeited or name the things to be forfeited.

2. Forfeiture of property shall be imposed for grave and special grave offenses and shall only be applied in cases specifically provided for in the Special Part of this Code.

3. The list of property exempt from forfeiture shall be determined by the law of Ukraine.

Article 60. Arrest

1. The punishment of arrest consists in holding a convicted person in custody and shall be imposed for a term of one to six months.

2. A military servant shall be put under arrest in a guardhouse.

3. Arrest shall not be imposed on persons under 16 years of age, pregnant women and women having children under 8 years of age.

Article 61. Restraint of liberty

1. The punishment of restraint of liberty consists in holding a person in an open penitentiary institution without isolation from the society but under supervision and with compulsory engagement of the convicted person in work.

2. Restraint of liberty shall be imposed for a term of one to five years.

3. Restraint of liberty shall not be imposed on minors, pregnant women and women having children under 14 years of age, persons of retirement age, military servants in active service, and persons with the first or second degree disability.

Article 62. Custody of military servants in a penal battalion

1. The punishment of custody in a penal battalion shall be imposed on military servants in active service for a term of six months to two years in cases provided for in this Code, and also where a court, having regard to the circumstances of the crime and the character of the convicted person, finds it possible to substitute an imprisonment for a term not exceeding two years by a custody in a penal battalion for the same term.

2. Custody of military servants in a penal battalion shall not be applied to substitute imprisonment for the persons who previously served a sentence of imprisonment.

Article 63. Imprisonment for a determinate term

1. The punishment of imprisonment consists in confinement of a convicted person and placing him or her in a penitentiary institution for a determinate period of time.

2. Imprisonment shall be imposed for a term of one to fifteen years.

Article 64. Life imprisonment

1. The punishment of life imprisonment is imposed for special grave offenses and shall apply only in cases specifically provided for by this Code, where a court does not find it possible to impose imprisonment for a determinate term.

2. Life imprisonment shall not be imposed on persons who committed offenses under 18 years of age and to persons over 65 years of age, and women who were pregnant at the time of offense or at the time of sentencing.

Chapter XI. IMPOSITION OF PUNISHMENT

Article 65. General principles of imposition of punishment

1. A court shall impose a punishment:

(1) within the limits prescribed by a sanction of that article of the Special Part of this Code, which creates liability for the committed criminal offense;

(2) pursuant to provisions of the General Part of this Code;

(3) having regard to the degree of gravity of the committed offense, character of the guilty person, method and motives of the committed offense, nature and extend of damages, and circumstances mitigating or aggravating the punishment.

2. The punishment imposed on an offender should be adequate and sufficient to reform the offender and prevent new offenses.

3. The grounds for imposing a punishment milder than the one prescribed for a committed offense in a relevant article of the Special Part of this Code, are specified in Article 69 of this Code.

4. A punishment heavier than one prescribed for a committed offense in a relevant article of the Special Part of this Code may be imposed pursuant to Articles 70 and 71 of this Code in case of cumulative offenses and cumulative sentencing.

Article 66. Circumstances mitigating punishment

1. For the purposes of imposing a punishment, the following circumstances shall be deemed to be mitigating:

(1) surrender, sincere repentance or actively assistance in detecting the offense;

(2) voluntary compensation of losses or repairing of damages;

(3) the commission of an offense by a minor;

(4) the commission of an offense by a pregnant woman;

(5) the commission of an offense in consequence of a train of adverse personal, family or other circumstances;

(6) the commission of an offense under influence of threats, coercion or financial, official or other dependence;

(7) the commission of an offense under influence of strong excitement raised by improper or immoral actions of the victim;

(8) the commission of an offense in excess of necessary defense;

(9) undertaking a special mission to prevent or uncover criminal activities of an organized group or criminal organization, where this has involved committing an offense in any such case as provided for by this Code;

2. When imposing a punishment, a court may find circumstances, other than those specified in paragraph 1 of this Article, to be mitigating.

3. If any of the mitigating circumstances is specified in an article of the Special Part of this Code as an element of an offense, that affects its treatment, a court shall not take it into consideration again as a mitigating circumstance when imposing a punishment.

Article 67. Circumstances aggravating punishment

1. For the purposes of imposing a punishment, the following circumstances shall be deemed to be aggravating:

(1) repetition of an offense or recidivism;

(2) the commission of an offense by a group of persons upon prior conspiracy (paragraph 2 or 3 of Article 28);

(3) the commission of an offense based on racial, national or religious enmity and hostility;

(4) the commission of an offense in connection with the discharge of official or public duty by the victim;

- (5) grave consequences caused by the offense;
 - (6) the commission of an offense against a minor, an elderly or helpless person;
 - (7) the commission of an offense against a woman who, to the knowledge of the culprit, was pregnant;
 - (8) the commission of an offense against a person who was in a financial, official or other dependence on the culprit;
 - (9) the commission of an offense through the use of a minor, a person of unsound mind or mentally defective person;
 - (10) the commission of an especially violent offense;
 - (11) the commission of an offense by taking advantage of a martial law or a state of emergency or other extraordinary events;
 - (12) the commission of an offense by a generally dangerous method;
 - (13) the commission of an offense by a person in a state of intoxication resulting from the use of alcohol, narcotic, or any other intoxicating substances;
2. Depending on the nature of an offense committed, a court may find any of the circumstances specified in paragraph 1 of this Article, other than those defined in subparagraphs (2), (6), (7), (9), (10), and (12), not to be aggravating, and should provide the reasons for this decision in its judgment.
 3. When imposing a punishment, a court may not find any circumstances, other than those defined in paragraph 1 of this Article, to be aggravating.
 4. If any of the aggravating circumstances is specified in an article of the Special Part of this Code as an element of an offense, that affects its treatment, a court shall not take it into consideration again as an aggravating circumstance when imposing a punishment.

Article 68. Imposition of punishment for unconsummated criminal offense and offense committed in complicity

1. For the purposes of imposition of punishment for an unconsummated criminal offense, a court, while being guided by Articles 65-67 of this Code, shall consider the degree of gravity of a person's act, the degree of consummation of the criminal intent, and the reasons for which the offense was not consummated.
2. For the purposes of imposition of punishment upon accomplices in a criminal offense, a court, while being guided by Articles 65-67 of this Code, shall take into account the nature and the degree of each person's participation in the criminal offense.

Article 69. Imposition of a punishment milder than prescribed by the law

1. In presence of several circumstances mitigating the punishment and significantly decreasing the degree of gravity of the offense committed, having regard to the character of an offender, a court may, by providing the reasons for its judgment, impose, for a specially grave, grave or medium grave offense, a primary punishment lower than the lowest threshold prescribed by a sanction of an article in the Special Part of this Code, or change to another, milder type of primary punishment, which is not prescribed by a sanction of the article concerned with this offense. In this case, the court may not impose a punishment lower than the lowest threshold prescribed for this type of punishment in the General Part of this Code.
2. Based on the grounds specified in paragraph 1 of this Article, a court may decide not to impose an additional punishment, which is defined as a mandatory punishment by a sanction of an article in the Special Part of this Code.

Article 69¹. Assignment of punishment in case of presence of conditions, mollifying

punishment

1. In event of presence of conditions mollifying punishment, provided by clauses 1 and 2 of the first part of the Article 66 of this Code, absence of conditions aggravating punishment, as well as upon admission of their guilt by defendants, term or amount of punishment can not exceed two thirds of maximal term or amount the most drastic punishment provided by the relevant sanction of the Article (sanction of part of the Article) of the Special Part of this Code.

Article 70. Imposition of punishment for cumulative criminal offenses

1. In event of cumulative criminal offenses, a court, having determined the punishment (both primary and additional) for each offense, shall impose a final punishment by way of merging milder punishment into a heavier one, or by way of full or partial adding up of imposed punishments.

2. In adding up punishments, the final cumulative punishment shall be within the limits prescribed by that sanction of an article in the Special Part of this Code, which provides for a heavier punishment. Where at least one of the criminal offenses is an intentional grave or special grave offense, the court may impose a final cumulative punishment within the maximum term provided for this kind of punishment in the General Part of this Code. Where life imprisonment is imposed for at least one of the criminal offenses committed, the final cumulative punishment shall be determined by way of merging milder punishments into life imprisonment.

3. A primary cumulative punishment may be supplemented by additional punishments imposed by a court for criminal offenses of which a person was convicted.

4. A punishment shall be imposed under the rules set out in paragraphs 1 to 3 of this Article where, after a sentence in the case was passed, it is established that the sentenced person is guilty of yet another criminal offense committed before such previous sentence was passed. In this case, the punishment that has been fully or partially served under the previous sentence shall be merged into the term of the final punishment pursuant to the rules set out in Article 72 of this Code.

Article 71. Imposition of punishment by cumulating sentences

1. Where a convicted person commits a new crime after the sentence was passed but before the full term has been served, a court shall, fully or partially supplement the new sentence with the unexpired term of the previous sentence.

2. In adding punishments through cumulation of sentences, the total term of punishment may not exceed the maximum term prescribed for this kind of punishment in the General Part of this Code. In cumulating punishments of imprisonment, the final term shall not exceed fifteen years, and where at least one of the offenses is a special grave offense, the total term may exceed fifteen years but should not exceed twenty five years. In cumulating punishments of life sentence or any milder punishments, the total term of the final punishment imposed through cumulation of sentences shall be determined by way of merging any milder punishments into life imprisonment.

3. Any additional punishment imposed at least in one of the sentences or an unserved term of any additional punishment under a previous sentence shall be added to the final primary punishment imposed through cumulation of sentences.

4. The final punishment imposed through cumulation of sentences shall be longer than the punishment imposed for any new criminal offense and also the unserved term of any previous sentence.

5. Where a convicted person commits two or more criminal offenses after the sentence was passed but before the full term has been served, a court shall impose punishments for these new offenses under rules set out in Article 70 of this Code, and then fully or partially add the unexpired term of the previous sentence to the final punishment determined by way of cumulation of sentences within the limits prescribed in paragraph 2 of this Article.

Article 72. Rules of adding up punishments and merging previous terms

1. In adding up punishments for cumulative offenses and cumulative sentences, a milder type of punishment is merged into a heavier punishment based on the following proportions:

(1) one day of imprisonment equals to:

(a) one day of custody in a penal battalion for military servants, or one day of arrest;

(b) two days of restraint of liberty;

(c) three days of service restriction for military servants, or three days of correctional labor;

(d) eight hours of community service;

(2) one day of custody in a penal battalion for military servants, or one day of arrest custody equals to:

(a) two days of restraint of liberty;

(b) three days of service restriction for military servants, or three days of correctional labor;

(3) one day of restraint of liberty equals to three days of service restriction for military servants, or three days of correctional labor.

(4) one day of restraint of liberty of arrest equals to eight hours of community service.

2. In imposing a punishment through cumulation of offenses or sentences, where the punishment is to be correctional labor or service restrictions for military servants, only the terms of these punishments shall be added up. Any deductions from salaries of a convicted person shall not be added up and shall be calculated for each sentence separately.

3. Primary punishments of a fine, or deprivation of the right to occupy certain positions or engage in certain activities, when imposed as aggregate sentences for an aggregate of crimes, do not merge and shall be served separately.

4. Additional punishments of various types shall always be served separately.

5. A court shall merge the pretrial detention into the term of punishment, in case of sentencing to imprisonment, on a day for day bases or pursuant to the rules set out in paragraph 1 of this Article. In imposing punishments not specified in paragraph 1 of this Article, a court may take into account the pretrial detention and mitigate the punishment or discharge the convicted person from serving it.

Article 73. Calculation of terms of punishment

The terms of punishment shall be calculated in years, months and hours. In case of substituting, adding up or merging of pretrial detention, the terms of punishment may be calculated in days.

Chapter XII. DISCHARGE FROM PUNISHMENT AND FROM SERVING IT

Article 74. Discharge from punishment and from serving it

1. Discharge of a convicted person from punishment or from further serving of punishment, substitution of an imposed punishment by a milder punishment or mitigation of punishment, except for discharge from punishment or mitigation of punishment on the grounds of the Law of Ukraine on Amnesty or an act of pardon, may only be exercised by court in cases prescribed by this Code.

2. A person convicted of acts made no longer punishable by law shall be immediately discharged from punishment imposed by a court.

3. A punishment imposed on a convicted person, which is heavier than the sanction of a new law, shall be lowered to the maximum threshold of punishment prescribed by such sanction.

4. A person who committed a minor criminal offense or medium grave offense may be discharged from punishment upon a judgment of court, if the court is satisfied that, due to good conduct and diligent

work demonstrated by this person at the time of proceedings, he/she shall not be treated as socially dangerous.

5. A person may also be discharged from punishment by a judgment of court on the grounds provided for in Article 49 of this Code.

Article 75. Discharge on probation

1. Where, in imposing a punishment of correctional labor, service restriction for military servants, restraint of liberty, or imprisonment for a term not exceeding five years, a court, having regard to the gravity of an offense, the character of the culprit and other circumstances of the crime, finds that the convicted may be reformed without serving the punishment, it may order a discharge on probation.

2. In this case, the court shall order to discharge the convicted person from serving the sentenced imposed on the condition that, during the probation period, this person commits no further criminal offenses and complies with the obligations imposed on him or her.

3. A probation period shall be from one to three years.

Article 76. Obligations imposed on a person discharged on probation

1. In case of discharge on probation, a court may impose the following obligations on the convicted person:

(1) apologize to a victim publicly or in any other way;

(2) not leave outside Ukraine for permanent residence without a permission of criminal enforcement authorities;

(3) notify criminal enforcement authorities of any change in the place of residence, employment or studies;

(4) regularly register with criminal enforcement authorities;

(5) undergo medical treatment for alcoholism, drug addiction, or any disease which poses threat to health of other persons.

2. The conduct of such convicted person shall be monitored by penal enforcement authorities at the place of his/her residence, and the conduct of military servants shall be monitored by commanders of military units.

Article 77. Imposition of additional punishments in case of discharge from primary punishment on probation

In case of discharge on probation, additional punishments may be imposed, such as fine, deprivation of the right to occupy certain positions or engage in certain activities, and revocation of a military or special title, rank, grade or qualification class.

Article 78. Legal consequences of discharge on probation

1. Upon the expiry of a probation period, a convicted person, who complied with obligations imposed on him or her by a court and committed no further criminal offenses shall be discharged from the punishment imposed on him or her by a court.

2. If a convicted person fails to comply with obligations imposed on him or her, or regularly commits offenses that entail administrative penalties and demonstrate his/her unwillingness to reform, a court shall send the convicted person to serve the imposed sentence.

3. If a convicted person commits another crime while on probation, a court shall impose a punishment on him or her pursuant to Articles 71 and 72 of this Code.

Article 79. Discharge on probation for pregnant women and women having children under seven years of age

1. Where a restraint of liberty or imprisonment is imposed upon pregnant women or a women having children under seven years of age, except for the persons sentenced to imprisonment for a term over five years for grave or special grave offenses, a court may discharge such persons from both primary and additional punishments on probation for a period of leave granted by law to women in view of pregnancy, childbirth and until the child attains seven years of age.
2. Where pregnant women or women having children under 7 years of age are discharged on probation, a court may impose upon a convicted woman any such obligation as provided for by Article 76 of this Code.
3. The conduct of the convicted persons shall be monitored by criminal enforcement authorities.
4. Upon the expiry of a probation period, depending on the conduct of the convicted woman, a court shall discharge her from punishment or send her to serve the imposed sentence.
5. Where a convict discharged on probation relinquishes her child, resigns the child to a children's home, neglects her duty to take care of the child, fails not comply with the obligations imposed upon her by a court or regularly commits offenses that entail administrative penalties and demonstrate her unwillingness to reform, a court, on a motion of the monitoring authority, shall refer such convicted woman to serve her sentence imposed by a court.
6. Where a convicted woman commits another offense while on probation, a court shall impose a punishment on her pursuant to Articles 71 and 72 of this Code.

Article 80. Discharge from serving a sentence due to expiry of limitation periods for enforcement of judgment

1. A person shall be discharged from serving his/her sentence, if it was not enforced within the following periods of time elapsing from the date on which the judgment came into force:
 - (1) two years for a sentence lesser than the restraint of liberty;
 - (2) three years for a sentence of restraint of liberty or imprisonment imposed for a minor offense;
 - (3) five years for a sentence of imprisonment imposed for a medium grave offense and also a sentence of imprisonment for a term up to five years imposed for a grave offense;
 - (4) ten years for a sentence of imprisonment for a term over five years imposed for a grave offense, and also a sentence of imprisonment for a term up to ten years imposed for a special grave offense;
 - (5) fifteen years for a sentence of imprisonment for a term over ten years imposed for a special grave offense.
2. Periods of limitations for additional punishments shall depend on the primary punishment imposed in a judgment of court.
3. Limitation periods shall be suspended if a convicted person avoids serving his/her sentence. In such cases, limitation periods shall resume on the date the convicted person appeared to continue to serve his/her sentence or on the day of his/her apprehension. In this case, the limitation periods provided for in subparagraphs (1) to (3) of paragraph 1 of this Article shall be doubled.
4. Limitation periods shall be suspended, if, prior to the expiry of periods provided for in paragraphs 1 to 3 of this Article, a convicted person commits another medium grave offense, grave offense or special grave offense. In this case, the limitation period shall begin on the date of the new criminal offense controls for the commencement of a limitation period.
5. A court shall decide any issues related to the application of limitation periods to a person sentenced to life imprisonment. If the court finds it impossible to apply limitation period, the life imprisonment shall be substituted by imprisonment.
6. No limitation periods shall apply where a person was convicted for criminal offenses against peace and security of mankind as provided for by Articles 437 to 439 and 442 of this Code.

Article 81. Parole

1. Parole may be applied to persons who serve their sentences of correctional labor, or service restrictions for military servants, or restraint of liberty, or custody of military servants in a penal battalion, or imprisonment. A person may also be fully or partially paroled from serving his/her additional punishment.
2. Parole may be applied, if a sentenced person displays decent behavior and diligence in work as a proof of his/her reformation.
3. Parole may be applied after a sentenced person has actually served:
 - (1) not less than one-half of the term imposed by a court for a minor or medium grave offense, and also for a reckless grave offense;
 - (2) not less than two-thirds of the term imposed by a court for an intended grave offense or reckless special grave offense, and also where that person had previously served a sentence of imprisonment imposed for an intended offense but committed another intended offense before the conviction was canceled or revoked and had been sentenced for that offense to imprisonment;
 - (3) not less than three quarters of the term imposed by a court for an intended special grave offense, or of the term imposed on a person who had been previously paroled but committed another intended offense during the remaining part of the sentence;
4. Where a paroled person commits another offense during the remaining part of the sentence, a court shall impose a punishment under the rules provided for by Articles 71 and 72 of this Code.

Article 82. Commutation of the remaining part of a sentence

1. A court may commute the remaining part of a sentence of restraint of liberty or imprisonment. In this case, a more lenient punishment shall be imposed within the terms provided for by the General Part of this Code with regard to a given type of punishment and may not exceed the remaining part of the original sentence.
2. Where the remaining part of a primary sentence is commuted, the sentenced person may also be discharged from the additional punishment of deprivation of the right to occupy certain positions or engage in certain activities.
3. Commutation of the remaining part of a sentence may be applied if the sentenced person displays signs of rehabilitation.
4. The remaining part of a sentence may be commuted after a sentenced person has actually served:
 - (1) not less than one-third of the term imposed by a court for a minor or medium grave offense, and also for a reckless grave offense;
 - (2) not less than one-half of the term imposed by a court for an intended grave offense or reckless special grave offense, and also where that person had previously served a sentence of imprisonment imposed for an intended offense but committed another intended offense before the criminal record was canceled or revoked and had been sentenced for that offense to imprisonment;
 - (3) not less than two-thirds of the term imposed by a court for an intended special grave offense, or of the term imposed on a person who had been previously paroled but committed another intended offense before the expiry of the remaining part of his/her sentence;
5. Persons, whose sentence was commuted, may be paroled under rules provided for by Article 81 of this Code.
6. If a person commits another offense while serving a commuted sentence, a court shall add the remaining part of the commuted sentence to the punishment imposed for any new offense according to the rules provided by Articles 71 and 72 of this Code.

Article 83. Discharge from punishment for pregnant women and women with children under three years of age

1. Women sentenced to the restraint of liberty or imprisonment, who become pregnant or give birth to a child while serving their sentences, except women sentenced to imprisonment for a term over five years for intended grave or special grave offenses, may be discharged, by a court, from serving their sentences for a period of time within which a women may enjoy her maternity leave, in accordance with the law, in connection with her pregnancy, child birth and until the child attains three years of age.
2. Discharge from serving a sentence shall apply to any sentenced female who has a family or relatives, who agree to live with her, or any sentenced female who is able to independently provide proper conditions for raising of her child.
3. The conduct of such women shall be monitored by a local criminal enforcement authority.
4. When the child attains three years of age or if the child dies, a court may discharge the sentenced female from serving her sentence, or commute her sentence, or order that she should continue to serve her original sentence, depending on her conduct. In case of ordering the continued service of sentence, the court may fully or partially include the period, during which the sentence female was released from serving her sentence, in the term of her sentence.
5. Where a sentenced female, who was discharged from serving her sentence, abandons her child, or places it in an orphanage, or disappears from the place of residence, or refuses to raise or take care for her child, or regularly commits wrongdoings that involve administrative penalties and demonstrate her unwillingness to reform, a court may, upon a motion of the control authority, order that the sentenced female should continue to serve her original sentence.
6. Where a sentenced female commits another criminal offence while being discharged from serving her sentence, a court shall impose a punishment on her pursuant to the rules provided for by Articles 71 and 72 of this Code.

Article 84. Discharge on medical grounds

1. A person shall be discharged from punishment, if he/she develops a mental disease while serving his/her sentence, which renders him/her incapable of realizing his/her actions (or omissions) or controlling them. Such person may be subject to compulsory medical measures pursuant to Articles 92 to 95 of this Code.
2. A person, who develops a serious illness after commission of a criminal offense or imposition of a sentence, which precludes him/her from serving his/her sentence, may be discharged from punishment or further service. During consideration of any such matter, a court shall take into account the gravity of the offense committed, the nature of the disease, the character of the offender, and other circumstances of the case.
3. Military servants sentenced to service restrictions, arrest or custody in a penal battalion, who are found unfit to continue military service due to health problems, shall be released from punishment.
4. Where persons, referred to in paragraphs 1 and 2 of this Article, recover, they shall be ordered to continue to serve their sentences, provided the limitation periods, prescribed by Articles 49 or 80 of this Code, have not expired, or where no other grounds for discharge are available. For these purposes, the period of time, within which any compulsory treatment measures were applied, shall be included in the term of sentence pursuant to the rules provided for by paragraph 5 of Article 72 of this Code, where each day of compulsory treatment counts as one day of imprisonment.

Article 85. Discharge from punishment on the basis of the Law of Ukraine on amnesty or an act of pardon

A sentenced person may be fully or partially discharged from his/her primary or additional punishment or may have his/her sentence or the remaining part of it commuted on the basis of the Law of Ukraine on amnesty or an act of pardon,

Article 86. Amnesty

1. Amnesty shall be announced in a Law of Ukraine in regard of a certain category of persons.
2. The Law on amnesty may fully or partially discharge offenders from criminal liability or punishment.
3. The Law on amnesty may commute a sentence or the remaining part of a sentence.

Article 87. Pardon

1. Pardon is granted by the President of Ukraine in regard of a particular individual.
2. An act of pardon may substitute a life sentence imposed by a court by imprisonment for a term not less than twenty five years.

Chapter XIII. CONVICTION**Article 88. Legal consequences of conviction**

1. A person shall be held to have a conviction from the date on which the judgment of guilty enters into force and until the conviction is canceled or revoked.
2. Conviction shall have legal implications in case of commission of a new criminal offense, and also other cases provided for by Ukrainian laws.
3. Persons convicted without imposition of any sentence, or discharged from punishment, or those who have served their sentence for any criminal offense the criminality and punishability of which was subsequently repealed by law, shall be held to have no conviction.
4. Rehabilitated persons shall be held to have no conviction.

Article 89. Cancellation of conviction

The following person shall be held to have no conviction:

- (1) persons sentenced under Article 75 of this Code, if they commit no further offenses during the probation period, and the probation is not revoked during the prescribed period for any other reasons provided for by law. If the term of any additional punishment exceeds the term of probation, a person shall be held to have no conviction after completing to serve such additional punishment;
- (2) women sentenced under Article 79 of this Code, if they commit no further offenses during the probation period, and are not ordered to continue to serve their sentences imposed by a court after the probation period. Where a convicted female was not discharged from an additional punishment and its term exceeds the term of the primary punishment, she shall be held to have no conviction after completing to serve such additional punishment;
- (3) persons sentenced to the deprivation of the right to occupy certain positions and engage in certain activities, after completing to serve this punishment;
- (4) persons who have completed to serve their sentence of service restrictions for military servants, or custody in a penal battalion, or those who were paroled in respect of such offenses, and also military servants who have served their punishment at a guardhouse instead of arrest;
- (5) persons sentenced to a fine, or community service, or correctional labor, or arrest, they commit no further offenses within one year from the date on which they completed to serve their sentence (primary or additional);
- (6) persons sentenced to restraint of liberty, or sentenced to imprisonment for a minor offense, if they commit no further offenses within two years from the date on which they completed to serve their sentence (primary or additional);
- (7) persons sentenced to imprisonment for a medium grave offense, if they commit no further offenses

within three years from the date on which they completed to serve their sentence (primary or additional);

(8) persons sentenced to imprisonment for a grave offense, if they commit no further offenses within six years from the date on which they completed to serve their sentence (primary or additional);

(9) persons sentenced to imprisonment for a special grave offense, if they commit no further offenses within eight years from the date on which they completed to serve their sentence (primary or additional);

Article 90. Calculation of periods for the cancellation of conviction

1. The periods of the cancellation of conviction shall be calculated from the date of completion of a primary or additional sentence.

2. The cancellation period shall include the time during which the sentence was not enforced, provided that the limitation period was not interrupted. If a sentence was not enforced, the conviction shall be canceled upon expiration of limitation periods for enforcement of a sentence.

3. If a person is paroled, the cancellation period shall be calculated from the date of discharge (from serving any primary or additional sentence) on parole.

4. If any unserved portion of a sentence is commuted, the cancellation period shall be calculated from the date of completion of the commuted sentence (primary or additional).

5. If a person who completed his/her sentence, commits another offense before the expiration of the period for cancellation of conviction, this period shall be suspended and recalculated. In any such cases, the cancellation periods shall be calculated separately for each criminal offense, after the actual completion of the sentence (primary and additional) imposed for the last committed offense.

Article 91. Revocation of conviction

1. If a person, who completed his/her sentence of restraint of liberty or imprisonment, displays good conduct and diligent work as a proof of his/her rehabilitation, a court may revoke his/her conviction before the expiration of periods described in Article 89 of this Code.

2. Conviction may only be revoked after the expiration of at least one-half of the cancellation period provided for by Article 89 of this Code.

3. The procedures related to revocation of conviction shall be established in the Criminal Procedure Code of Ukraine.

Chapter XIV. COMPULSORY MEDICAL MEASURES AND COMPULSORY TREATMENT

Article 92. Definition and purpose of compulsory medical measures

Compulsory medical measures shall mean an outpatient psychiatric assistance, placement of a person, who committed a socially dangerous act that involves elements of any act described in the Special Part of the Code, in a special treatment institution for the purpose of his/her compulsory treatment, and also prevention of this person from committing any socially dangerous acts.

Article 93. Persons subjected to compulsory medical measures

Compulsory medical measures may be applied by a court to persons who:

(1) committed any socially dangerous acts in condition of insanity;

(2) committed a criminal offense in condition of partial insanity

(3) committed a criminal offense crime but developed insanity before a sentence was pronounced or while serving a sentence.

Article 94. Types of compulsory medical measures

1. A court may impose the following compulsory medical measures depending on the seriousness of a mental condition, the gravity of an act committed, and the degree to which the offender is dangerous to himself or others:

- (1) compulsory outpatient psychiatric assistance;
- (2) hospitalization in a regular-security mental institution;
- (3) hospitalization in a reinforced-security mental institution;
- (4) hospitalization in a high-security mental institution;

2. A court may order compulsory outpatient psychiatric assistance in respect of a mentally sick person who committed a socially dangerous act, if the condition of the person does not necessitate inpatient treatment in a mental institution.

3. A court may order hospitalization in a regular-security mental institution in respect of a mentally sick person whose mental condition and the nature of his/her socially dangerous act necessitates custody in a mental institution and compulsory treatment.

4. A court may order hospitalization in a reinforced-security mental institution in respect of a mentally sick person who committed a socially dangerous act that involved no trespass against lives of other persons and whose mental condition is not dangerous to the public but necessitates custody in a mental institution and treatment in conditions of reinforced security.

5. A court may order hospitalization in a high-security mental institution in respect of a mentally sick person who committed a socially dangerous act that involved a trespass against lives of other persons and whose mental condition and the nature of his/her socially dangerous act pose an increased hazard to the public and necessitate custody in a mental institution and treatment in conditions of high security.

6. If compulsory medical measures are found not to be necessary or are discontinued, a court may place a mentally sick person under care of relatives or custodians on condition of a compulsory medical follow-up.

Article 95. Continuation, change or discontinuation of compulsory medical measures

1. Continuation, change or discontinuation of compulsory medical measures shall be ordered by a court upon a motion of a representative of the mental institution (psychiatrist), who provides psychiatric assistance to a person, together with an appended opinion of a panel of psychiatrists, which states the reasons for continuation, change or discontinuation of any compulsory measures.

2. Persons subjected to compulsory medical measures shall be examined at least once every six months by a panel of psychiatrists who shall determine any reasons that may justify a court motion seeking discontinuation or change of any such measures. If no reasons are found, which justify the discontinuation or change of a compulsory medical measures, a representative of a mental institution (psychiatrist) who provides psychiatric assistance to the person, shall file an application with a court, together with an opinion of the panel of psychiatrists, which provides reasons for continuation of compulsory medical measures. If compulsory medical measures need to be extended beyond a six-month period, a representative of a mental institution (psychiatrist) who provides psychiatric assistance to the person, shall file with a local court an application for extension of compulsory measures. The application shall be accompanied with an opinion of a panel of psychiatrists, which provides reasons for the need to continue psychiatric assistance to the person. Every further extension of compulsory medical measures may not exceed six months.

3. Where compulsory medical measures are discontinued due to improvement of mental condition of a person, a court may place him/her under care of relatives or custodians on condition of a compulsory medical follow-up.

4. Where compulsory medical measures are discontinued due to recovery, persons, who committed any offense in state of sanity but developed insanity before a sentence was pronounced, shall be liable to punishment on general grounds, and persons, who developed insanity while serving a sentence,

shall continue to serve the sentence.

Article 96. Compulsory treatment

1. Compulsory treatment may be ordered by a court in respect of persons, who committed offenses and have any disease dangerous to the health of others, irrespective of the punishment imposed on them.

2. In case of imprisonment or restraint of liberty, treatment shall be provided at the place of service. In case of any other type of punishment, treatment shall be provided in special treatment institutions.

Chapter XV. SPECIFIC FEATURES OF CRIMINAL LIABILITY AND PUNISHMENT OF MINORS

Article 97. Discharge from criminal liability with imposition of compulsory reformation measures

1. A minor who committed a minor offense for the first time, may be discharged from criminal liability, provided that his reformation is possible without punishment. In such cases, a court shall impose compulsory reformation measures provided for by paragraph 2 of Article 105 of this Code upon the minor.

2. A court shall also apply compulsory reformation measures provided for by paragraph 2 of Article 105 of this Code to a person, who committed a socially dangerous act that classifies as an act provided for by the Special Part of this Code, before he/she attained the age of criminal liability.

3. Where a minor, who committed a criminal offense, evades compulsory reformation measures, such measures shall be canceled and he/she shall be criminally prosecuted.

Article 98. Types of punishment

1. The following types of punishment may be imposed on minors, who committed any criminal offense:

(1) fine;

(2) community service

(3) correctional labor;

(4) arrest;

(5) imprisonment for a determinate term;

2. Minors may be subject to such additional punishments as a fine and deprivation of the right to occupy certain positions or engage in certain activities.

Article 99. Fine

1. A fine may be imposed only on minors who have independent income, personal finances or property, on which the execution of penalty may be levied.

2. A court shall determine the amount of a fine, which is conditioned by the gravity of the criminal offense and the property status of a minor but may not exceed 500 tax-free minimum incomes established by the legislation of Ukraine.

Article 100. Community service and correctional labor

1. Community service may be imposed on a minor of 16 to 18 years of age for a term of 30 to 120 hours and shall consist of services provided by a minor in time free from studies or main employment. The duration of this punishment may not exceed two hours per day.

2. Correctional labor may be imposed on a minor of 16 to 18 years of age to be performed at the place of his/her employment for a term of two months to 1 year.

3. A court shall establish an amount ranging from five to ten percent of the salary of a minor sentenced to correctional labor, which shall be deducted in favor of the State.

Article 101. Arrest

Arrest shall imply detention of a minor, who attained the age of 16 by the time of sentencing, in isolation in special institutions for a term of fifteen to forty-five days.

Article 102. Imprisonment for a determinate term

1. The punishment of imprisonment imposed on a persons who were under 18 years of age at the time of commission of an offense, may not exceed 10 years or, in cases provided for by subparagraph (5) of paragraph 3 of this Article, may not exceed 15 years. Minors sentenced to imprisonment shall serve it in special reformatory institutions.

2. Imprisonment may not be imposed on a minor who committed a minor offense for the first time.

3. Imprisonment shall be imposed on a minor who committed:

(1) a repeated minor offense - for a term up to two years;

(2) a medium grave offense - for a term up to four years;

(3) a grave offense - for a term up to seven years;

(4) a special grave offense - for a term up to ten years.

(5) a special grave offense involving a murder - for a term up to fifteen years.

Article 103. Imposition of punishment

1. When imposing a punishment on a minor, a court shall consider, in addition to the circumstances provided for by Articles 65 to 67 of this Code, the conditions of the person's living and upbringing, the influence of adults, level of his/her development and other specific features of his personality.

2. The final punishment of imprisonment imposed on a minor by cumulation of offenses or punishments may not exceed fifteen years.

Article 104. Discharge from punishment on probation

1. Discharge from punishment on probation shall be applied to minors pursuant to Articles 75 to 78 of this Code and subject to the provisions of this Article.

2. Discharge on probation may only be applied to minors sentenced to imprisonment.

3. Probation shall be fixed for a period of one to two years.

4. When discharging a minor on probation, a court may place this minor under care and supervision of another person, upon consent of the latter to undertake such obligation.

Article 105. Discharge from punishment subject to compulsory correctional measures

1. A minor, who has committed a minor or medium grave offense, may be discharged from punishment by a court, if it is found that the punishment may be discontinued due to the minor's genuine repentance and further irreproachable conduct.

2. In this case, the court shall impose the following correctional measures on a minor:

(1) warning;

(2) restriction of leisure time and special requirements to a minor's conduct;

(3) placing a minor under supervision of his/her parents or foster parents, or school teachers or

colleagues upon their consent, or other individuals at their request;

(4) obliging a minor, who has attained 15 years of age and possesses any property, money or has any earnings, to compensate any pecuniary damages;

(5) placing a minor in a special educational and correctional institution for children and teenagers until the minor's complete correction but for a term not exceeding three years. Conditions of stay in and procedure of discharge from these institutions shall be provided for by law.

3. A minor may be subjected to several compulsory correctional measures provided for by paragraph 2 of this Article. The duration of compulsory correctional measures provided for by subparagraphs (2) and (3) of paragraph 2 of this Article shall be determined by a sentencing court.

4. A court may also find it necessary to appoint a tutor for a minor pursuant to the procedures provided for by the law.

Article 106. Discharge from criminal liability and punishment due to the expiration of limitation periods

1. Discharge from criminal liability and punishment due to the expiration of limitation periods shall be applied to persons, who committed criminal offenses under 18 years of age, pursuant to Articles 49 and 80 of this Code and subject to the provisions of this Article.

2. The following limitation periods shall be established in respect of persons described in paragraph 1 of this Article:

(1) two years - for a minor offense;

(2) five years - for a medium grave offense;

(3) seven years - for a grave offense;

(4) ten years - for a special grave offense.

3. The following periods of sentence enforcement shall be established in respect of persons described in paragraph 1 of this Article:

(1) two years - where a person was sentenced to any punishment other than imprisonment, or to imprisonment for a minor offense;

(2) five years - where a person was sentenced to imprisonment for a medium grave offense, or imprisonment for a term up to five years for a grave offense;

(3) seven years - where a person was sentenced to imprisonment for a term exceeding five years for a grave offense;

(4) ten years - where a person was sentenced to imprisonment for a special grave offense.

Article 107. Parole

1. Parole may be applied to persons who serve their sentence of imprisonment imposed for an offense crime committed at the age under 18, regardless of the gravity of the offense.

2. Parole may be applied, if a person displays decent behavior and diligence in work and studies as a proof of his/her reformation.

3. Parole may be applied to persons, who committed an offense at the age under 18, after they have actually served:

(1) not less than one-third of the term of imprisonment imposed by a court for a minor or medium grave offense, and also for a reckless grave offense;

(2) not less than one-half of the term of imprisonment imposed by a court for an intended grave

offense or reckless special grave offense, and also where that person had previously served a sentence of imprisonment imposed for an intended offense but committed another intended offense at the age under 18 before the conviction was canceled or revoked and had been sentenced for that offense to imprisonment;

(3) not less than two-thirds of the term of imprisonment imposed by a court for an intended special grave offense, and also where that person had previously served a sentence of imprisonment and had been paroled but committed another intended offense at the age under 18 before the end of sentence and had been sentenced for that offense to imprisonment;

4. Commutation of the unserved part of the sentence shall not be applied in respect of minors.

5. Where a paroled person commits another offense during the remaining part of the sentence, a court shall impose a punishment under the rules provided for by Articles 71 and 72 of this Code.

Article 108. Cancellation and revocation of conviction

1. Conviction of persons who committed any criminal offense at the age under 18 shall be cancelled and revoked pursuant to Articles 88 to 91 of this Code and subject to the provisions of this Article.

2. The following minors shall be held to have no conviction:

(1) minors sentenced to any punishment other than imprisonment, who have fully served their sentence;

(2) minors sentenced to imprisonment for a minor or medium grave offense, if they commit no further offense within one year from the date on which they completed to serve their sentence;

(3) minors sentenced to imprisonment for a grave offense, if they commit no further offense within three years from the date on which they completed to serve their sentence;

(4) minors sentenced to imprisonment for a special grave offense, if they commit no further offense within five years from the date on which they completed to serve their sentence;

3. Preterm revocation of conviction shall be permissible only in respect of a person who has served a sentence of imprisonment imposed for a grave or a special grave offense committed at the age under 18, on such grounds as provided for by paragraph 1 of Article 91 of this Code, after completion of at least one-half of the cancellation period as provided for by paragraph 2 of this Article.

SPECIAL PART

Chapter I. CRIMES AGAINST NATIONAL SECURITY OF UKRAINE

Article 109. Actions aimed at forceful change or overthrow of the constitutional order or take-over of government

1. Actions aimed at forceful change or overthrow of the constitutional order or take-over of government, and also a conspiracy to commit any such actions, -

shall be punishable by imprisonment for a term of five to ten years.

2. Public appeals to violent change or overthrow of the constitutional order or take-over of government, and also dissemination of materials with any appeals to commit any such actions, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

3. Any such actions, as provided for by paragraph 2 of this Article, if committed by a member of public authorities or repeated by any person, or committed by an organized group, or by means of mass media, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 110. Trespass against territorial integrity and inviolability of Ukraine

1. Willful actions committed to change the territorial boundaries or national borders of Ukraine in violation of the order provided for in the Constitution of Ukraine, and also public appeals or distribution of materials with appeals to commit any such actions, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. Any such actions, as provided for by paragraph 1 of this Article, if committed by a member of public authorities or repeated by any person, or committed by an organized group, or combined with inflaming national or religious enmity, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for the same term.

3. Any such actions, as provided for by paragraphs 1 and 2 of this Article, if they caused the killing of people or any other grave consequences, -

shall be punishable by imprisonment for a term of seven to twelve years.

Article 111. High treason

1. High treason, that is an act willfully committed by a citizen of Ukraine in the detriment of sovereignty, territorial integrity and inviolability, defense capability, and state, economic or information security of Ukraine: joining the enemy at the time of martial law or armed conflict, espionage, assistance in subversive activities against Ukraine provided to a foreign state, a foreign organization or their representatives, -

shall be punishable by imprisonment for a term of ten to fifteen years.

2. A citizen of Ukraine shall be discharged from criminal liability where, he has not committed any acts requested by a foreign state, a foreign organization or their representatives and voluntarily reported his ties with them and the task given to government authorities.

Article 112. Trespass against life of a statesman or a public figure

Trespass against life of the President of Ukraine, the Chairman of the Verkhovna Rada (Parliament) of Ukraine, a National Deputy (Member of Parliament) of Ukraine, the Prime Minister of Ukraine, a member of the Cabinet of Ministers of Ukraine, the Chairman or a judge of the Constitutional Court of Ukraine or the Supreme Court of Ukraine or High Specialized Courts of Ukraine, the Procurator General of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine, the Head of the Accounting Chamber, the Chairman of the National Bank of Ukraine, or a leader of a political party, committed in relation to their government or public duties, -

shall be punishable by imprisonment for a term of ten to fifteen years or life imprisonment.

Article 113. Sabotage

Committing, for any purpose prejudicial to the State, Setting off explosions, fires, or committing other actions for the purposes of mass destruction of people, or causing bodily injuries or any other harm to their health, or destruction or damaging of important industrial or defense facilities, and also committing, for the same purposes, actions to cause radioactive pollution or mass poisoning, or to advance an epidemic, epizootic, or epiphytic diseases, -

shall be punishable by imprisonment for a term of eighth to fifteen years.

Article 114. Espionage

1. Providing information on state secrets or collecting such information in order to provide to a foreign state, a foreign organization or their representatives, where these actions are committed by a foreign national or stateless person, -

shall be punishable by imprisonment for a term of eight to fifteen years.

2. A person shall be discharged from criminal liability where that person has stopped any such activities as provided for by paragraph 1 of this Article, and voluntarily reported what has been done to government authorities, provided this and the measures taken have been sufficient to prevent any prejudice to the interests of Ukraine.

Chapter II. CRIMINAL OFFENSES AGAINST LIFE AND HEALTH OF A PERSON

Article 115. Murder

1. Murder, that is willful unlawful causing death of another person, -

shall be punishable by imprisonment for a term of seven to fifteen years

2. Murder:

(1) of two or more persons;

(2) of a young child or a woman who, to the knowledge of the culprit, is pregnant;

(3) of a hostage;

(4) committed with special brutality

(5) committed by a method dangerous to the lives of many persons;

(6) based on mercenary motives;

(7) based on hooligan motives;

(8) of a person or a person's close relative in relation to that person's official duties or public functions;

(9) committed to conceal or facilitate another crime;

(10) coupled with rape, or violent unnatural sexual intercourse;

(11) committed as a contracted murder;

(12) committed by a group of persons upon prior conspiracy;

(13) committed by a person who has previously committed a murder, other than a murder provided for by Articles 116-118 of this Code, -

shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment with forfeiture of property in the case provided for by subparagraph 6 of paragraph 2 of this Article.

Article 116. Murder committed in the heat of passion

A murder committed in the heat of passion caused by unlawful violence, systematic harassment or grievous insult of the victim, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 117. Infanticide

Infanticide (murder of a newborn child by his/her mother) during delivery or immediately after it, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 118. Murder in excess of necessary defense or in excess of measures necessary to

apprehend an offender

A murder committed in excess of necessary defense or in excess of measures necessary to apprehend an offender, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to two years.

Article 119. Negligent homicide

1. Negligent homicide, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for the same term.

2. Negligent homicide of two or more persons, -

shall be punishable by imprisonment for a term of five to eight years.

Article 120. Driving a person into suicide

1. Driving a person into suicide or attempted suicide by means of cruel treatment, blackmail, coercion to unlawful actions or systematic humiliation of his/her human dignity, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same act committed in respect of a person who was in financial or other dependence upon the culprit, or in respect of two or more persons, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

3. Any such act as provided for by paragraph 1 or 2 of this Article, where it was committed in respect of a minor, -

shall be punishable by imprisonment for a term of seven to ten years.

Article 121. Intended grievous bodily injury

1. Intended grievous bodily injury, that is a willful bodily injury which is dangerous to life at the time of infliction, or resulted in a loss of any organ or its functions, or caused a mental disease or any other health disorder attended with a persisting loss of not less than one-third of working capability, or interruption of pregnancy, or permanent disfigurement of face, -

shall be punishable by imprisonment for a term of five to eight years.

2. Intended grievous bodily injury committed by a method characterized by significant torture, or by a group of persons, and also for the purpose of intimidating the victim or other persons, or committed as a contracted offense, or which caused death of the victim, -

shall be punishable by imprisonment for a term of seven to ten years.

Article 122. Intended bodily injury of medium gravity

Intended bodily injury of medium gravity, that is a willful bodily injury which is not dangerous to life and does not result in the consequences provided for by Article 121 of this Code, but which caused a lasting health disorder or a significant and persisting loss of not less than one-third of working capability, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to three years.

2. The same actions committed for the purpose of intimidating the victim or his/her relatives, or coercion to certain actions, -

shall be punishable by imprisonment for a term of three to five years.

Article 123. Intended grievous bodily injury inflicted in the heat of passion

Intended grievous bodily injury inflicted in the heat of passion suddenly provoked by unlawful violence or grievous insult of the victim,-

shall be punishable by community service for a term of 150 to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to two years.

Article 124. Intended grievous bodily injury inflicted in excess of necessary defense or in excess of measures necessary to apprehend an offender

Intended grievous bodily injury inflicted in excess of necessary defense or in excess of measures necessary to apprehend an offender, -

shall be punishable by community service of 150 to 240 hours, or correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

Article 125. Intended minor bodily injury

1. Intended minor bodily injury, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term up to 200 hours, or correctional labor for a term up to one year.

2. Intended minor bodily injury that caused a short-term health disorder or insignificant loss of working capability, -

shall be punishable by community service for a term of 50 to 200 hours, or correctional labor for a term up to one year, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

Article 126. Battery and torture

1. Intended blows, battery or other violent acts which caused physical pain but no bodily injury, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term up to 200 hours, or correctional labor for a term up to one year.

2. The same acts characterized by torture, committed by a group of persons or for the purpose of intimidating the victim or his relatives, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 127. Torture

1. Torture, that is an willful causing of severe physical pain or physical or mental suffering by way of battery, martyrizing or other violent actions for the purpose of inducing the victim or any other person to commit involuntary actions, -

shall be punishable by imprisonment for a term of three to five years.

2. The same actions repeated or committed by a group of persons upon prior conspiracy, -

shall be punishable by imprisonment for a term of five to ten years.

Article 128. Negligent grievous bodily injury or negligent bodily injury of medium gravity

Negligent grievous bodily injury or negligent bodily injury of medium gravity, -

shall be punishable by community service for a term of 150 to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to two years.

Article 129. Threat to kill

1. Any threat to kill, if there was a reasonable cause to believe that this threat may be fulfilled, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to two years.

2. The same act committed by a member of an organized group, -

shall be punishable by imprisonment for a term of three to five years.

Article 130. Infection with HIV or any other incurable contagious disease

1. Willful placing of a person in danger of being infected with HIV or any other incurable contagious disease dangerous to human life, -

shall be punishable by arrest for a term up to three months, or by restraint of liberty for a term up to five years, or imprisonment for a term up to three years.

2. Infection of another person with HIV or any other incurable contagious disease by a person who was aware of himself or herself being a circulator of this virus, -

shall be punishable by imprisonment for a term of two to five years.

3. Any such acts as provided for by paragraph 2 of this Article, if committed in respect of two or more persons or a minor, -

shall be punishable by imprisonment of three to eight years.

4. Willful infection of another person with HIV or any other incurable contagious disease dangerous to the person's life, -

shall be punishable by imprisonment for a term of five to ten years.

Article 131. Professional misconduct causing infection of a person with HIV or any other incurable contagious disease

1. Professional misconduct of a member of medical or pharmaceutical profession or any other employee in consequence of neglect or careless discharge of their professional duties, which caused infection of a person with HIV or any other incurable contagious disease dangerous to the person's life, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused infection of two or more persons, -

shall be punishable by imprisonment for a term of three to eight years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 132. Disclosure of information on medical examination for HIV or any other incurable contagious disease

Disclosure - by a medical officer, an auxiliary employee who obtained the information without authorization, or a member of medical profession - of information on medical examination for HIV, or any other incurable contagious disease dangerous to the person's life, or AIDS and its results that

became known to them in connection with their official or professional duties, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or community service for a term up to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, with or without deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 133. Infection with a venereal disease

1. Infection of another person with a venereal disease by a person who was aware of having this disease, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to two years, or imprisonment for the same period.

2. Any such actions as provided for by paragraph 1 of this Article, if committed by a person previously convicted of infecting any other person with a venereal disease, and also infecting two or more persons or a minor, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, where they caused grave consequences, -

shall be punishable by imprisonment for a term of two to five years.

Article 134. Illegal abortion

1. Performance of an abortion by a person who has no special medical education, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or community service for a term of 100 to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to two years.

2. Illegal performance of an abortion that caused a lasting health disorder, sterility or death of the victim, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment of the same term, with or without deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 135. Leaving in danger

1. Willful leaving of a person without help, if he/she remains in a condition dangerous to life and is unable to ensure his/her self-preservation due to young age, old age, illness or helpless condition and where the one, who left this person without help, was obliged to care after this person and was able to provide help to him or her, and where this one himself put the victim in a condition dangerous to life, -

shall be punishable by restraint of liberty for a term up to two years, or imprisonment for the same term.

2. The same actions committed by a mother in respect of her newborn child, unless this mother was in a condition of lying-in, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, where they caused death of a person or other grave consequences, -

shall be punishable by imprisonment for a term of three to eight years.

Article 136. Failure to provide help to a person who is in a condition dangerous to life

1. Failure to provide help to a person, who is in a condition dangerous to life, where such help could have been provided, or failure to inform appropriate institutions or persons of this person's condition, where this has caused grievous bodily injuries, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or arrest for a term up to six months.

2. Failure to provide help to a young child, who is known to be in condition dangerous to life, where such help could have been provided, or failure to inform appropriate institutions or persons of this child's condition, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, where they caused death of the victim, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for a term of two to five years.

Article 137. Improper performance of duty with regard to children's life safety and health care

1. Failure to perform or improper performance of professional or official duty with regard to life safety and health care of minors resulting from neglect or careless discharge of this duty, where this has significantly deteriorated health of the victim

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term of 240 hours, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Any such actions that caused death of a minor or other grave consequences, -

shall be punishable by restraint of liberty for a term up to four years, or imprisonment for a term up to three years, with or without deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 138. Illegal medical practice

Engaging in an illegal medical practice without a special license by a person who has no proper medical education, where this has caused grave consequences for the patient, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to three years.

Article 139. Failure of a member of medical profession to provide help to a patient

1. Failure to provide help to a patient, without good excuse, by a member of medical profession who was obliged to provide such help in line with the established rules, where this member knew that this may lead to grave consequences for the patient, -

shall be punishable by a fine up to 50 tax-free minimum incomes with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or correctional labor for a term up to two years.

2. The same act that caused death of the patient or other grave consequences, -

shall be punishable by restraint of liberty for a term up to four years, or imprisonment for a term up to three years, with or without deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 140. Improper performance of professional duty by a member of medical or pharmaceutical profession

1. Failure to perform or improper performance of professional duty by a member of medical or pharmaceutical profession due to neglect of careless discharge of this duty, which caused grave consequences for a patient, -

shall be punishable by deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or correctional labor for a term up to two years, or restraint of liberty for a term up to two years, or imprisonment for the same term.

2. This same act that caused grave consequences to a minor, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term up to three years, with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 141. Violation of rights of a patient

Clinical drug trial performed without a written consent of the patient or his legal representative, or in regard of a minor or a legally incapable person, where such actions caused death or other grave consequences, -

shall be punishable by restraint of liberty for a term of three to five years or imprisonment for the same term.

Article 142. Illegal experimentation on a human being

1. Illegal performance of biomedical, psychological or other experiments on a human being, which expose his/her life or health to danger, -

shall be punishable by a fine up to 200 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to four years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Any such acts as provided for by paragraph 1 of this Article, where committed with regard to a minor, or two or more persons, by coercion or deception, or, also, where they caused a lasting health disorder of the victim, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 143. Violation of procedures prescribed by law with regard to human organs or tissue
Article 143: transplantation

1. Violation of procedures prescribed by law with regard to human organs or tissue transplantation, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Removal, by coercion or deception, of a body organ or tissue from a human being for the purpose of their transplantation, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 2 of this Article, where committed in regard of a person who was in helpless condition or financial or any other dependence on the culprit, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

4. Illegal trade in human organs or tissues, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

5. Any such acts as provided for by paragraphs 2, 3 or 4 of this Article, where committed by a group of persons upon their prior conspiracy, or participation in transnational organizations engaged in such activity, -

shall be punishable by imprisonment for a term of five to seven years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 144. Forcible donation of blood

1. Taking of blood from a person by force or deceit for donor purposes, -

shall be punishable by deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or correctional labor for a term up to two years, or restraint of liberty for a term up to two years, with or without a fine up to 50 tax-free minimum incomes.

2. Any acts as provided for by paragraph 1 of this Article, where committed in regard of a minor or a person who was in helpless condition or financial or any other dependence on the culprit, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such acts as provided for by paragraphs 1 and 2 of this Article, where committed by a group of persons upon their prior conspiracy, or for selling purposes, -

shall be punishable by imprisonment of a term up to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 145. Unlawful disclosure of confidential medical information

Willful disclosure of confidential medical information by a person to whom it was available in connection with his/her professional or official duties, where such disclosure caused any grave consequences, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term up to 240 hours, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or correctional labor for a term up to two years.

Chapter III. CRIMINAL OFFENSES AGAINST LIBERTY, HONOR AND DIGNITY OF A PERSON

Article 146. Illegal confinement or abduction of a person

1. Illegal confinement or abduction of a person, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same acts committed in regard of a minor, or for mercenary purposes, or in regard of two or more persons, or by a group of persons upon their prior conspiracy, or by a method dangerous to the victim's life or health, or causing bodily suffering to him or her, or with the use of weapons, or within a lasting period of time, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, where committed by an organized group, or where they caused any grave consequences, -

shall be punishable by imprisonment for a term of five to ten years.

Article 147. Hostage taking

1. Taking or holding a person as a hostage with the intent to induce relatives of the hostage, any government agency or other institution, business or organization, any natural person or any official to make or refrain from any action as a condition for release of the hostage

shall be punishable by imprisonment for a term of five to eight years.

2. The same acts committed in respect of a minor, or by an organized group, or accompanied with threats to destroy people, or causing any grave consequences, -

shall be punishable by imprisonment for a term of seven to fifteen years.

Article 148. Substitution of a child

Substitution of a anybody else's child based on mercenary or other personal motives, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 149. Trafficking in human beings and other illegal transfer deals in respect of a human being

1. Sale, other transfer for payment or any other illegal deals with regard to a person, involving legal or illegal movement of that person, with or without his/her consent, across the border of Ukraine for further sale or other transfer to any person (or persons) for the purpose of sexual exploitation, use in pornobusiness, engagement in criminal activities, peonage, adoption for commercial purposes, use in armed conflicts, labor exploitation, -

shall be punishable by imprisonment for a term of three to eight years.

2. The same actions committed in respect of a minor, or several persons, or repeated, or committed by a group of persons upon their prior conspiracy, or through abuse of office, or by a person on whom the victim was financially or otherwise dependent, -

shall be punishable by imprisonment for a term of five to twelve years, with or without the forfeiture of property.

3. Any such actions as provided for by paragraphs 1 and 2 of this Article, where committed by an organized group, or involving illegal taking of children abroad or failure to bring them back to Ukraine, or for the purpose of removal of the victim's organs or tissues for transplantation or forcible donor purposes, or where these actions caused any grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years with the forfeiture of property.

Article 150. Exploitation of children

1. Exploitation of children, who are under legally employable age, by way of profit-seeking employment, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions committed in regard of several children, or where they caused significant harm to health, physical development or educational level of a child, or accompanied with the use of children labor in hazardous production, -

shall be punishable by imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 151. Illegal placement of a person in a mental institution

1. Placement of a person, known to be mentally sane, in a mental institution, -

shall be punishable by arrest for a term of three to six months, or restraint of liberty for a term up to two years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused any grave consequences, -

shall be punishable by imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Chapter IV. CRIMES AGAINST SEXUAL FREEDOM AND SEXUAL INVIOABILITY OF A PERSON

Article 152. Rape

1. Rape, that is sexual intercourse combined with violence, threats of violence, or committed by taking advantage of the victim's helpless condition, -

shall be punishable by imprisonment for a term of three to five years.

2. Rape, where it was repeated, or committed by a person who previously committed any of the offenses provided for by Articles 153 to 155 of this Code, -

shall be punishable by imprisonment for a term of five to ten years.

3. Rape committed by a group of persons, or rape of a minor, -

shall be punishable by imprisonment for a term of seven to twelve years.

4. Rape which caused any grave consequences, and also rape of a young child, -

shall be punishable by imprisonment for a term of eight to fifteen years.

Article 153. Violent unnatural gratification of sexual desire

1. Violent unnatural gratification of sexual desire combined with physical violence, or threats of violence, or committed by taking advantage of the victim's helpless condition, -

shall be punishable by imprisonment for a term up to five years.

2. The same act, if repeated, or committed by a group of persons, or by a person who previously committed any of the offenses provided for by Articles 152 or 154 of this Code, and also committed in regard of a minor, -

shall be punishable by imprisonment for a term of three to seven years.

3. The same act committed in regard of a young child, where it caused especially grave consequences, -

shall be punishable by imprisonment for a term of eight to twelve years.

Article 154. Compulsion to sexual intercourse

1. Compulsion of a female or male to natural or unnatural sexual intercourse by a person on whom such female or male is financially or officially dependent, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months.

2. The same actions accompanied with threats to destroy, damage or seize property of the victim or his/her close relatives, or to disclose information defaming the victim or his/her close relatives, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to three years.

Article 155. Sexual intercourse with a sexually immature person

1. Sexual intercourse with a sexually immature person, -

shall be punishable by restraint of liberty for a term up to three years or imprisonment for the same term.

2. The same actions committed by a parent or surrogate parent, or where they caused sterility or other grave consequences, -

shall be punishable by imprisonment for a term of three to five years.

Article 156. Debauchery of minors

1. Debauched actions committed in regard of a person under 16 years of age, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. The same actions committed in regard of a young child, or by a parent or surrogate parent, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term up to three years.

Chapter V. CRIMINAL OFFENSES AGAINST ELECTORAL, LABOR AND OTHER PERSONAL RIGHTS AND FREEDOMS OF THE HUMAN BEING AND THE CITIZEN

Article 157. Preclusion of the right to vote

1. Preclusion of a citizen from free exercise of the right to elect and be elected to the office of the President of Ukraine, a National Deputy (Member of Parliament) of Ukraine, a deputy of the Supreme Council of the Autonomous Republic of Crimea, a deputy of a local council, or a village, town or city head (mayor), and to campaign during elections, by means of violence, deception, threats, bribery or in any other way, -

shall be punished by restraint of liberty for a term of three to five years, or imprisonment for a term of two to four years.

2. The same actions committed by a group of persons upon their prior conspiracy, or by a member of election committee or any other official through abuse of authority or office

shall be punishable by imprisonment for a term of three to five years.

3 Any such acts as provided for by paragraph 1 or 2 of this Article, where they affected the voting or election outcome, -

shall be punishable by imprisonment for a term of seven to twelve years.

Article 158. Unlawful use of ballots, forgery of election documents, miscount of votes or misreporting of election returns

1. Giving a ballot, by a member of an election committee, to a person not registered in the list of electors, or giving ballots (or a ballot) to any voter instead of other voters, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for a term up to three years.

2. Forgery, that is fabrication of a non-standard election document, or fabrication thereof in a manner not prescribed by law, or putting any knowingly false information in an election document, or any other falsification thereof, and also the use of a knowingly forged election document or any such document fabricated in a manner not prescribed by law, -

shall be punishable by imprisonment for a term of three to five years.

3. Any such actions as provided for by paragraph 2 of this Article, if committed by a member of an election committee or any other officer, and also a willful miscount of votes or willful misreporting of elections returns, -

shall be punishable by imprisonment for a term of five to eight years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 159. Violation of the secrecy of ballot

A willful violation of the secrecy of ballot at the time of an elections prescribed by the election law of Ukraine, if committed by a member of an election committee or any other officer through abuse of authority or office, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or imprisonment for a term of one to three years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 160. Violation of referendum law

1. Preclusion of a citizen from free exercise of the right to take or not take part in a referendum, or campaign before the referendum, by means of violence, deception, threats, bribery or in any other way, -

shall be punished by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term up to three years.

2. The same actions committed by a member of a referendum committee or any other officer, or by a group of persons upon their prior conspiracy, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term up to five years.

3. Fabrication of referendum documents, distortion of records, willful miscount of votes, or violation of the secrecy of ballot committed by a member of a referendum committee or any other officer, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term of one to five years.

Article 161. Violation of citizens' equality based on their race, nationality or religious preferences

1. Willful actions inciting national, racial or religious enmity and hatred, humiliation of national honor and dignity, or the insult of citizens' feelings in respect to their religious convictions, and also any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based on race, color of skin, political, religious and other convictions, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to five years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions accompanied with violence, deception or threats, and also committed by an official, -

shall be punishable by correctional labor for a term up to two years, or imprisonment for a term up to

five years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed by an organized group of persons, or where they caused death of people or other grave consequences, -

shall be punishable by imprisonment for a term of two to five years.

Article 162. Violation of security of residence

1. Unlawful entry into residence or any other property of a person, or unlawful examination or search thereof, and also unlawful eviction or any other actions that violate the security of a citizen's residence, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. The same actions committed by an official, or accompanied with violence or threats of violence, -

shall be punishable by imprisonment for a term of two to five years.

Article 163. Violation of privacy of mail, telephone conversations, telegraph and other correspondence conveyed by means of communication or via computers

1. Violation of privacy of mail, telephone conversations, telegraph and other correspondence conveyed by means of communication or via computers,

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or correctional labor for a term up to two year, or restraint of liberty for a term up to three years.

2. The same actions committed in respect of statesmen or public figures, by an official, or by use of special devices for secret reading of information, -

shall be punishable by imprisonment for a term of three to seven years.

Article 164. Failure to pay alimony for support of children

1. Persistent failure to pay contributions (alimony) for support of children, as prescribed by a court order, and also parents' persistent failure to support dependent minors or children unable to work, -

shall be punishable by correctional labor for a term up to one year, or restraint of liberty for the same term.

2. The same act committed by a person previously convicted of the offense created by this Article, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

Article 165. Failure to pay contributions for support of parents unable to work

1. Persistent failure to pay contributions, as prescribed by a court order, for support of parents who are unable to work, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to one year.

2. The same act committed by a person previously convicted of the offense created by this Article, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for the same term.

Article 166. Persistent failure to perform duties related to the care of a child or a person under guardianship or in the custody

1. Persistent failure of parents, guardians or custodians to perform their duties established by law and

related to the care of a child or a person under guardianship or in the custody, where it caused any grave consequences, -

shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for the same term.

Article 167. Abuse of the rights of guardian

Abuse of guardianship or custody for mercenary purposes and to the detriment of the ward (unlawful occupation of residence, use of property, etc.);

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years.

Article 168. Disclosure of the secrecy of adoption

1. Disclosure of the secrecy of adoption against the will of an adopter, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years.

2. The same act committed by an official or employee of a medical institution who had the information on adoption available by virtue of office or employment, or where it caused any grave consequences, -

shall be punishable by a fine up to 200 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 169. Unlawful actions for the purpose of adoption

1. Unlawful mediation or other unlawful actions for the purpose of adoption or placement of a child under guardianship (or in the custody) or under foster care, -

shall be punishable by a fine of 50 to 120 tax-free minimum incomes, or correctional labor for a term up to two years.

2. The same actions committed in regard of several children, or repeated, or committed by a group of persons upon their prior conspiracy, or through abuse of office, or where they caused any grave consequences, -

shall be punishable by imprisonment for a term of two to five years.

Article 170. Preclusion of legal activities of labor unions, political parties, and non-governmental organizations

Willful preclusion of legal activities of labor unions, political parties, and non-governmental organizations or their organs, -

shall be punishable by correctional labor for a term up to two years, or imprisonment for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 171. Preclusion of legal professional activities of journalists

1. Willful preclusion of legal professional activities of journalists, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. Persecution of a journalist for the performance of professional duties and criticism, by an official, or a group of persons upon their prior conspiracy, -

shall be punishable by a fine up to 200 tax-free minimum incomes, or restraint of liberty for a term up

to five years, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 172. Gross violation of labor law

1. Unlawful dismissal of an employee for personal reasons, and also any other gross violation of labor law, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or correctional labor for a term up to two years.

2. The same actions committed in regard of a minor, or a pregnant woman, or a mother with a child under 14 years of age or a disabled child, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or correctional labor of a term up to two years, or arrest for a term up to six months.

Article 173. Gross violation of an employment contract

1. Any gross violation of an employment contract by any official of an enterprise, institution or organization regardless of their type of ownership, and also by a private person, or their authorized agent, causing a person, by deceit, breach of trust or coercion, to perform any work not provided for in the contract, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

2. The same actions committed in regard of a citizen who was contracted to work outside Ukraine, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or restraint of liberty for a term up to three years.

Article 174. Compulsion to participate in a strike or preclusion from participation in a strike

Compulsion to participate in a strike or preclusion from participation in a strike, by violence or threats of violence or any other unlawful actions, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

Article 175. Failure to pay salary, scholarship, pension or any other statutory payments

1. Groundless failure of a manager of an enterprise, institution or organization regardless of their type of ownership, to pay salary, scholarship, pension, or any other statutory payment within a period over one month, -

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or correctional labor for a term up to two years, or imprisonment for a term up to two years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same action committed due to misuse of funds earmarked for salaries, scholarships, pensions, or any other statutory payments, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to five years, or imprisonment for a term up to three years.

3. A person shall be discharged from criminal liability, if he/she paid to citizens salaries, scholarships, pensions, or any other statutory payments before he/she is criminally prosecuted.

Article 176. Violation of copyright and allied rights

1. Illegal reproduction or distribution of scientific, literary, or art works, computer software or databases, and also illegal reproduction, distribution of performances, phonograms and broadcast programs, making their illegal copies and distribution on audio and video tapes, disks, and other media, and, also, any other use of anybody else's works, computer software and databases, or anything protected by allied rights, without a consent of copyright or allied rights holders, where such actions caused a significant pecuniary loss, -

shall be punishable by a fine of 100 to 400 tax-free minimum incomes, or correctional labor for a term up to two years, with the forfeiture of all copies of works, material media with computer software, databases, performances, phonograms, broadcast programs, and the equipment and material designated for their production and reproduction.

2. The same actions, if repeated or where they caused a specially significant pecuniary loss, -

shall be punishable by a fine of 200 to 800 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for the same term, with the forfeiture of all copies of works, material media with computer software, databases, performances, phonograms, broadcast programs, and the equipment and material designated for their production and reproduction.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, where committed by an official through abuse of office in regard of a subordinate person, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to two years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note: A significant pecuniary loss is caused, if the value of copies of illegally reproduced or distributed works, material media with computer software, databases, performances, phonograms, and broadcast programs, audio and video tapes, disks, and other media, or the amount of proceeds from illegal publication, performance, demonstration or public display of works, computer software, databases, performances, phonograms, or broadcast programs, or from sale of audio and video tapes, disks, and other media exceeds 100 tax-free minimum incomes; and an especially significant pecuniary loss is caused where their value or amount of proceeds exceed 1000 tax-free minimum incomes.

Article 177. Violation of industrial property rights

1. Illegal use of an invention, utility model, industrial design, qualified description of product origin, topography of microelectronic integrated circuits, a variety of plants, where such actions caused a significant pecuniary loss, -

shall be punishable by a fine of 100 to 400 tax-free minimum incomes, or correctional labor for a term up to two years, with the forfeiture of illegally made products and the equipment and material designated for their production.

2. The same actions, if repeated or where they caused a specially significant pecuniary loss, -

shall be punishable by a fine of 200 to 800 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term up to two years, with the forfeiture of illegally made products and the equipment and material designated for their production.

Note: A significant pecuniary loss is caused, if its amount exceeds 100 tax-free minimum incomes; and an especially significant loss is caused, if its amount exceeds 1,000 tax-free minimum incomes.

Article 178. Damage of religious architecture or houses of worship

Damage or destruction of a religious architecture or a house of worship, -

shall be punishable by a fine up to 300 tax-free minimum incomes, or imprisonment for a term of one to

three years.

Article 179. Illegal retention, desecration or destruction of religious sanctities

Illegal retention, desecration or destruction of religious sanctities, -

shall be punishable by a fine up to 200 tax-free minimum incomes, or imprisonment for a term up to three years.

Article 180. Preclusion of religious ceremonies

1. Illegal preclusion of religious ceremonies, where it frustrated or was likely to frustrate a religious ceremony, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

2. Forcing a clergyman, by violence or psychological pressure, into officiation, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

Article 181. Trespass against health of persons under pretence of preaching or ministering

1. Organizing or leading a group, which operates under pretence of preaching or ministering accompanied with the impairment of health of people or sexual dissipation, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same actions accompanied with involvement of minors in activities of the group, -

shall be punishable by imprisonment of three to five years.

Article 182. Violation of personal privacy

Illegal collection, storage, use or dissemination of confidential information about a person without his/her consent, or dissemination of such information in a public speech, publicly demonstrated work, or mass media, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

Article 183. Violation of the right to education

1. Unlawful refusal to admit a person to an educational institution of any type of ownership, -

shall be punishable by a fine up to 1000 tax-free minimum incomes, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Unlawful request to pay for tuition in public or community educational institutions, -

shall be punishable by a fine up to 1000 tax-free minimum incomes, or imprisonment for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 184. Violation of the right to free medical assistance

1. Unlawful request to pay for medical assistance in public or community health care institutions, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or arrest for a term up to six months.

2. Illegitimate reduction of the network of public or community health care institutions, -

shall be punishable by a fine up to 1000 tax-free minimum incomes, or correctional labor for a term up to two years.

Chapter VI. CRIMINAL OFFENSES AGAINST PROPERTY

Article 185. Theft

1. A covert stealing of somebody else's property (theft), -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term up to three years.

2. Theft, if repeated or committed by a group of persons upon their prior conspiracy, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

3. Theft accompanied with unlawful breaking into a residence or any other premises or shelter, or where it caused a significant damage to the victim, -

shall be punishable by imprisonment for a term of three to six years.

4. Theft committed in respect of a gross amount, -

shall be punishable by imprisonment for a term of five to eight years.

5. Theft committed in respect of an especially gross amount or by an organized group

shall be punishable by imprisonment for a term of seven to twelve years with the forfeiture of property.

Note: 1. In Articles 185, 186, and 189 through 191, a criminal offense is held to be repeated, if it was committed by a person who had previously committed any of the offenses provided for by these Articles or Articles 187, 262 of this Code.

2. In Articles 185, 186, 189 and 190 of this Code, significant damage shall be determined by taking into account the property status of the victim, and where the value of the inflicted damage is 100 to 250 tax-free minimum incomes.

3. In Articles 185 through 191 of this Code, an offense is held to be committed in respect of a gross amount, if it was committed by one person or a group of persons in respect of an amount exceeding 250 tax-free minimum individual income at the time of the offense.

4. In Articles 185 through 187 and 189 through 191 of this Code, an offense is held to be committed in respect of an especially gross amount, if it was committed by one person or a group of persons in respect of an amount exceeding 600 tax-free minimum individual income at the time of the offense.

Article 186. Robbery

1. Overt stealing of somebody else's property (burglary), -

shall be punishable by a fine of 50 to 100 tax-free minimums of citizens' income, or correctional labor for a term up to two years, or imprisonment for a term up to four years.

2. Burglary accompanied with violence that was not dangerous to the victim's life or health, or with threats of violence, or repeated, or committed by a group of persons upon their prior conspiracy, -

shall be punishable by imprisonment for a term of four to six years.

3. Burglary accompanied with breaking into a residence, other premises or shelter, or which caused a significant damage to the victim, -

shall be punishable by imprisonment for a term of four to eight years.

4. Burglary committed in respect of a gross amount, -

shall be punishable by imprisonment for a term of seven to ten years.

5. Burglary committed in respect of an especially gross amount, or by an organized group

shall be punishable by imprisonment for a term of eight to thirteen years with the forfeiture of property.

Article 187. Brigandism

1. An assault for the purpose of taking possession of somebody else's property, accompanied with violence dangerous to life and health of an assaulted person, or with threats of such violence (brigandism), -

shall be punishable by imprisonment for a term of three to seven years.

2. Brigandism committed by a group of persons upon their prior conspiracy, or by a person who had previously committed an act of brigandism or gangsterism, -

shall be punishable by imprisonment for a term of seven to ten years with the forfeiture of property.

3. Brigandism accompanied with breaking into a residence, other premises or shelter, -

shall be punishable by imprisonment for a term of seven to twelve years with the forfeiture of property.

4. Brigandism in respect of gross and especially gross amounts, or committed by an organized group, or accompanied with infliction of grievous bodily injury, -

shall be punishable by imprisonment for a term of eight to fifteen years with the forfeiture of property.

Article 188. Stealing of power networks, cable communications lines, and related equipment by dismantling or otherwise

1. Stealing of power networks, cable communications lines, and related equipment by dismantling or otherwise, -

shall be punishable by a fine of 100 to 500 tax-free minimum incomes, or imprisonment for a term up to three years.

2. The same actions committed by a group of persons, or by a person previously convicted of any of the criminal offenses provided for by this Article, or committed in respect of a gross amount, -

shall be punishable by imprisonment for a term of five to ten years.

3. The same actions committed by an organized group, or where they caused especially grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years with the forfeiture of property.

Note: Any actions are held to have caused especially grave consequences where they caused death of a person, interruption in the provision of electricity or communication services to consumers, stoppages of industrial enterprises, disruptions in the functioning of public authorities, public institutions, hospitals, law enforcement agencies, fire fighting units, the armed forces, rail, sea, river, air, road or electrical transport.

Article 189. Extortion

1. Demand to transfer somebody else's property or property title, or any other acts in respect of property under threats of violence against the victim or his/her close relatives, or restriction of their rights, freedoms or lawful interests, or damage or destruction of their property or the property entrusted to them or placed into their custody, or disclosure of information that the victim or his close relatives would like to keep secret (extortion), -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

2. Extortion, if repeated, or committed by a group of persons upon their prior conspiracy, or by an official through abuse of office, or a threat to kill or inflict bodily injury, or accompanied with endamage or destruction of property, or where it caused significant damages to the victim, -

shall be punishable by imprisonment for a term of three to seven years.

3. Extortion accompanied with violence dangerous to life or health of a person, or where it caused property damage in gross amount, -

shall be punishable by imprisonment for a term of five to ten years with the forfeiture of property.

4. Extortion that caused property damage in especially gross amount, or committed by an organized group, or accompanied with infliction of grievous bodily injury, -

shall be punishable by imprisonment for a term of seven to twelve years with the forfeiture of property.

Article 190. Fraud

1. Taking possession of somebody else's property or obtaining the property title by deceit or breach of confidence (fraud), -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. Fraud, if repeated, or committed by a group of persons upon their prior conspiracy, or where it caused a significant damages to the victim, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or correctional labor for a term of one to two years, or restraint of liberty for a term up to five years, or imprisonment for a term up to three years.

3. Fraud committed in respect of a gross amount or by unlawful operations involving computerized equipment, -

shall be punishable by imprisonment for a term of three to eight years.

4. Fraud committed in respect of an especially gross amount, or by an organized group, -

shall be punishable by imprisonment for a term of eight to fifteen years and forfeiture of property.

Article 191. Misappropriation, embezzlement or conversion or property by malversation

1. Misappropriation or embezzlement of somebody else's property by a person to whom it was entrusted

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to four years, or imprisonment for a term up to four years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Misappropriation, embezzlement or conversion of property by malversation -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if repeated or committed by a group of person upon their prior conspiracy, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for a term of three to eight years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

4. Any such actions as provided for by paragraphs 1, 2 or 3 of this Article, if committed in respect of a gross amount, -

shall be punishable by imprisonment for a term of five to eight years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

5. Any such actions as provided for by paragraphs 1, 2, 3 or 4 of this Article, if committed in respect of an especially gross amount, or by an organized group, -

shall be punishable by imprisonment for a term of seven to twelve years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of property.

Article 192. Infliction of property damage by deceit or breach of confidence

1. Infliction of significant property damage by deceit or breach of confidence but without elements of fraud, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months.

2. The same actions committed by a group of persons upon their prior conspiracy, or where these actions caused property damage in respect of a gross amount, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or restraint of liberty for a term up to three years.

Note: For the purposes of this Article, property damage is held to be significant where it exceeded 50 tax-free minimum incomes, and is held to be inflicted in respect of a gross amount where it exceeded 100 tax-free minimum incomes.

Article 193. Appropriation of found property or somebody else's property that a accidentally occurred to be in possession of a person

Appropriation of found property or somebody else's property that a accidentally occurred to be in possession of a person and has a special historic, scientific, artistic or cultural value, and also of a treasure trove, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months.

Article 194. Willful destruction or endamage ment of property

1. Willful destruction or endamage ment of somebody else's property, where it caused gross damage, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or deprivation of liberty for a term up to three years.

2. The same act committed by way of setting fire, explosion or by any other generally dangerous method, or where it caused an especially gross damage to property, or death of people, or any other grave consequences, -

shall be punishable by imprisonment for a term of three to fifteen years.

Article 195. Threats to destroy property

Threats of destroy somebody else's property by way of setting fire, explosion or by any other generally dangerous method, where reasonable grounds existed to believe that the threats may be

fulfilled, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to one year, or arrest for a term up to six months.

Article 196. Negligent destruction or endamagement of property

1. Negligent destruction or endamagement of somebody else's property, where it caused grievous bodily injuries or death of people, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to four years, or imprisonment for a term up to three years.

Article 197. Breach of duty to protect property

Failure to comply with duties or improper performance of duties by a person to whom somebody else's property was entrusted or in whose custody it was placed, where it caused grave consequences for the owner of the property, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for the same term.

Article 198. Acquisition or sale of property known to be proceeds from crime

Acquisition, sale or storage of property known to be proceeds from crime, where it was not promised in advance, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

Chapter VII. ECONOMIC CRIMINAL OFFENSES

Article 199. Making, storage, purchase, transportation, mailing, or bringing into Ukraine for selling purposes, or sale of counterfeit money, government securities or state lottery tickets

1. Making, storage, purchase, transportation, mailing, or bringing into Ukraine for selling purposes, or sale of counterfeit money, public securities or state lottery tickets of counterfeit Ukrainian currency in the form of soft or hard money, or foreign currency, or government securities, or state lottery tickets, -

shall be punishable by imprisonment for a term of three to seven years.

2. The same actions, if repeated or committed by a group of persons upon their prior conspiracy, or in respect of large amount, -

shall be punishable by imprisonment for a term of five to ten years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed by an organized group or in respect of especially large amount, -

shall be punishable by imprisonment of eight to twelve years with forfeiture of property.

Note: Actions provided for by this Article shall be deemed to have been committed in respect of large amount, where the amount of a counterfeit equals or exceeds 200 tax-free minimum incomes, and in respect of extremely large amount, where the amount of a counterfeit equals or exceeds 400 tax-free minimum incomes.

Article 200. Illegal actions in respect of remittance documents, payment cards and other means providing access to bank accounts, and equipment for their production

1. Forgery of remittance documents, payment cards and other means providing access to bank accounts, and also purchase, storage, transportation or sending for selling purposes of counterfeit remittance documents or payment cards, or their use or sale, -

shall be punishable by a fine of 500 to 1,000 tax-free minimum incomes, or imprisonment for a term up to three years.

2. The same actions, if repeated or committed by a group of persons upon their prior conspiracy, -
shall be punishable by imprisonment for a term of two to five years.

Note: Remittance documents shall mean any paper or electronic documents used by banks or their clients to transfer remittance orders or information between those involved in remittance (payment documents, cash remittance documents, documents used for interbank remittance and payment notice, etc.)

Article 201. Smuggling

1. Smuggling, that is the movement of goods across the customs border of Ukraine bypassing the customs control or by concealing from the customs control, if committed in respect of large amounts, and also illegal movement of historic and cultural values, poisonous, strong, radioactive or explosive substances, weapons and ammunition (except smoothbore hunting guns and ammunition thereto), and also smuggling of strategically important basic commodities, export of which outside Ukraine is regulated by appropriate rules established by law, -

shall be punishable by imprisonment for a term of three to seven years with the forfeiture of smuggled items.

2. The same actions committed by a group of persons upon their prior collusion, or by a person previously convicted of the criminal offense under this Article, -

shall be punishable by imprisonment for a term of five to twelve years with the forfeiture of smuggled items and forfeiture of property.

Note: Smuggling of goods is committed in respect of large amounts if the value of such goods equals or exceeds 1,000 tax-free minimum incomes.

Article 202. Violation of business operation and banking procedures

1. Carrying out any activities which comprise elements of business, without state registration of a business entity, or performance of any business operations subject to licensing pursuant to the law without having procured such licenses, or performance of any such business in violation of licensing conditions, where it involved the making of significant profits, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for the same term.

2. Carrying out banking activities or banking transactions, and also professional activities in the securities market or transactions in non-banking financial institutions, without state registration or special permit (license) as prescribed by law, or doing the same in violation of licensing conditions, where it involved the making of significant profits, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or restraint of liberty for a term up to three years.

Note: Significant profits shall mean the profits amounting to or exceeding 1,000 tax-free minimum incomes.

Article 203. Engagement in prohibited business activities

1. Carrying out business activities specifically prohibited by law, except as otherwise provided for by other articles of this Code, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and with or without the forfeiture of property.

2. The same actions where they involved making of significant profits or were committed by a person previously convicted for engagement in prohibited business activities, -

shall be punishable by restraint of liberty for a term up to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note: Significant profits shall mean the profits amounting to or exceeding 1,000 tax-free minimum incomes.

Article 204. Unlawful manufacturing, storage, sale or transportation for selling purposes of excisable goods

1. Unlawful purchase or storage for selling purposes, or sale, or transportation for selling purposes of illegally manufactured alcohol, tobacco or any other excisable goods, -

shall be punishable by a fine of 500 to 1,050 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the forfeiture of illegally manufactured goods and manufacturing equipment.

2. Illegal manufacturing of alcohol, tobacco and other excisable goods by establishing clandestine shops or use of equipment for mass production of such goods, or where it was committed by a person previously convicted under this article, -

shall be punishable by a fine of 1000 to 2000 tax-free minimum incomes, or by imprisonment of 3 to 7 years, with seizure of goods so produced and with forfeiture of assets.

3. Illegal manufacturing of goods specified in paragraphs 1 and 2 of this Article from raw material of poor quality hazardous to human life and health, or where it caused poisoning of people or any other grave consequences, -

shall be punishable by imprisonment for a term of five to ten years with seizure and destruction of goods so manufactured and forfeiture of manufacturing equipment.

Article 205. Sham business

1. Sham business, that is the establishment or acquisition of businesses entities (legal entities) to cover illegal activities or engage in prohibited types of business, -

shall be punishable by a fine of 300 to 500 tax-free minimum incomes, or restraint of liberty for a term up to three years.

2. The same acts, if repeated or where they caused a significant pecuniary damage to the State, a bank, lending institution, other legal entities or citizens, -

shall be punishable by imprisonment for a term of three to five years.

Note: Pecuniary damage inflicted upon individuals is significant where it equals or exceeds 200 tax-free minimum incomes, whereas pecuniary damage inflicted upon the State or a legal entity is significant where it equals or exceeds 1,000 tax-free minimum incomes.

Article 206. Obstruction of legitimate business activity

1. Obstruction of legitimate business activity, that is unlawful demand to discontinue or restrain business operations, make a contract or fail to fulfil a concluded contract, if the fulfillment (or failure to fulfil) of such contract may cause pecuniary damages or derogate legitimate rights or interests of the person involved in business, and where it involves a threat of violence in regard of the victim or his close relatives, or a threat to damage or destroy their property, but is not associated with elements of extortion, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or combined with a threat of murder or grievous bodily injury, or with violence not dangerous to life and health, or endangament or destruction of property, -

shall be punishable by imprisonment for a term of three to five years.

3. Obstruction of legitimate business activity, if committed by an organized group or by an official through taking advantage of his/her office, or combined with violence dangerous to life or health, or where it caused a significant damage or any other grave consequences, -

shall be punishable by imprisonment for a term of five to ten years.

Note: Pecuniary damage is significant if it equals or exceeds 500 tax-free minimum incomes.

Article 207. Evasion of repatriation of foreign currency proceeds

1. Willful Evasion, by officials of enterprises, institutions and organizations of any ownership status or by unincorporated entrepreneurs, of repatriation to Ukraine, within time limits prescribed law, of any foreign currency proceeds gained from export sale of goods (work, services), or any other material values acquired for such proceeds, and also willful concealment in any manner of such proceeds, goods or other material values, -

shall be punishable by a fine of 600 to 1,000 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, and also willful evasion of the repatriation of foreign currency proceeds, or goods or any other material values acquired for such proceeds, and willful concealment in any manner of such proceeds, goods or other material values in respect of large amounts, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment of a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed in respect of especially large amounts, -

shall be punishable by imprisonment for a term of three to seven years.

Note:

(1) Evasion of repatriation of foreign currency proceeds, or goods or any other material values acquired for such proceeds, and the concealment in any manner of such proceeds, goods or other material values is committed in respect of large amounts where the value of such proceeds, or goods or other material values equals or exceeds 1,000 tax-free minimum incomes (as calculated in the Ukrainian currency on the basis of the official exchange rate of the national currency established by the National Bank of Ukraine for the last day of the legally prescribed time limit for the transfer of foreign currency proceeds from abroad).

(2) Evasion of repatriation of foreign currency proceeds, or goods or any other material values acquired for such proceeds, and the concealment in any manner of such proceeds, goods or other material values is committed in respect of especially large amounts where the value of such proceeds, or goods or other material values equals or exceeds 3,000 tax-free minimum incomes (as calculated in the Ukrainian currency on the basis of the official exchange rate of the national currency established by the National Bank of Ukraine for the last day of the legally prescribed time limit for the transfer of foreign currency proceeds from abroad).

Article 208. Illegal opening or use of currency accounts outside Ukraine

1. Illegal opening or use, contrary to the procedures established by law, of currency accounts of private persons outside Ukraine by a Ukrainian citizen permanently residing on its territory, and also currency accounts of legal entities operating on the territory of Ukraine by an official of an enterprise,

institution or organization, or by any other person acting on request of such official, and also any such actions committed by an unincorporated entrepreneur, -

shall be punishable by a fine of 500 to 1,000 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term of two to four years, with or without the forfeiture of currency values placed on such accounts.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, -

shall be punishable by imprisonment of three to seven years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and the forfeiture of currency values placed on such accounts.

Article 209. Legalization (laundering) of criminally obtained money and other property

1. Effecting financial transactions and other deals involving money or other property known to be proceeds from crime, and also use of such money and other property in business or other economic activities, and creation of organized groups in or outside Ukraine for the purpose of legalization (laundering) of money and other property known to be proceeds from crime, -

shall be punishable by fine of 500 to 3,000 tax-free minimum incomes, or restraint of liberty for a term of three to five years, or imprisonment for a term up to three years, with the forfeiture of criminally obtained money and other property.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, -

shall be punishable by imprisonment of five to twelve years with the forfeiture of criminally obtained money and other property and forfeiture of property.

Article 209. Legalization (laundering) of the proceeds from crime

1. Conduct of a financial transaction or other deal involving money or other property obtained as the result of a socially dangerous illicit act that preceded the legalization (laundering) of proceeds, or other actions for the purpose of concealing or disguising the illegal origin of such money or other property, or their possession, or titles to such money or property, or sources of their origin, location or movement, as well as acquisition, possession or use of money or other property obtained as the result of a socially dangerous illicit act that preceded the legalization (laundering) of proceeds, -

shall be punishable by imprisonment for a term of three to six years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to two years, and the confiscation of the money or property obtained illegally, and the confiscation of property.

2. Any actions as provided for by paragraph 1 of this Article, if repeated, or committed by a group of persons upon prior conspiracy, or with regard to large amounts, -

shall be punishable by imprisonment for a term of seven to twelve years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, and the confiscation of the money or property obtained illegally, and the confiscation of property.

3. Any actions as provided for by paragraphs 1 or 2 of this Article, if committed by an organized group of persons or with regard to especially large amounts, –

shall be punishable by imprisonment for a term of eight to fifteen years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, and the confiscation of the money or property obtained illegally, and the confiscation of property.

Note: 1. For the purposes of this Article, a socially dangerous illicit act that preceded the legalization (laundering) of proceeds is an act punishable under the Criminal Code of Ukraine by imprisonment for three years or more (except under Articles 207 and 212 of the Criminal Code of Ukraine), or any act which is a criminal offence under the criminal law of a foreign state that is punishable under the Criminal Code of Ukraine, and which resulted in unlawful acquiring of proceeds;

2. The legalization (laundering) of the proceeds from crime is considered committed with regard to large amounts, if it involves money or other property amounting to more than 6000 untaxed minimum incomes of citizen.

4. The legalization (laundering) of proceeds from crime is considered committed with regard to especially large amounts, if it involves money or other property amounting to more than 18000 minimum untaxed minimum incomes of citizen.”

(In the version of the Law of Ukraine
of January 16, 2003 #430-IV)

Article 209¹. Intentional violation of requirements of legislation on prevention and counteraction to legalization (laundering) of the proceeds from crime

1. Intentional failure to submit the information on transactions, or repeated intentional submission of deliberately false information regarding transactions subject to internal or compulsory financial monitoring to specially authorized executive agency for financial monitoring, -

shall be punishable by a fine of 1000 to 2000 untaxed minimum incomes of citizen, or limitation of liberty for a term up to two years, or imprisonment for the same term with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Intentional illegal disclosure of information in any form, which was submitted to specially authorized executive agency for financial monitoring, by a person

who learned such information in the course of performance of his/her professional or service duties, -

shall be punishable by a fine of 2000 to 3000 untaxed minimum incomes of citizen, or limitation of liberty for a term up to three years, or imprisonment for the same term with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Supplemented with the Article 209¹

according to the Law of Ukraine of January 16, 2003 #430-IV)

Article 210. Violation of law on budget system of Ukraine

1. Use of budget funds by an official contrary to their target allocation or in amounts exceeding approved expenditure limits, and also failure to comply with requirements related to proportional decrease of budget expenses or proportional financing of expenditure items of budgets of all levels pursuant to applicable budget legislation, where large amounts of budget funds are involved, -

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same acts committed in respect of especially large amounts of budget funds, or repeated, or committed by a group of persons upon their prior conspiracy, -

shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for a term of two to eight years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note:

1. Budget funds are the funds of budgets of all levels irrespective of the source of their formation.

2. Large amount of budget funds in Articles 210 and 211 of this Code shall mean the amount that equals or exceeds 1,000 tax-free minimum incomes.

3. Especially large amount of budget funds in Articles 210 and 211 of this Code shall mean the amount that equals or exceeds 3,000 tax-free minimum incomes.

Article 211. Making of regulations or directives that modify budget revenues and expenses contrary to the procedures prescribed by law

1. Making of regulations or directives by an official, which modify budget revenues and expenses contrary to the procedures prescribed by law, where large amounts of budget funds are involved, -

shall be punishable by a fine of 100 to 400 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term up to four years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions committed in respect of especially large amounts of budget funds, or repeated, -

shall be punishable by imprisonment for a term of three to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 212. Evasion of taxes, fees or other compulsory payments

1. Willful evasion of taxes, fees or other compulsory payments which are part of the taxation system established by law, by an official of an enterprise, institution or organization of any ownership status, or by any unincorporated entrepreneur, or by any other person liable to pay such taxes, fees or other compulsory payments, where such actions resulted in actual non-receipt of significant amounts of funds by budgets or special state funds, -

shall be punishable by a fine of 300 to 500 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to 5 years.

2. The same actions, if committed by a group of persons upon their prior conspiracy, or where they resulted in actual non-receipt of large amounts of funds by budgets or special state funds, -

shall be punishable by a fine of 500 to 2,000 tax-free minimum incomes, or correctional labor for a term of two years, or restraint of liberty for a term of five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed by a person previously convicted of evasion of taxes, fees, or other compulsory payments, or where they resulted in actual non-receipt of especially large amounts of funds by budgets or special state funds, -

shall be punishable by imprisonment of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and with the forfeiture of property.

4. A person who committed an act provided for by paragraph 1 of this Article for the first time shall be discharged from criminal liability if he/she paid taxes, fees (compulsory payments) and indemnified the State for the damage caused by late payment (fiscal penalties, fines) prior to the institution of a criminal case against him/her.

Note: A significant amount of funds means any amount of taxes, fees or other compulsory payments which equals or exceeds 500 tax-free minimum incomes as established by law; a large amount of funds means any amount of taxes, fees or other compulsory payments which equals or exceeds 3,000 tax-free minimum incomes as established by law; an especially large amount means any amount of taxes, fees or other compulsory payments which equals or exceeds 5,000 tax-free minimum incomes as established by law.

Article 213. Violation of procedures related to operations with scrap metal

1. Operations with non-ferrous and ferrous scrap metal without state registration or special permit (license) as required by law, or letting buildings or constructions for establishment of illegal stations of collection, storage and sale of scrap metal, -

shall be punishable by a fine of 100 to 500 tax-free minimum incomes, or correctional labor of 100 to 200 hours.

2. Any such acts as provided for by paragraph 1 of this Article, if committed by a person previously convicted for a criminal offense under this Article, -

shall be punishable by a fine of 500 to 1,000 tax-free minimum incomes, or restraint of liberty for a term up to three years.

Article 214. Violation of rules related to supply of precious metals and precious[back](#)